

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, AUGUST 3, 2010 – 5:00 P.M.

5:00 P.M. SESSION

CALL TO ORDER – Mayor Busch at 5:00 p.m.

ROLL CALL

Mayor Busch	-	Present
Mayor Pro Tem Fisher	-	Present – arrived at 5:05 p.m.
Council Member Brann	-	Present
Council Member Fuentes	-	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.

Mark Hensley, City Attorney, stated that Government Code §54956.9(b) items were deleted from agenda before Council entered closed session.

SPECIAL ORDER OF BUSINESS:

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) -3- matter

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

NSA Construction Group, Inc. vs. City of El Segundo, LASC Case No. BC438182

Catbird Plumbing & Construction, Inc. v. Gonzales Construction, Inc. LASC Case No. BC440589.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(b): -2- potential case (no further public statement is required at this time); Initiation of litigation pursuant to Government Code §54956.9(c): -0- matter.

APPOINTMENT AND PERFORMANCE EVALUATION OF PUBLIC EMPLOYEE (Gov't. Code § 54957) -0- matter

CONFERENCE WITH CITY'S LABOR NEGOTIATOR (Gov't Code §54957.6): -1- matters

Represented Group: Police Support Services Employees Association (PSSEA), City Employees Association (CEA), Firefighters Association (FFA), Police Managers Association (PMA), Police Officers Association (POA), Supervisory and Professional Employees (S&P)

Negotiators: Jack Wayt and Bob Hyland

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov't Code §54956.8): -2- matters

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

City Negotiators: City Manager, Assistant City Manager

Negotiating Party: Wiseburn School District

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

City Property: APN #4155-614-900 (Storm Water Detention Basin)

City Negotiators: City Manager

Negotiating Party: El Segundo Unified School District

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

Council recessed at 6:50 p.m.

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, AUGUST 3, 2010 - 7:00 P.M.

7:00 P.M. SESSION

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

INVOCATION – Pastor Scott Lambert, Hilltop Christian Church

PLEDGE OF ALLEGIANCE – Council Member Suzanne Fuentes

PRESENTATIONS

- a. Council Member Fuentes presented a Proclamation announcing August 7 and 8, 2010, St. Anthony School Golden Jubilee Week.

ROLL CALL

Mayor Busch	-	Present
Mayor Pro Tem Fisher	-	Present
Council Member Brann	-	Present
Council Member Fuentes	-	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.

George Hoops, Resident; spoke regarding local residents paying for trash service and property tax.

Loretta Frye, Resident; spoke regarding the water rate increase. Also spoke to the difficulty that seniors will have filing proof of income to qualify for the low income water billing.

Pete Charland, Resident spoke in opposition to the County assuming control of the El Segundo Fire Department.

Peggy Tyrell, Resident; spoke in opposition to the County assuming control of the El Segundo Fire Department, and the circulation of a petition by the Firefighters Association.

Scott Houston, Resident; spoke in favor of placing a TOT and UUT increase on the November ballot.

Jane Friedkin, Resident; spoke regarding council's lack of response to citizens and City Hall's automated phone answering system.

Mark Renner, Resident; spoke in opposition to the County assuming control of the El Segundo Fire Department and City salaries/retirements.

Liz Garnholtz, Resident; spoke in opposition to the County assuming control of the Fire Department. She also spoke regarding the CalPers financial commitment and the budget.

Toni Raynor, Continental Development; spoke regarding the Fire prevention process and the possibility that the service may be diminished with the County.

Ron Swanson, Resident; spoke regarding the City budget and declining economy and the proposed election regarding the tax increases. He feels the employees, residents and businesses need to walk hand in hand to bridge the budget deficit.

Marsha Hanson, Executive Director of the Chamber of Commerce; addressed the Chamber's concerns regarding the proposed UUT and TOT increases. The Chamber urges Council to find new spending reductions.

Joe Hardy, Hacienda Hotel; spoke against the proposed TOT increase.

Lilly Craig, Chevron; spoke regarding the UUT proposal, and stated that slowly increasing taxes on the business community was not the solution to the budget deficit.

Jim Hart, Northrup Grumun; spoke regarding the proposed tax increases on the business community as the solution to the budget deficit.

Mike Robbins, Resident; spoke against raising any taxes, and employee compensation.

Gary Wallace; Resident; spoke against the Fire Department being taken over by the County.

City Attorney Mark Hensley announced that based upon the fact that meetings with the following labor unions did not produce the desired 5% cost savings, the City will initiate layoff process for the following unions: Police Support Services Association, City Employee Association, Police Officer's Association, and the Supervisory and Professional Association.

A. PROCEDURAL MOTIONS

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

MOTION by Council Member Brann, SECOND 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)

1. Consideration and possible action (Public Hearing) regarding the introduction and first reading of an Ordinance approving Environmental Assessment EA No. 863 and Zone Text Amendment ZTA 10-03 to amend the C-4 (Commercial Center) Zone to allow: 1) medical and dental offices, not to exceed 5,000 square feet as permitted uses, and 2) automobile sales and service centers, not to exceed 70,000 square feet as a conditionally permitted use; and adopting Development Agreement No. 10-01 (Fourth 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 development project located at 710-860 South Sepulveda Boulevard, 700-740 Allied Way, and 2003-2015 East Park Place to allow the following uses: 1) a certified Farmer's Market to operate one day per week; 2) Medical and Dental Offices, not to exceed a total of 5,000 square feet of floor area; and 3) an Automobile Sales and Service Center, not to exceed 70,000 square feet; and to allow the entire Plaza El Segundo Development (Phase 1) to be considered as a single parcel for the purpose of meeting the El Segundo Municipal Code minimum parking requirements and to eliminate the requirement for individual parcels to have parking covenants recorded to transfer parking between parcels within the Phase 1 Development. Applicant: PES Partners, LLC. (Fiscal Impact: None).

Mayor Busch stated that this was the time and place to conduct a public hearing regarding the introduction and first reading of an Ordinance approving Environmental Assessment EA No. 863 and Zone Text Amendment ZTA 10-03 to amend the C-4 (Commercial Center) Zone to allow: 1) medical and dental offices, not to exceed 5,000 square feet as permitted uses, and 2) automobile sales and service centers, not to exceed 70,000 square feet as a conditionally permitted use; and adopting Development Agreement No. 10-01 (Fourth 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 development project located at 710-860 South Sepulveda Boulevard, 700-740 Allied Way, and 2003-2015 East Park Place to allow the following uses: 1) a certified Farmer's Market to operate one day per week; 2) Medical and Dental Offices, not to exceed a total of 5,000 square feet of floor area; and 3) an Automobile Sales and Service Center, not to exceed 70,000 square feet; and to allow the entire Plaza El Segundo Development (Phase 1) to be considered as a single parcel for the purpose of meeting the El Segundo Municipal Code minimum parking requirements and to eliminate the requirement for individual parcels to have parking covenants recorded to transfer parking between parcels within the Phase 1 Development. Applicant: PES Partners, LLC.

Clerk Mortesen stated that proper notice had been given in a timely manner and that no communications had been received in the City Clerk's Office.

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

Dan Crofts stated he was available to respond to any questions.

Liz Garnholtz, Resident; spoke regarding parcel taxes.

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

Mark Hensley, City Attorney, read by title only:

ORDINANCE NO. 1446

AN ORDINANCE AMENDING DEVELOPMENT AGREEMENT NO. 03-01 BETWEEN ROSECRANS-SEPULVEDA 2, LLC, AND ROSECRANS-SEPULVEDA 3, LLC (PES PARTNERS, LLC), AND THE CITY OF EL SEGUNDO AFFECTING THE PLAZA EL SEGUNDO DEVELOPMENT, AND AMENDING EL SEGUNDO MUNICIPAL CODE ("ESMC") C-4 (COMMERCIAL CENTER) ZONE REGULATIONS.

Council Member Brann introduced Ordinance No. 1446. Second reading and adoption of the Ordinance scheduled for August 17, 2010.

2. Consideration and possible action to open a Public Hearing, consider testimony, and adopt a Resolution finding that the City conforms with the annual Congestion Management Program (CMP) and adopting the annual CMP Local Development Report, in accordance with California Government Code § 65089. (Fiscal Impact: None)

Mayor Busch stated that this was the time and place to conduct a public hearing regarding testimony, and adopt a Resolution finding that the City conforms with the annual Congestion Management Program (CMP) and adopting the annual CMP Local Development Report, in accordance with California Government Code § 65089.

Clerk Mortesen stated that proper notice had been given in a timely manner and that no communications had been received in the City Clerk's Office.

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

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

Mark Hensley, City Attorney, read by title only:

RESOLUTION NO. 4672

A RESOLUTION FINDING THE CITY TO BE IN COMPLIANCE WITH THE 2004 CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE LOCAL DEVELOPMENT REPORT PURSUANT TO GOVERNMENT CODE § 65089.

MOTION by Mayor Pro Tem Fisher, SECONDED by Mayor Busch to adopt Resolution No. 4672. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

C. UNFINISHED BUSINESS

- 3. Consideration and possible action to (1) call for a special election on November 2, 2010; (2) place an initiative on the ballot to amend and increase by 2% the City's utility user tax ("UUT"); (3) place an initiative on the ballot to amend and increase by 2% the City's transient occupancy tax ("TOT"); and (4) take such additional, related, action that may be desirable. Fiscal Impact: Projected approximate annual revenue increase of \$3,948,000 from the UUT and annual revenue increase of \$964,000 from the TOT.**

RESOLUTION NO. 4668

A RESOLUTION PLACING AN INITIATIVE ON THE NOVEMBER 2, 2010 BALLOT PURSUANT TO ARTICLE XIII C, SECTION 2(B) OF THE CALIFORNIA CONSTITUTION; ELECTIONS CODE SECTION 9222; AND REVENUE & TAXATION CODE SECTION 53724(C) REGARDING UTILITY USER TAXES.

MOTION by Mayor Pro Tem Fisher, SECONDED by Council Member Fuentes to adopt Resolution No. 4668. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

RESOLUTION NO. 4669

A RESOLUTION CALLING A SPECIAL ELECTION ON NOVEMBER 2, 2010 PURSUANT TO ELECTIONS CODE SECTION 9222 AND 10403

MOTION by Mayor Pro Tem Fisher, SECONDED by Council Member Fuentes to adopt Resolution No. 4669. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

RESOLUTION NO. 4671

A RESOLUTION DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE BALLOT MEASURE REGARDING THE EL SEGUNDO UTILITY USERS TAX

MOTION by Mayor Busch, SECONDED by Council Member Fuentes to adopt Resolution No. 4671. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

RESOLUTION NO. 4670

A RESOLUTION ESTABLISHING REQUIREMENTS FOR BALLOT ARGUMENTS FILED WITH THE CITY CLERK TO BE INCLUDED WITH VOTER INFORMATION FOR A SPECIAL ELECTION ON NOVEMBER 2, 2010

MOTION by Mayor Busch, SECONDED by Mayor Pro Tem Fisher to adopt Resolution No.4670. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

4. Continuation of Council's consideration to transition the El Segundo Fire Department's ("ESFD") services to the Consolidated Fire Protection District of Los Angeles County (aka the Los Angeles County Fire Department), including possible action to direct staff to undertake further analysis of potential impacts including, without limitation, an analysis pursuant to Elections Code § 9212 regarding an initiative petition currently being circulated that would require, if adopted, that ESFD's services be performed by the County.

Continue to August 17, 2010.

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.

5. Approved Warrant Numbers 2578242 to 2578444 on Register No. 20 in the total amount of \$773,347.03 and Wire Transfers from 7/09/10 through 07/22/10 in the total amount of \$2,425,320.67. 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.
6. Approved Regular City Council Meeting Minutes of July 20, 2010.
7. Approved Agreement No. 4082 with the City of Hawthorne to implement and maintain server-based Records Management System and related software applications developed by Tiburon Inc. (Fiscal Impact: One time costs not to exceed \$235,000 from the already approved one-time start up cost of \$517,500.00; \$90,000 for annual contractual maintenance costs). Authorized the City Manager to execute an Agreement with the City of Hawthorne to implement and maintain server-based Records Management System and related software applications.

8. Approved request for the El Segundo Police Department to accept and expend one-time grant funds from the California Office of Traffic Safety (OTS) "DUI Enforcement and Awareness Program." (Fiscal Impact: \$15,847.00 from OTS Grant Fund)
9. PULLED FOR DISCUSSION BY COUNCIL MEMBER JACOBSON.
10. PULLED FOR DISCUSSION BY COUNCIL MEMBER FUENTES.
11. Approved request from Mattel, Inc. to allow two temporary five hundred four (504) square-foot "Special Event Signs" on the south side of the parking structure located at 333 Continental Boulevard. Applicant: Mattel, Inc. for a period of sixty five (65) days beginning August 24, 2010 and ending October 27, 2010. (Fiscal Impact: None)
12. Adopted Resolution No. 4673 setting a public hearing on September 7, 2010 for Council consideration of a franchise agreement with Golden State Water Company to distribute potable water in the City of El Segundo. (Fiscal Impact: 2% of gross annual receipt of Applicant arising from the use, operation or possession of the franchise.)

MOTION by Council Member Jacobson, SECONDED by Mayor Pro Tem Fisher to approve Consent Agenda Items 5, 6, 7, 8, 11, and 12 (as amended). MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

CALL ITEMS FROM CONSENT AGENDA

9. Consideration and possible action to receive and file report without objecting to a new Alcoholic Beverage Control (ABC) license for on-site sale and off-site consumption of alcohol at an existing convenient store located at 601 North Sepulveda Boulevard. Applicant: Veronica Becerra (Fiscal Impact: N/A)

MOTION by Council Member Jacobson, SECONDED by Brann, to request the ABC deny a new Alcoholic Beverage Control (ABC) license for on-site sale and off-site consumption of alcohol at an existing convenient store located at 601 North Sepulveda Boulevard. MOTION PASSED BY THE FOLLOWING VOICE VOTE; AYES: JACOBSON, FUENTES, BRANN. NOES: BUSCH, FISHER. 3/2

10. Adopt Ordinance No. 1444 approving Environmental Assessment EA 755 and Zone Text Amendment ZTA 07-02 to amend the El Segundo Municipal Code ("ESMC") off-street parking and loading regulations (Fiscal Impact: N/A)

MOTION by Council Member Fuentes, SECONDED by Mayor Busch to adopt Ordinance No. 1444 approving Environmental Assessment EA 755 and Zone Text Amendment ZTA 07-02 to amend the El Segundo Municipal Code ("ESMC") off-street

parking and loading regulations. MOTION PASSED BY UNANIMOUS VOICE VOTE.
5/0

F. NEW BUSINESS

REPORTS – CITY MANAGER - NONE

REPORTS – CITY ATTORNEY - NONE

REPORTS – CITY CLERK - NONE

REPORTS – CITY TREASURER – Reported he would be on vacation for the next Council meeting.

REPORTS – CITY COUNCIL MEMBERS

Council Member Fuentes – spoke on Broadway in the Park and St. Anthony's reunion celebration.

Council Member Brann – spoke on Broadway in the Park, Cable TV, and spotlight on El Segundo segment.

Council Member Jacobson –

13. Consideration and possible action regarding Business License Tax
Recommendation – This item serves as a place holder. Currently meeting with businesses on this matter.

No action or discussion taken.

Spoke regarding Broadway in the Park, and requested that the Council Salaries and benefits be posted on the City website.

Mayor Pro Tem Fisher – NONE

Mayor Busch – Spoke regarding El Segundo Night at Dodger Stadium; announced the El Segundo Little League 12 year old All Star team accomplishments.

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Mike Robbins, Resident; requested that the City employees compensation and benefits also be posted on the City web site.

Peggy Tyrell, Resident; spoke regarding the petition circulated by the Firefighter's Association.

Jane Friedkin, Resident; spoke regarding Council Member Brann's comments on residential fees.

Mark Renner, Resident; spoke regarding the proposed layoffs and employee salaries.

Elizabeth Waase, Resident; spoke regarding the El Segundo Fire Department services and the CERT program.

MEMORIALS – NONE

CLOSED SESSION - NONE

ADJOURNMENT at 10:11 p.m.


Cindy Mortesen, City Clerk