

**REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, DECEMBER 7, 2010 – 5:00 P.M.**

5:00 P.M. SESSION

CALL TO ORDER – Mayor Busch at 5:01 pm

ROLL CALL

Mayor Busch	-	Present
Mayor Pro Tem Fisher	-	Present
Council Member Brann	-	Present – arrived at 5:08 pm
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 listed 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) -2- matter

City of El Segundo vs. City of Los Angeles, et. al. LASC Case No. BS094279
NSA Construction vs. City of El Segundo, LASSC Case No. BC348182

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(b): -3- potential cases: Claim No. 10-39, Claimant Shaun Cooley; Claim received on or about November 3, 2010, Claim No. 10-41, Claimant: New Cingular Wireless PCS, LLC (an affiliate of ATT Mobility, LLC); Claim No. 10-32, Claimant: Armand Gonzales, Inc. dba

Gonzales Construction (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) -0- matter

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

Represented Group: City Employees Association (CEA)
Negotiators: Jack Wayt, Bob Hyland and Richard Kreisler

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

Council recessed at 6:50 pm.

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

7:00 P.M. SESSION

CALL TO ORDER – Mayor Busch at 7:01 pm.

INVOCATION – Pastor John Svendsen, First Baptist Church

PLEDGE OF ALLEGIANCE – Council Member Suzanne Fuentes

PRESENTATIONS

- a. Council Member Fuentes presented a Proclamation to Julie Warner, Parade Chairperson, proclaiming Sunday, December 12, 2010 as the 47th Annual El Segundo Holiday Parade.
- b. Mayor Pro Tem Fisher presented a Proclamation proclaiming the 1200 block of Acacia Avenue as Candy Cane Lane from December 11 at 7:00 p.m. through December 23, 2010.
- c. Council Member Jacobson presented a Proclamation announcing Sandy Cox as the El Segundo Police Department's "RSVP of the Year".
- d. Council Member Brann presented a Proclamation proclaiming December 16, 2010 as "El Segundo Day of Play" at Mattel.

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.

James Castro, Consolidated Disposal, gave a presentation regarding the Company's services.

Mike Robbins, resident, spoke regarding the proposed residential trash collection fee and the protest process. Also spoke regarding the Animal Control Ordinance and the City Employees Association Memorandum of Understanding.

Herr McNuver, resident, spoke regarding City street lighting, City employee pay, and trash pick up.

Jim Boulgarides, resident, spoke regarding the Trash Committees recommendation to use a consultant in the trash bidding process.

Marc Rener, resident, spoke regarding the bid process for the trash collection contract.

Beth Muraida, Young Americans Committee, requested Council waive fees associated with hanging their banner on Main Street.

Ron Swanson, resident, spoke on upcoming events.

Peggy Tyrell, resident, spoke regarding the proposed trash consultant for the bid process.

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 to adopt a resolution establishing a fine schedule for animal control violations regulated by Title 6 of the El Segundo Municipal Code. (Fiscal Impact: None)

Mayor Busch stated that this was the time and place to conduct a public hearing to adopt a resolution establishing a fine schedule for animal control violations regulated by Title 6 of the El Segundo Municipal Code.

Deputy City 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.

Mitch Tavera, Police Chief, 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. 4699

A RESOLUTION ADOPTING A FINE SCHEDULE PURSUANT TO EL SEGUNDO MUNICIPAL CODE §§ 1-2-1 AND 6-1-5 FOR INFRACTION CITATIONS ISSUED FOR THE VIOLATIONS OF EL SEGUNDO MUNICIPAL CODE TITLE 6.

MOTION by Mayor Pro Tem Fisher, SECONDED by Council Member Jacobson to adopt Resolution No. 4699 adopting a fine schedule pursuant to El Segundo Municipal Code §§ 1-2-1 and 6-1-5 for infraction citations issued for the violations of El Segundo Municipal Code Title 6. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

- 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 2579906 to 2580177 on Register No. 4 in the total amount of \$929,588.87 and Wire Transfers from 11/05/10 through 11/24/10 in the total amount of \$2,614,350.43. 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 16, 2010.
4. Awarded a contract extension to the Jones Payne Group (JPG) for Design and Testing Services related to the Residential Sound Insulation (RSI) Program. (Fiscal impact: \$90,000 – Non-General Fund) Authorized the City Manager to execute a contract extension in a form approved by the City Attorney.
5. Approved request from the Young American Parent Committee to waive the banner fees per El Segundo Municipal Code Sections 8-8-7 D1. (Fiscal Impact: \$178.00)
6. PULLED FOR DISCUSSION BY COUNCIL MEMBER FUENTES
7. PULLED FOR DISCUSSION BY COUNCIL MEMBER BRANN

8. PULLED FOR DISCUSSION BY COUNCIL MEMBER BRANN
9. PULLED FOR DISCUSSION BY COUNCIL MEMBER JACOBSON
10. PULLED FOR DISCUSSION BY COUNCIL MEMBER FUENTES

MOTION by Mayor Pro Tem Fisher, SECONDED by Council Member Fuentes to approve Consent Agenda Items 2, 3, 4, and 5. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

CALL ITEMS FROM CONSENT AGENDA

6. Consideration and possible action to approved a one-year Memorandum of Understanding (Labor Agreement) between the City of El Segundo and the El Segundo City Employees Association. (Fiscal Impact: Estimated Savings FY 2010/2011 of \$396,259) Adopt a Resolution approving the Memorandum of Understanding.

MOTION by Council Member Fuentes, SECONDED by Council Member Jacobson to approve the one-year Memorandum of Understanding No. 4102 between the City of El Segundo and the El Segundo City Employees Association and adopt Resolution No. 4700 approving the Memorandum of Understanding. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

7. Consideration and possible action to approve a Resolution implementing the City's Last, Best, and Final Offer regarding the impacts of layoff, consisting of a severance package for the laid off employees within the City Employees Association bargaining unit. Fiscal Impact: \$11,122.56.

MOTION by Mayor Busch, SECONDED by Mayor Pro Tem Fisher to approve Resolution No. 4701 implementing the City's Last, Best, and Final Offer regarding the impacts of layoff, consisting of a severance package for the laid off employees within the City Employees Association bargaining unit. MOTION PASSED BY THE FOLLOWING VOICE VOTE: AYES: MAYOR BUSCH, MAYOR PRO TEM FISHER, COUNCIL MEMBERS FUENTES AND JACOBSON; NOES: COUNCIL MEMBER BRANN. 4/1

8. Consideration and possible action to grant W.E. Construction, Inc. and Delmac Construction & Development, Inc. request to withdraw their bids because of mathematical mistakes in accordance with Public Contract Code Section 5101 and award a standard public works contract to EMAE International, Inc. for the construction of a new Beach Bathroom Facility and Lifeguard Station at the El Segundo Beach. Award Professional Services Agreement in the amount of \$86,400.00 to Rubio Medina (RM) to provide construction management services for the El Segundo beach facility. Project No.: PW 10-09. (Fiscal Impact: \$1,296,400.00) Authorize the City Manager to execute the Contracts in a form

as approved by the City Attorney. Authorize a construction contingency in the amount of \$100,000.00 for unforeseen additional work.

MOTION by Mayor Busch, SECONDED by Council Member Jacobson to grant W.E. Construction, Inc. and Delmac Construction & Development, Inc. request to withdraw their bids because of mathematical mistakes in accordance with Public Contract Code Section 5101 and award a standard public works Contract No. 4103 to EMAE International, Inc. for the construction of a new Beach Bathroom Facility and Lifeguard Station at the El Segundo Beach. Award Professional Services Agreement No. 4104 in the amount of \$86,400.00 to Rubio Medina (RM) to provide construction management services for the El Segundo beach facility. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

9. 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)

MOTION by Mayor Busch, SECONDED by Mayor Pro Tem Fisher 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. MOTION FAILED BY THE FOLLOWING VOTE: AYES: MAYOR BUSCH & MAYOR PRO TEM FISHER; NOES: COUNCIL MEMBERS BRANN, FUENTES AND JACOBSON. 2/3

10. Consideration and possible action to receive and file the supplemental notice that was mailed to property owners and renters regarding the City's Proposition 218 protest ballots process to potentially impose solid waste ("trash") fees and announce that the public hearing before the City Council on this matter has been continued from December 21, 2010, to January 18, 2011. (Fiscal Impact: None)

MOTION by Mayor Pro Tem Fisher, SECONDED by Council Member Fuentes to receive and file the supplemental notice that was mailed to property owners and renters regarding the City's Proposition 218 protest ballots process to potentially impose solid waste ("trash") fees and announce that the public hearing before the City Council on this matter has been continued from December 21, 2010, to January 18, 2011. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

F. NEW BUSINESS

11. Introduction of an Ordinance of the City Council amending Title 6 of the El Segundo Municipal Code in its entirety regarding Animal Control. (Fiscal Impact: None)

Mitch Tavera, Police Chief, gave a report.

Mark Hensley, City Attorney, read by title only:

ORDINANCE NO. 1457

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE §§ 6-2-13M 6-3-2, 6-3-3, 6-3-6, 6-5-5, AND 6-5-6 REGARDING THE REGULATION OF ANIMALS WITHIN THE CITY'S JURISDICTION.

Council Member Fuentes introduced the ordinance.

Second reading and adoption scheduled for December 21, 2010.

REPORTS – CITY MANAGER - NONE

REPORTS – CITY ATTORNEY- Announced that Council , in closed session, unanimously denied Claim 10-38, Shaun Cooley and Claim 10-41, New Cingular Wireless/PCS LLC (an affiliate of ATT Mobility, LLC).

REPORTS – CITY CLERK

12. Consideration and possible action regarding Council consensus to cancel the January 4, 2011 City Council Meeting. (Fiscal Impact: None)

MOTION by Mayor Pro Tem Fisher, SECONDED by Council Member Fuentes to cancel the January 4, 2011 City Council Meeting. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

REPORTS – CITY TREASURER

REPORTS – CITY COUNCIL MEMBERS

Council Member Fuentes – Attended the recent South Bay Council of Governments meeting. Spoke on the Recreation and Parks Production of "White Christmas", and noted that today, December 7th, was the 69 anniversary of the bombing of Pearl Harbor.

Council Member Brann – NONE

Council Member Jacobson – Wished everyone Merry Christmas and Happy Holidays.

Mayor Pro Tem Fisher – Spoke on the annual Christmas Tree lighting Thursday, December 9th in the City Hall Plaza.

Mayor Busch – Stated that contract negotiations and concessions had been completed with all City bargaining units. Gave an update on the Residential Sound Insulation Program status. Reported his visit to Fort MacCarthur. Menorah Lighting, Holiday Parade on Sunday, and Santa's Sleigh.

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Peggy Tyrell, resident, spoke regarding the use heavy trash containers.

Mike Robbins, resident, spoke regarding bargaining units' Memorandum of Understandings.

Marc Renner, resident, spoke regarding Police and Fire services.

MEMORIALS – NONE

CLOSED SESSION – NONE

ADJOURNMENT at 9:11 pm.


Cathy Domann, Deputy City Clerk