

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL  
TUESDAY, SEPTEMBER 7, 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
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.

SPECIAL ORDER OF BUSINESS:

Mark Hensley, City Attorney, stated that Council would be meeting in closed session pursuant to the items posted on the agenda.

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  
Mike Chidester vs. City of El Segundo WCAB No. LB00391313, LB 00391307,  
LB00391308, LB00391306, LB00391310, LB00391309  
Michael White vs. City of El Segundo WCAB No: Unassigned

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.

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): -0- matters

Council recessed at 6:55 p.m.

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

7:00 P.M. SESSION

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

INVOCATION – Cathy Domann, Deputy City Clerk

PLEDGE OF ALLEGIANCE – Council Member Carl Jacobson

PRESENTATIONS

- a. Presentation by the El Segundo Library introducing the “One City, One Book” event during September and October.
- b. Presentation to 2010 El Segundo Little League All Stars.

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.

Calvin Smith, El Segundo Police Officers Association President, spoke regarding Police Department salaries and the sacrifices made by officers everyday.

Mike Gill, El Segundo Police Sergeant and Police Officers Association Board Member, spoke regarding Police Department concessions. Also spoke on the professionalism of the El Segundo Police Department.

Elizabeth Diaz, resident, spoke regarding Police Safety salary concessions. Also spoke in favor of residents paying for trash pick up.

1. Applicant's request for re-consideration and possible action regarding a new Alcoholic Beverage Control (ABC) license for on-site sale and off-site consumption of alcohol at an existing convenience store located at 601 North Sepulveda Boulevard. Applicant: Veronica Becerra (Fiscal Impact: N/A)

The applicant, Veronica Becerra, presented information to the Council related to the license request and requested that the Council reconsider and rescind its previous decision at its August 3, 2010 meeting to file an objection to a new Type 20 ABC license at 601 North Sepulveda Boulevard.

Union 76 station owner responded to Council questions regarding truck access to the station.

Council consensus to have applicant work with staff to see if something could be done regarding the driveway access problems.

#### A. PROCEDURAL MOTIONS

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

MOTION by Council Member Jacobson, SECOND by Mayor Pro Tem 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)

2. Consideration and possible action to open a public hearing and receive public testimony concerning the Tax Exempt Revenue Bonds by the California Municipal Finance Authority (CMFA) in an amount not to exceed \$25,000,000, to finance the acquisition, rehabilitation, improvement and equipping of certain real property and improvements (consisting of a building located at 1940 E. Mariposa Avenue, El Segundo, California 90245) (Fiscal Impact: None)

Mayor Busch stated that this was the time and place to conduct a public hearing to receive public testimony concerning the Tax Exempt Revenue Bonds by the California Municipal Finance Authority (CMFA) in an amount not to exceed \$25,000,000, to finance the acquisition, rehabilitation, improvement and equipping of certain real property and improvements (consisting of a building located at 1940 E. Mariposa Avenue, El Segundo, California 90245). (Fiscal Impact: None)

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

Bill Crowe, Assistant City Manager, gave a report.

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

Mark Hensley, City Attorney, read by title only:

RESOLUTION NO. 4678

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO APPROVING THE ISSUANCE OF CALIFORNIA MUNICIPAL FINANCE AUTHORITY REVENUE BONDS (WESTSIDE REGIONAL CENTER PROJECT), SERIES 2010, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$25,000,000 FOR THE PURPOSE OF FINANCING THE ACQUISITION, REHABILITATION, IMPROVEMENT AND EQUIPPING OF AN OFFICE BUILDING AND OTHER RELATED MATTERS.

MOTION by Council Member Fuentes, SECONDED by Council Member Brann to adopt Resolution No. 4678 approving CMFA's issuance of financing for Coastal Properties Foundation project(s). MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

ITEM NO. 4 MOVED FORWARD ON THE AGENDA

4. 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 report.

3. Consideration and possible action regarding the presentation of the fiscal year 2010-2011 Preliminary Budget and Five-Year Capital Improvement Plan including discussion and possible direction regarding all city revenues and expenditures. (Fiscal Impact: Revenues of \$49.7 million, Expenditures of \$53.3 million, with a remaining budget gap of \$3.6 million)

Mayor Busch stated that this was the time and place to conduct a public hearing regarding the presentation of the fiscal year 2010-2011 Preliminary Budget and Five-Year Capital Improvement Plan including discussion and possible direction regarding all city revenues and expenditures. (Fiscal Impact: Revenues of \$52.4 million, Expenditures of \$56 million, with a remaining budget gap of \$3.6 million)

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

Council recessed at 8:02 p.m.

Council reconvened at 8:08 p.m. with all members present.

Deborah Cullen, Finance Director, gave a report.

Mike Robbins, resident, spoke regarding the City's current budget deficit. Also spoke on excessive public safety salaries.

MOTION by Council Member Brann, SECONDED by Mayor Pro Tem Busch to continue the Public Hearing to September 21, 2010 and schedule the budget adoption for the September 21, 2010 meeting. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

C. UNFINISHED BUSINESS

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

ITEM NO. 4 MOVED FORWARD ON THE AGENDA

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 will be considered individually under the next heading of business.

Mark Hensley, City Attorney, noted a correction to Consent Agenda Item No. 15, City Manager contract, and stated that the term of the contract should read October 1, 2010 through March 31, 2011.

5. Approved Warrant Numbers 2578648 to 2578900 on Register No. 22 in the total amount of \$1,006,544.68 and Wire Transfers from 08/06/10 through 08/26/10 in the total amount of \$2,637,166.78 . 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 August 17, 2010 and Special City Council Meeting of August 20, 2010.
7. PULLED FOR DISCUSSION BY COUNCIL MEMBER BRANN.
8. PULLED FOR DISCUSSION BY COUNCIL MEMBER BRANN.
9. Adopted Resolution No. 4579 approving a new Conflict of Interest Code required by The Political Reform Act (Government Code Section 81000 et. seq.) and rescinding Resolution No. 4563. (Fiscal Impact: None)
10. Adopted Resolution No. 4680 authorizing the annual destruction of identified records in accordance with the provisions of Section 34090 of the Government Code of the State of California. (Fiscal Impact: Not to exceed \$1,000)

11. Received and filed report without objecting to a new Alcoholic Beverage Control (ABC) license for on-site sale and on-site consumption of alcohol, in conjunction with the operation of a new café and bar/lounge in an existing 16-screen theater located at 831 South Nash Street (Pacific Theaters/ArcLight). Applicant: Beach Cities ArcLight c/o Art Rodriguez (Fiscal Impact: N/A)
12. Adopted Plans and Specifications for a new Beach Bathroom Facility and Lifeguard Station at the El Segundo Beach (south end of the beach parking lot, at the end of Grand Avenue on Vista Del Mar) Project No.: PW10-09; (Fiscal Impact: \$900,000) Authorized staff to advertise the project for receipt of construction bids.
13. Approved organizational changes in the Public Works Department, which include elimination of the Senior Administrative Analyst position, reclassification of one of two Meter Reader/Repairer positions to Water Maintenance Worker II, and reclassification of the Senior Administrative Specialist position to Administrative Specialist. (Fiscal Impact: Budget savings of approximately \$152,999.00).
14. Waive minor irregularities in the bid received from ACE Electric, Inc. and awarded standard Public Works Contract No. 4086 to ACE Electric, Inc. for Recreation Park Phase III Field Lighting Project. Project No.: PW 10-07 (Fiscal Impact: \$203,810) Authorized the City Manager to execute the contract in a form approved by the City Attorney.
15. Terminated the current City Manager's contract with Jack Wayt and execute a new City Manager's Contract No. 4087 with Jack Wayt for a six month term while the Council conducts a search for a new city manager. Additionally, authorized the Mayor to execute contract with an executive search firm in an amount not to exceed \$25,000. (Fiscal Impact: Approximately \$108,000 – City Manager salary, and \$20,000 for executive search firm.)

MOTION by Mayor Pro Tem Fisher, SECONDED by Council Member Brann to approve Consent Agenda Items 5, 6, 9, 10, 11, 12, 13, 14, and 15 as corrected. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

#### CALL ITEMS FROM CONSENT AGENDA

7. Receive and file report on recently accepted donations from El Segundo Kiwanis Club in the amount of \$500 for the purchase of new lockers for the El Segundo Teen Center, and \$300 for the Teen Center/R.E.A.C.T Golf Tournament. (Fiscal Impact: None)

MOTION by Council Member Brann, SECONDED by Mayor Busch to receive and file report on recently accepted donations from El Segundo Kiwanis Club in the amount of \$500 for the purchase of new lockers for the El Segundo Teen Center, and \$300 for the Teen Center/R.E.A.C.T Golf Tournament. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

8. Consideration and possible action regarding the approval of amendments to the Plan of Operations as proposed by the El Segundo Senior Citizens Housing Corporation Board at its July 2010 meeting. (Fiscal Impact: None)

ITEM TO BE HELD OVER UNTIL THE NEXT MEETING. STAFF TO REPORT BACK WITH ADDITIONAL INFORMATION.

- F. NEW BUSINESS
- G. REPORTS – CITY MANAGER - NONE
- H. REPORTS – CITY ATTORNEY - NONE
- I. REPORTS – CITY CLERK - NONE
- J. REPORTS – CITY TREASURER - NONE
- K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fuentes – Reported on her attendance at the recent Recreation and Parks Drama Production, the Police Department Community Watch Meeting, and the recent Citizens Forum.

Council Member Brann – Spoke on legislation being passed in Sacramento regarding prosecution of child molesters.

16. Consideration and possible action to direct staff to prepare documents in preparation for implementing Proposition 218 protest procedures regarding residential trash collection service fees. (Fiscal Impact: Approximately \$600,000 in revenue to the General Fund for trash collection services.)

MOVED by Council Member Brann, SECONDED Mayor Busch to direct staff to prepare documents in preparation for implementing Proposition 218 protest ballot procedures for residential trash collection service fees. MOTION PASSED BY THE FOLLOWING VOICE VOTE: AYES: MAYOR BUSCH, MAYOR PRO TEM FISHER, COUNCIL MEMBERS BRANN AND FUENTES; NOES: COUNCIL MEMBER JACOBSON. 4/1

Mayor Busch suggested creating subcommittee consisting of two council members and the Environmental Committee members to review residential trash pick up.

Council Member Jacobson – NONE

Mayor Pro Tem Fisher – NONE



Mayor Busch – Spoke on concerns with card keys being issued at Park Vista. Announced the upcoming Food Drive at the Los Angeles County Fire Stations in Carson. Also announced that South Bay Environmental Services would be conducting a free lamp exchange on September 18 and 19, 2010.

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Mike Robbins, resident, spoke regarding excessive employee salaries.

Marc Renner, resident, spoke against asking residents to pay for trash pick up.

Ron Swanson, resident, spoke regarding potential cuts to Recreation and Parks programs and suggested private funding.

Mike Gill, El Segundo Police Department Sergeant, spoke regarding Police Department overtime.

**MEMORIALS – NONE**

**CLOSED SESSION – at 9:55 p.m.**

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.

**REPORT OF ACTION TAKEN IN CLOSED SESSION - NONE**

**ADJOURNMENT at 10: 50 p.m.**

  
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Cathy Domann, Deputy City Clerk