

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, NOVEMBER 16, 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	-	Absent

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 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

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

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): -0- matter.

APPOINTMENT OF PUBLIC EMPLOYEE (Gov't. Code § 54957) -1- matter
Position/Title: City Manager

CONFERENCE WITH CITY'S LABOR NEGOTIATOR (Gov't Code §54957.6): -2-
matters

1. 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, Bob Hyland and Richard Kreisler
2. Unrepresented Group: Management Confidential Group
Negotiator: Jack Wayt

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov't Code §54956.8): -1-
matters

City Property: 2161 El Segundo Boulevard, El Segundo (Fire Station No. 2)
City Negotiators: City Manager, Assistant City Manager
Negotiating Party: Brian A. Sweeney
Under Negotiation: Price and Terms (potential sale)

Council recessed at 6:50 p.m.

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, NOVEMBER 16, 2010 - 7:00 P.M.

7:00 P.M. SESSION

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

INVOCATION – James Trabilcy, Pacific Baptist Church

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Bill Fisher

PRESENTATIONS

- a. Mayor Busch presented a Proclamation proclaiming November 22 through December 19, 2010 as the Spark of Love Toy Drive.
- b. Presentation from the Recreation & Parks Department to recognize Mattel, Inc. the event sponsor of the 2010 Holiday Tree Lighting.

ROLL CALL

Mayor Busch	-	Present
Mayor Pro Tem Fisher	-	Present
Council Member Brann	-	Present
Council Member Fuentes	-	Present
Council Member Jacobson	-	Absent

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Loretta Frye, Resident; spoke about comments she had received on the Proposition 218 protest ballot.

Peggy Tyrell, Resident; spoke regarding the Proposition 218 protest ballot.

Liz Garnholz, Resident; spoke regarding Consent Item 5, Employer's contribution to the Public Employees Medical and Hospital Care Act; Item 6, consulting services for development of a Request for Proposals for Residential Trash Collection; Item 9 and 10 regarding MOUs and side letters for employee bargaining units. She also spoke regarding the Prop 218 protest ballot.

Charles Carter, Resident; spoke regarding the Proposition 218 protest ballot and the number of units per parcel and vote.

Marc Rener, Resident; spoke regarding item number 6, consulting services; trash hauling contract and the type of bins used; the protest ballots for Proposition 218.

Charles Slazak, Resident; spoke regarding the Proposition 218 protest ballot.

Sam Pena, Republic Services; spoke regarding the current trash hauling agreement with his company.

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 Fuentes to read all ordinances and resolutions on the agenda by title only. MOTION PASSED BY UNANIMOUS VOICE VOTE. 4/0. COUNCIL MEMBER JACOBSON ABSENT

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

1. Consideration and possible action (Public Hearing) regarding the adoption of the 2010 California Building Code (Volumes I and II), 2010 California Fire Code, 2010 California Electrical Code, 2010 California Plumbing Code, 2010 California Mechanical Code, 2010 California Energy Code, 2010 California Residential Code, and 2010 California Green Building Standards Code, with amendments. (Fiscal Impact: None)

Mayor Busch stated that this was the time and place to conduct a continued public hearing on the Ordinances to adopt the 2010 California Building Code (Volumes I and II), 2010 California Fire Code, 2010 California Electrical Code, 2010 California Plumbing Code, 2010 California Mechanical Code, 2010 California Energy Code, 2010 California Residential Code, and 2010 California Green Building Standards Code, with amendments.

City 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.

Sam Lee, Building Official, gave a report.

MOTION by Council Member Brann, SECONDED by Mayor Pro Tem Fisher to close the public hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 4/0. COUNCIL MEMBER JACOBSON ABSENT

MOTION by Council Member Brann, SECONDED by Council Member Fuentes to adopt Ordinances 1449, 1450, 1451, 1452, 1453, 1454, 1455, and 1456. MOTION PASSED BY UNANIMOUS VOICE VOTE. 4/0. COUNCIL MEMBER JACOBSON ABSENT.

2. Consideration and possible action to adopt a resolution establishing a fee for Tobacco Retail Licenses. (Fiscal Impact: none)

Mayor Busch stated that this was the time and place to conduct a public hearing to adopt a resolution establishing a fee for Tobacco Retail Licenses.

City 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.

Mitch Tavera, Police Chief, gave a report.

Marc Renner, Resident; requested the purpose of the fee and who will be paying the fee.

MOTION by Mayor Pro Tem Fisher, SECONDED by Council Member Brann to close the public hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE: 4/0. COUNCIL MEMBER JACOBSON ABSENT.

Mark Hensley, City Attorney, read by title only:

RESOLUTION NO. 4691

**A RESOLUTION ESTABLISHING FEES FOR OBTAINING A TOBACCO RETAILER
LICENSE IN ACCORDANCE WITH EL SEGUNDO MUNICIPAL CODE
CHAPTER 5-6B.**

MOTION by Council Member Brann, SECONDED by Mayor Pro Tem Fisher to adopt Resolution No. 4691 establishing fees for obtaining a tobacco retailer license in accordance with El Segundo Municipal Code Chapter 5-6B. MOTION PASSED BY THE FOLLOWING VOICE VOTE AYES: BUSCH, FISHER, BRANN, NOES: FUENTES. ABSENT: JACOBSON. 3/1/1

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.

3. Approved Warrant Numbers 2579705 to 2579905 on Register No. 3 in the total amount of \$537,419.20 and Wire Transfers from 10/21/10 through 11/04/10 in the total amount of \$694,854.13. 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 November 2, 2010.
5. PULLED FOR DISCUSSION BY COUNCIL MEMBER FUENTES
6. PULLED FOR DISCUSSION BY MAYOR BUSCH
7. Approved Change Orders in the amount of \$48,994.39, and accepted the project for the replacement of sanitary sewer mains at various locations within the Smoky Hollow Specific Plan area of the City of El Segundo. Project No.: PW 09-09, (Fiscal Impact: \$872,430.39) Authorized the City Clerk to file a Notice of Completion in the County Recorder's Office.
8. Adopted Resolution No. 4692 establishing policies and procedures for accepting contributions, donations, gifts, bequests, and devices for public purposes. (Fiscal Impact: None)
9. PULLED FOR DISCUSSION BY COUNCIL MEMBER FUENTES
10. PULLED FOR DISCUSSION BY COUNCIL MEMBER FUENTES

MOTION by Council Member Brann, SECONDED by Council Member Fuentes to approve Consent Agenda Items 3, 4, 7, and 8. MOTION PASSED BY UNANIMOUS VOICE VOTE. 4/0. COUNCIL MEMBER JACOBSON ABSENT.

CALL ITEMS FROM CONSENT AGENDA

5. Consideration and possible action to adopt annual Resolutions updating the employer's contribution under the Public Employees' Medical and Hospital Care Act for the El Segundo Fire Fighters' Association, the El Segundo Police Officers' Association, the El Segundo City Employees' Association, the El Segundo Police Support Services Association, and the El Segundo Supervisory and Professional Employees' Association. Fiscal Impact: \$31,611.80.

MOTION by Mayor Pro Tem Fisher, SECONDED by Council Member Brann to adopt annual Resolutions updating the employer's contribution under the Public Employees' Medical and Hospital Care Act for the El Segundo Fire Fighters' Association, Resolution No. 4693, the El Segundo Police Officers' Association, Resolution No.4694, the El Segundo City Employees' Association, Resolution No. 4695, the El Segundo Police Support Services Association, Resolution No. 4696, and the El Segundo Supervisory and Professional Employees' Association, Resolution No. 4697. MOTION PASSED BY UNANIMOUS VOICE VOTE. 4/0. COUNCIL MEMBER JACOBSON ABSENT.

6. Consideration and possible action to award HF & H Consultants, LLC a Professional Services Agreement, in a form approved by the City Attorney, for consulting services to aid City staff in the development of a Request for Proposals for Residential Trash Collection services, and selection and award of a new waste hauler contract to commence in August, 2011. (Fiscal Impact: \$81,000.00)

Item continued to the December 7, 2010 meeting.

9. Approve a one-year Memorandum of Understanding (Labor Agreement) between the City of El Segundo and California Teamsters Public, Professional and Medical Employees Union, Local 911, Police Support Services Employees' Bargaining Unit. (Fiscal Impact: None)

MOTION by Brann, SECONDED by Council Member Fuentes to approve a one-year Memorandum of Understanding No. 4097 (Labor Agreement) between the City of El Segundo and California Teamsters Public, Professional and Medical Employees Union, Local 911, Police Support Services Employees' Bargaining Unit. MOTION PASSED BY UNANIMOUS VOICE VOTE. 4/0. COUNCIL MEMBER JACOBSON ABSENT.

10. Consideration and possible action to approve Side Letter between the City of El Segundo and the El Segundo Firefighters' Association regarding salary and benefit concessions for FY 2009/2010 and FY 2010/2011 by the City of El Segundo Firefighters' Association. (Fiscal Impact: Estimated savings of \$760,442 for FY 2010/2011)

MOTION by Council Member Fuentes, SECONDED by Mayor Pro Tem Fisher to approve Side Letter No. 3928A between the City of El Segundo and the El Segundo Firefighters' Association regarding salary and benefit concessions for FY 2009/2010 and FY 2010/2011 by the City of El Segundo Firefighters' Association. MOTION PASSED BY UNANIMOUS VOICE VOTE. 4/0. COUNCIL MEMBER JACOBSON ABSENT.

F. NEW BUSINESS

REPORTS – CITY MANAGER - None

REPORTS – CITY ATTORNEY - None

REPORTS – CITY CLERK - City Clerk Mortesen reported on the initiative Petition filed in the City Clerk’s Office on November 11, 2010.

REPORTS – CITY TREASURER- Wished everyone a happy Thanksgiving.

REPORTS – CITY COUNCIL MEMBERS

Council Member Fuentes – spoke regarding the Hyperion meeting she attended.

Council Member Brann – None

Council Member Jacobson – Absent

Mayor Pro Tem Fisher – Briefly reviewed the events of the past two years and the concessions the City has made regarding the economy, and budget saving measures.

Mayor Busch – Spoke regarding the RSI program and the reduction in the number of homes eligible for insulation. Stated that the FAA was trying to find a solution for El Segundo. Spoke regarding the “Salute to El Segundo” Chamber Mixer at Mattel last month, and the citizen of the year Dr. Bill Watkins.

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Loretta Frye, Resident; spoke regarding lock boxes on homes for seniors, and possibility of seniors being targeted and identified by the lock boxes; spoke regarding communications with the council and paperless government.

Peggy Tyrell, Resident; spoke regarding the representatives from our current trash hauler and their contract, and the use of consultant contracts.

Liz Garnholz, Resident; spoke regarding our current trash haulers, and also Fire personnel contract and service. She also spoke about layoffs, and transferred employees.

Marc Renner, Resident; spoke regarding the employee cutbacks and the reductions.

MEMORIALS – None

CLOSED SESSION - None

ADJOURNMENT at 9:02 pm.

Cathy Dorman for
Cindy Mortesen, City Clerk