



AGENDA

EL SEGUNDO CITY COUNCIL

COUNCIL CHAMBERS - 350 Main Street

The City Council, with certain statutory exceptions, can only take action upon properly posted and listed agenda items. Any writings or documents given to a majority of the City Council regarding any matter on this agenda that the City received after issuing the agenda packet are available for public inspection in the City Clerk's office during normal business hours. Such Documents may also be posted on the City's website at www.elsegundo.org and additional copies will be available at the City Council meeting.

Unless otherwise noted in the Agenda, the Public can only comment on City-related business that is within the jurisdiction of the City Council and/or items listed on the Agenda during the **Public Communications** portions of the Meeting. Additionally, the Public can comment on any Public Hearing item on the Agenda during the Public Hearing portion of such item. The time limit for comments is five (5) minutes per person.

Before speaking to the City Council, please come to the podium and state: Your name and residence and the organization you represent, if desired. Please respect the time limits.

Members of the Public may place items on the Agenda by submitting a **Written Request** to the City Clerk or City Manager's Office at least six days prior to the City Council Meeting (by 2:00 p.m. the prior Tuesday). The request must include a brief general description of the business to be transacted or discussed at the meeting. Playing of video tapes or use of visual aids may be permitted during meetings if they are submitted to the City Clerk two (2) working days prior to the meeting and they do not exceed five (5) minutes in length.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Clerk, 524-2305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, MAY 17, 2011 – 5:00 P.M.

Next Resolution # 4718
Next Ordinance # 1461

5:00 P.M. SESSION

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) -2- matters

1. City of El Segundo vs. City of Los Angeles, et. al. LASC Case No. BS094279
2. NSA Construction vs. City of El Segundo, LASC Case No. BC438182

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(b): -0-
Initiation of litigation pursuant to Government Code §54956.9(c): -1- matter.

DISCUSSION OF PERSONNEL MATTERS (Gov't Code §54957): - 0- matter

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

**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**



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EL SEGUNDO CITY COUNCIL

COUNCIL CHAMBERS - 350 Main Street

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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL

TUESDAY, MAY 17, 2011 - 7:00 P.M.

Next Resolution # 4718

Next Ordinance # 1461

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Pastor Mark Stepp, Oceanside Christian Fellowship

PLEDGE OF ALLEGIANCE – Council Member Carl Jacobson

PRESENTATIONS

- a. Presentation from the Library about the upcoming Author Fair on June 5, 2011.
- b. Acceptance of LEED Gold Certification for Fire Station No. 2 Building.
- c. Proclamation announcing the Senior Citizen of the Year and Elderfest.
- d. Proclamation announcing Public Works Week

ROLL CALL

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.*

A. PROCEDURAL MOTIONS

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

Recommendation – Approval.

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

1. **Consideration and possible action to increase Golf Course and Driving Range fees at The Lakes at El Segundo Golf Course, as recommended by the Golf Course Subcommittee. (Fiscal Impact: Estimated Annual Revenue Increase of \$75,000-\$100,000 to Golf Course Enterprise Fund)**
-

Recommendation – (1) Approve the proposed fee increases for The Lakes at El Segundo; (2) Adopt Resolution accepting the new fee schedule; (3) Alternatively, discuss and take other action related to this item.

2. **Consideration and possible action to increase the participation fee for Non-Residents in the drop-in Swimnastics Program at Urho Saari Swim Stadium from \$1.00 to \$3.00. (Fiscal Impact: Estimated Increased Revenues from \$1,500 to \$4,500 Annually)**
-

Recommendation – (1) Approve the proposed non-resident fee increase for the drop-in Swimnastics Program at Urho Saari Swim Stadium; (2) Adopt Resolution accepting the new fee schedule; (3) Alternatively, discuss and take other action related to this item.

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. Warrant Numbers 2582138 to 2582355 on Register No. 15 in the total amount of \$494,899.93 and Wire Transfers from 4/22/11 through 5/05/11 in the total amount of \$634,643.79.**

Recommendation – Approve Warrant Demand Registers and authorize staff to release. Ratify Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.

- 4. Regular City Council Meeting Minutes of May 3, 2011.**

Recommendation – Approval.

- 5. Consideration and possible action to (1) accept a donation from El Segundo resident Alex Fowler to build a decorative garden wall, pull weeds, clean the fire pit, install cement cooking pads and a cement pad to store firewood at Camp Eucalyptus, located at 641 California Street, for his Boy Scout Eagle Project; (2) adopt a Resolution to approve the plan for the project; (3) authorize the City Manager to execute a contract with Alex Fowler and his parent/guardian in a form approved by the City Attorney. Fiscal Impact: None**

Recommendation – (1) Approve the acceptance of a donation from Alex Fowler; (2) Adopt Resolution that includes the approval of the project's plan; (3) Authorize the City Manager to execute a contract with Alex Fowler and his parent/guardian in a form approved by the City Attorney; (4) Alternatively, discuss and take other action related to this item.

- 6. Consideration and possible action to accept the proposed donation of materials and labor in the amount of \$4,235.19 from the Toyota Sports Center for installation of a roll-on court surface for the inline hockey rink at Recreation Park. (Fiscal Impact: None)**

Recommendation – (1) Accept the proposed donation from the Toyota Sports Center in the amount of \$4,235.19 for materials and labor to install the new hockey rink surface; (2) Adopt the Resolution outlining the scope of work; (3) Authorize the City Manager to execute a contract with Toyota Sports Center in a form approved by the City Attorney; (4) Alternatively, discuss and take other action related to this item.

- 7. Consideration and possible action to amend the 5-year contract with Nationwide Environmental Services for Street Sweeping services performed citywide. (Fiscal Impact: 4,177.00 this fiscal year, and a total of \$17,476.00 over the next four (4) years.)**

Recommendation – (1) Authorize the City Manager to execute a contract amendment in a form as approved by the City Attorney with Nationwide Environmental Solutions in the amount of \$17,476.00 for fiscal years 2010/11 - 2013/14 based on the existing Street Sweeping Contract; (2) Alternatively, discuss and take other possible action related to this item.

- 8. Consideration and possible action to approve a request from the Center Street School Parent Teachers Association (PTA) to waive the banner fee per El Segundo Municipal Code Section 8-8-7 D1. (Fiscal Impact: \$178)**

Recommendation – (1) Approve the request to waive the banner user fees per El Segundo Municipal Code Section 8-8-7 D1; (2) Alternatively, discuss and take other action related to this item.

CALL ITEMS FROM CONSENT AGENDA

F. NEW BUSINESS

- 9. Consideration and possible action regarding the presentation of fiscal year 2010-2011 Midyear Financial Review and approval of fiscal year 2011-2012 Budget Calendar. (Fiscal Impact: None)**

Recommendation – (1) Receive and file FY 2010-2011 Midyear Financial staff report; (2) Direct staff to proceed with Fiscal Year 2011-2012 Budget Calendar; (3) Alternatively discuss and take other action related to this item

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY

I. REPORTS – CITY CLERK

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fuentes –

Council Member Brann –

Council Member Jacobson –

Mayor Pro Tem Fisher –

Mayor Busch –

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MEMORIALS –

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.

REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)

ADJOURNMENT

POSTED:

DATE: *May 11, 2011*

TIME: *3:20 p.m.*

NAME: *S.M. Jly*

Presentation from Ellen Cunningham,
Senior Librarian, about the upcoming
Author Fair on June 5, 2011.

Acceptance of LEED Gold Certification for Fire Station No. 2 Building.



roclamation

City of El Segundo, California

WHEREAS, May is National Older Americans Month, a time to celebrate and pay tribute to the Senior Citizen Volunteers of El Segundo; and

WHEREAS, Older Americans possess and share a wealth of experience, background and history, making them one of the City's most enduring resources and an important part of the ties that bind both family and community; and

WHEREAS, Individuals provide volunteer services contributing to a coordinated community-based system of care that facilitates the well-being of all Americans in the 21st century; and

WHEREAS, Polly Price was elected by her peers as the El Segundo 2011 Senior Citizen of the Year, a recognition which inspires, promotes and garnishes community spirit by giving back through volunteerism

NOW, THEREFORE, on this 17th day of May, 2011, the Mayor and Members of the City Council of the City of El Segundo, California, do hereby proclaim the month of May, 2011,

OLDER AMERICANS MONTH
and
Polly Price
the
2011 El Segundo Senior Citizen of the Year

And hereby invite the community to participate in the Elderfest Celebration on Saturday, May 21, 2011, from 11:00 a.m. to 2:00 p.m., at the Joslyn Center in Recreation Park honoring **POLLY PRICE** and other senior citizens who have given generously of their time and talent to improve the quality of life for all.



Proclamation

City of El Segundo, California

WHEREAS, public works services provided in our community are an integral part of our citizen's everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets, public buildings and solid waste collection; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the work they perform.

NOW, THEREFORE, the Mayor and the member of the City Council of the City of El Segundo, do hereby proclaim May 15-21, 2011, as "**National Public Works Week**" in the City of El Segundo, and I call upon all citizens to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.



A handwritten signature in black ink, appearing to read "Eric H. Busch".

Mayor Eric H. Busch

*Mayor Pro Tem Bill Fisher
Council Member Don Brann*

*Council Member Carl Jacobsen
Council Member Susanne Fuentes*

AGENDA DESCRIPTION:

Consideration and possible action to increase Golf Course and Driving Range fees at The Lakes at El Segundo Golf Course, as recommended by the Golf Course Subcommittee.

(Fiscal Impact: Estimated Annual Revenue Increase of \$75,000-\$100,000 to Golf Course Enterprise Fund)

RECOMMENDED COUNCIL ACTION:

- (1) Approve the proposed fee increases for The Lakes at El Segundo.
- (2) Adopt Resolution accepting the new fee schedule.
- (3) Alternatively, discuss and take other action related to this item.


ATTACHED SUPPORTING DOCUMENTS:

- (1) Resolution including Exhibit A, Schedule of Proposed Fees & Local Green Fee Comparison

FISCAL IMPACT: Estimated Annual Revenue Increase of \$75,000-\$100,000 to Golf Course Enterprise Fund

Amount Budgeted: \$0
Additional Appropriation: N/A
Account Number(s): N/A

ORIGINATED BY: Meredith Petit, Recreation Superintendent 

REVIEWED BY: Bob Cummings, Director of Recreation and Parks 

APPROVED BY: Doug Willmore, City Manager 

BACKGROUND & DISCUSSION:

At the regular meeting of the Golf Course Subcommittee on April 6, 2011, the Subcommittee voted to recommend the City Council revise the fee schedule at the golf course and driving range. After surveying rates and service offerings of other public golf courses and driving ranges in the surrounding area, the Subcommittee proposed the fees be revised to establish more comparable rates while still remaining on the lower end of the spectrum. Furthermore, on April 20, 2011, the Recreation and Parks Commission voted unanimously to support the proposed fees and allow City Council to make a final decision.

The Subcommittee realizes the difficulties of raising fees during the current economic climate, but is confident that any customer attrition will be minimal due to the fact that the proposed fees will remain the lowest in the area and the quality and value of the product will remain high.

The Subcommittee also recognizes the need to focus on the long-term fiscal planning of operational costs compared to revenues generated. The Subcommittee will be working with the City's Finance Department to identify a plan of action to pay down the loan which is scheduled to be paid off by the City's General Fund in Spring 2012. Any profitability due to increased fees could be utilized in this manner.

The most recent fee increases at The Lakes were approved in July 2006. The summer months are an ideal time of year to implement increases due to longer days and warmer weather yielding more rounds played per day, as well as a potential influx of new customers.

RESOLUTION NO. _____

A RESOLUTION ADOPTING NEW FEES PURSUANT TO ESMC § 9-8-6 FOR THE EL SEGUNDO PARKS AND RECREATION DEPARTMENT TO RECOVER COSTS INCURRED FROM PROVIDING VARIOUS PUBLIC SERVICES.

BE IT RESOLVED by the Council of the City of El Segundo as follows:

SECTION 1: The City Council finds as follows:

- A. The City Council may establish fees for services under various provisions of California law including, without limitation, Business & Professions Code § 16000; Education Code § 18926; Government Code §§ 36936.1, 43000, 54344, 65104, 65456, 65874, 65909.5, 65943, 66013, 66014, 66451.2; and Health & Safety Code §§ 510, 17951, 17980.1, 19852.
- B. In addition, the City Council may establish fees pursuant to El Segundo Municipal Code § 9-8-6 including, without limitation, the Basic Rate for using park property and facilities.
- C. Pursuant to Government Code § 66016, the City made data available regarding the cost, or estimated cost, of providing services for various fees ten (10) days before the public hearing held on May 17, 2011.
- D. On May 17, 2011, the City Council heard public testimony and considered evidence in a public hearing held and noticed in accordance with Government Code § 66016.
- E. At the recommendation of the City's Departments and the City Manager, the City Council believes that it is in the public interest to establish the recommended fees to recover the costs of public services.

SECTION 2: The Fees attached as Exhibit "A," and incorporated into this Resolution as if fully set forth, are approved and adopted. Those rates identified for using park facilities constitute the "Basic Rate" for purposes of ESMC § 9-8-9 and may be adjusted in accordance with ESMC §§ 9-8-1, *et seq.*

SECTION 3: This Resolution is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, *et seq.*; "CEQA") and CEQA regulations (Cal. Code Regs. tit. 14, §§ 15000, *et seq.*) because it establishes, modifies, structures,

restructures, and approves rates and charges for meeting operating expenses; purchasing supplies, equipment, and materials; meeting financial requirements; and obtaining funds for capital projects needed to maintain service within existing service areas. This Resolution, therefore, is categorically exempt from further CEQA review under Cal. Code Regs. tit. 14, § 15273.

SECTION 4: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

SECTION 5: The City Clerk will certify to the passage and adoption of this Resolution; will enter the same in the book of original Resolutions of said City; and will make a minute of the passage and adoption thereof in the record of proceedings of the City Council of said City, in the minutes of the meeting at which the same is passed and adopted.

PASSED AND ADOPTED this 17th day of May, 2011.

Eric K. Busch, Mayor

ATTEST:

Cindy Mortesen,
City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: 

Karl H. Berger
Assistant City Attorney

EXHIBIT A
The Lakes at El Segundo Golf Course
Schedule of Proposed Fees

	WEEKDAY		WEEKEND	
	Current	Proposed	Current	Proposed
9-HOLE PLAY				
Non-Residents				
Regular	\$11	\$13	\$13	\$15
Senior	\$8	\$10	\$13	\$15
Junior	\$8	\$9	\$10	\$11
Residents				
Regular	\$8	\$9	\$10	\$11
Senior	\$6	\$7	\$8	\$9
Junior	\$6	\$7	\$8	\$9
Replay Rate	\$7	\$8	-	-
MONTHLY PASSES				
Non-Residents				
Regular	\$50	\$60	-	-
Residents				
w/ Rec ID Card	\$35	\$40	-	-
Senior	\$30	\$35	-	-
PUNCH CARDS (6 Rounds + 1 Bucket)				
Non-Residents				
Senior	\$35	\$42	-	-
Residents				
Senior	\$25	\$30	-	-

DRIVING RANGE BUCKETS		
	Current	Proposed
Small - 35 Balls	\$4	\$5
Medium - 70 Balls	\$6	\$7
Large - 105 Balls	\$8	\$9

Justification for Fee Increase

The proposed fees are a result of Fee Benchmarking with comparable facilities in the region. After surveying rates and service offerings of other public golf courses and driving ranges in the surrounding area, the proposed fees will establish more comparable rates while still remaining on the lower end of the spectrum. In developing the proposed fees, consideration was given to minimize customer attrition by keeping the proposed fees among the lowest in the area. The fees were deemed reasonable due to the high quality and value of the product, as well as a method to recovering some of the increased expenses in operating the facility. Because most fees have not been increased in over six years, and the operating costs have inevitably increased over time, revenues above and beyond the cost of doing business can be utilized to pay down long-term debt.

See back page for the Local Green Fees Comparison.

Local Green Fees For Comparison

Course	Weekday	Friday	Weekend
Marriot 9 Holes			
Regular	\$17		\$19
Senior 65+	\$12		\$19
Junior	\$12		\$12
Alondra 18 Holes Par 3			
Regular	\$12.50		\$15.50
Senior	\$12.50		\$15.50
Junior	\$2.75		\$4
Rancho Park 9 Holes			
Regular	\$7	\$7.50	\$8
Senior	\$5	\$5.50	\$8
Junior	\$5	\$5	\$5
Harbor Park 9 Holes			
Regular	\$16	\$18.50	\$21
Senior	\$10	\$12	\$21
Junior	\$5	\$5	\$5
Penmar 9 Holes			
Regular	\$17.50	\$19.75	\$22
Senior	\$12	\$14	\$22
Junior	\$5	\$5	\$5
Dominguez Hills 18 Holes Par 3			
Regular	\$14		\$16
Senior	\$14		\$16
Junior	\$5		\$7
Terranea 9 Holes			
Regular	\$32		\$38
Senior	\$32		\$38
Junior	\$15		\$20

AGENDA DESCRIPTION:

Consideration and possible action to increase the participation fee for Non-Residents in the drop-in Swimnastics Program at Urho Saari Swim Stadium from \$1.00 to \$3.00.

(Fiscal Impact: Estimated Increased Revenues from \$1,500 to \$4,500 Annually)

RECOMMENDED COUNCIL ACTION:

- (1) Approve the proposed non-resident fee increase for the drop-in Swimnastics Program at Urho Saari Swim Stadium.
- (2) Adopt Resolution accepting the new fee schedule.
- (3) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

- (1) Resolution including Exhibit A, Schedule of Proposed Fees

FISCAL IMPACT: Estimated Increased Revenues from \$1,500 to \$4,500 Annually

Amount Budgeted: \$0
Additional Appropriation: N/A
Account Number(s): N/A

ORIGINATED BY: Meredith Petit, Recreation Superintendent *MP*

REVIEWED BY: Bob Cummings, Director of Recreation and Parks *BC*

APPROVED BY: Doug Willmore, City Manager *DW*

BACKGROUND & DISCUSSION:

The Department offers a variety of low-cost general fund supported programs at public parks and facilities called “drop-in” programs. Aquatics Drop-In Programs at the Urho Saari Swim Stadium include Swimnastics, Lap Swim, Water Walking, and Rec Swim. These programs are currently offered to residents with a current Recreation ID Card with no additional fee. Non-Residents, however, are charged \$1 per visit to Swimnastics, and \$3 per visit for the other programs. It is proposed to increase the Swimnastics fee to \$3 for Non-Residents for the following reasons:

- The Non-Resident fee will be consistent for all Aquatics Drop-In Programs, making administration and cash handling simpler by categorizing the fee as an “entrance fee” versus a fee for a specific program, and as a result, minimize customer confusion with various fees.
- The Swimnastics program is instructional and is a value-added program by offering curriculum and leadership by a trained lifeguard.
- The high demand for the thirty-minute session, coupled with the extremely low fee has created instances where there are too many people to comfortably exercise in the space provided. A more appropriately attached fee will help to balance the limited space with the demand.

On April 20, 2011, the Recreation and Parks Commission unanimously voted to support this matter and allow City Council to make a final decision to approve or deny the proposed fee change.

RESOLUTION NO. _____

A RESOLUTION ADOPTING NEW FEES PURSUANT TO ESMC § 9-8-6 FOR THE EL SEGUNDO PARKS AND RECREATION DEPARTMENT TO RECOVER COSTS INCURRED FROM PROVIDING VARIOUS PUBLIC SERVICES.

BE IT RESOLVED by the Council of the City of El Segundo as follows:

SECTION 1: The City Council finds as follows:

- A. The City Council may establish fees for services under various provisions of California law including, without limitation, Business & Professions Code § 16000; Education Code § 18926; Government Code §§ 36936.1, 43000, 54344, 65104, 65456, 65874, 65909.5, 65943, 66013, 66014, 66451.2; and Health & Safety Code §§ 510, 17951, 17980.1, 19852.
- B. In addition, the City Council may establish fees pursuant to El Segundo Municipal Code § 9-8-6 including, without limitation, the Basic Rate for using park property and facilities.
- C. Pursuant to Government Code § 66016, the City made data available regarding the cost, or estimated cost, of providing services for various fees ten (10) days before the public hearing held on May 17, 2011.
- D. On May 17, 2011, the City Council heard public testimony and considered evidence in a public hearing held and noticed in accordance with Government Code § 66016.
- E. At the recommendation of the City's Departments and the City Manager, the City Council believes that it is in the public interest to establish the recommended fees to recover the costs of public services.

SECTION 2: The Fees attached as Exhibit "A," and incorporated into this Resolution as if fully set forth, are approved and adopted. Those rates identified for using park facilities constitute the "Basic Rate" for purposes of ESMC § 9-8-9 and may be adjusted in accordance with ESMC §§ 9-8-1, *et seq.*

SECTION 3: This Resolution is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, *et seq.*; "CEQA") and CEQA regulations (Cal. Code Regs. tit. 14, §§ 15000, *et seq.*) because it establishes, modifies, structures,

restructures, and approves rates and charges for meeting operating expenses; purchasing supplies, equipment, and materials; meeting financial requirements; and obtaining funds for capital projects needed to maintain service within existing service areas. This Resolution, therefore, is categorically exempt from further CEQA review under Cal. Code Regs. tit. 14, § 15273.

SECTION 4: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

SECTION 5: The City Clerk will certify to the passage and adoption of this Resolution; will enter the same in the book of original Resolutions of said City; and will make a minute of the passage and adoption thereof in the record of proceedings of the City Council of said City, in the minutes of the meeting at which the same is passed and adopted.

PASSED AND ADOPTED this 17th day of May, 2011.

Eric K. Busch, Mayor

ATTEST:

Cindy Mortesen,
City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger
Assistant City Attorney

EXHIBIT A
FEE SCHEDULE

Recreation & Parks Department Fees	Current Fee	Proposed Fee	Justification for Increase
Swimnastics Drop-In Program:			
Non-Resident Fee	\$1.00 per occurrence	\$3.00 per occurrence	Swimnastics is an instructional program three times per week which requires one hour of staff time from each of the following: one Senior Lifeguard on duty (\$17.56/hr), two Lifeguards for instruction (\$13.73/hr x 2), and one Cashier for cash handling duties (\$9.92/hr). Total staffing costs per session equal \$54.94 in salaries. Other indirect costs include facility operations, equipment, and supplies, the Pool Technician, and employee benefits. The class is offered at no-cost to El Segundo Residents, therefore yielding no cost recovery. The program typically includes 15-20 Non-Resident Participants. An increased fee to \$3 is to recover a portion of the cost associated with staffing to administer and facilitate the program. Fifteen participants at \$3 per session yield a cost recovery of \$45, or 82%, of part-time employee salaries.

CITY OF EL SEGUNDO
WARRANTS TOTALS BY FUND

3

2592139 - 2592355

DATE OF APPROVAL:

AS OF 5/5/11

REGISTER # 15

022

001	GENERAL FUND	326,205.77	
104	TRAFFIC SAFETY FUND	-	
106	STATE GAS TAX FUND	234.43	
108	ASSOCIATED RECREATION ACTIVITIES FUND	-	
109	ASSET FORTIFURE FUND	3,119.80	
111	COMM. DEVEL. BLOCK GRANT	-	
112	PROP "A" TRANSPORTATION	87.59	
114	PROP "C" TRANSPORTATION	33.99	
115	AIR QUALITY INVESTMENT PROGRAM	-	
116	HOME SOUND INSTALLATION FUND	27,874.17	
117	HYPERION MITIGATION FUND	-	
118	TDA ARTICLE 3 - SB 821 BIKEWAY FUND	-	
119	MTA GRANT	-	
121	FEMA	-	
120	C.O.P.S. FUND	720.00	
122	LAW A. FUND	-	
202	ASSESSMENT DISTRICT #73	-	
301	CAPITAL IMPROVEMENT FUND	17,256.59	
302	INFRASTRUCTURE REPLACEMENT FUND	-	
405	FACILITIES MAINTENANCE	9,455.00	
406	WATER UTILITY FUND	12,021.62	
501	WASTEWATER FUND	51,560.55	
502	GOLF COURSE FUND	9,000.00	
503	EQUIPMENT REPLACEMENT	13,233.28	
601	LIABILITY INSURANCE	2,419.90	
602	WORKERS COMP. RESERVE/INSURANCE	95.38	
603	RETIRED EMP. INSURANCE	9,351.96	
701	EXPENDABLE TRUST FUND - DEVELOPER FEES	1,295.00	
702	EXPENDABLE TRUST FUND - OTHER	10,638.13	
703	OUTSIDE SERVICES TRUST	11.87	
708	TOTAL WARRANTS	\$ 494,899.93	

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Information on actual expenditures is available in the Director of Administrative Services office in the City of El Segundo.

I certify as to the accuracy of the Demands and the availability of fund for payment thereof.

For Approval: Regular checks held for City council authorization to release.

CODES:

R = Computer generated checks for all non-emergency/urgency payments for materials, supplies and services in support of City Operations

A = Payroll and Employee Benefit checks

B - F = Computer generated Early Release disbursements and/or adjustments approved by the City Manager. Such as: payments for utility services, petty cash and employee travel expense reimbursements, various refunds, contract employee services consistent with current contractual agreements, instances where promp payment discounts can be obtained or late payment penalties can be avoided or when a situation arises that the City Manager approves.

H = Handwritten Early Release disbursements and/or adjustments approved by the City Manager.

FINANCE DIRECTOR

[Signature]

DATE: 5/9/11

CITY MANAGER

[Signature]

DATE: 5/9/11

VOID CHECKS DUE TO ALIGNMENT: N/A

VOID CHECKS DUE TO INCORRECT CHECK DATE:

VOID CHECKS DUE TO COMPUTER SOFTWARE ERROR:

NOTES

**CITY OF EL SEGUNDO
 PAYMENTS BY WIRE TRANSFER
 4/22/11 THROUGH 05/05/11**

<u>Date</u>	<u>Payee</u>	<u>Amount</u>	<u>Description</u>
4/21/2010	Unum	437.40	LTD
4/27/2011	Health Comp	675.69	Weekly claims
4/28/2011	Employment Development	45,345.12	State Taxes
4/28/2011	Employment Development	4,078.29	State Taxes
4/28/2011	IRS	202,879.30	Federal Taxes
4/29/2011	State of CA EFT	1,647.21	EFT Child support payment
4/29/2011	Nationwide EFT	35,478.82	EFT 457 payment
4/29/2011	UB	3,860.44	PARS payment
4/29/2011	Manufacturers & Traders	22,700.97	457 payment Vantagepoint
4/29/2011	Manufacturers & Traders	192.31	IRA payment Vantagepoint
5/4/2011	Cal Pers	277,478.78	Retirement
5/4/2011	Health Comp	871.60	Weekly claims
5/5/2011	Lane Donovan Golf Ptr	21,878.60	Payroll Transfer
4/22-5/5/11	Workers Comp Activity	17,119.26	SCRMA checks issued
		<u>634,643.79</u>	

**DATE OF RATIFICATION: 05/17/11
 TOTAL PAYMENTS BY WIRE:**

634,643.79

Certified as to the accuracy of the wire transfers by:

<u>Man m. Kobus</u> Deputy City Treasurer	<u>5/9/11</u> Date
<u>Deborah Kell</u> Director of Finance	<u>5/9/11</u> Date
<u>mvien</u> City Manager	<u>5/9/11</u> Date

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, MAY 3, 2011 – 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 5:02 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, announced that Council would be meeting in closed session pursuant to the items listed on the agenda and that the Government Code §54956.9(b) item is based upon a claim filed by Shannon David, Inc. filed on or about March 1, 2011 for \$48,745.47.

SPECIAL ORDER OF BUSINESS:

1. Interviews of Candidates for the Community Cable Advisory Committee, Recreation and Parks Commission and Senior Citizen Housing Corporation Board and possible appointments to these Boards and Commissions (Interviews to be conducted in West Conference Room).

MOTION by Council Member Jacobson, SECONDED by Council Member Brann to appoint Brian Mitchell to the Community Cable Advisory Committee to a full term expiring 10/30/14. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

MOTION by Council Member Brann, SECONDED by Mayor Pro Tem Fisher to appoint Robert Croxell to the Recreation and Parks Commission to a full term expiring 5/31/15. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

MOTION by Council Member Fuentes, SECONDED by Council Member Brann to appoint Karen Goren and Laura Freeman to the Senior Citizen Housing Corporation Board to full terms expiring 6/30/15. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Council moved to closed session at 6:05 p.m.

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- matters

City of El Segundo vs. City of Los Angeles, et. al. LASC Case No. BS094279
NSA Construction vs. City of El Segundo, LASC Case No. BC438182

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(b): -1-
Initiation of litigation pursuant to Government Code §54956.9(c): -0- matter.

DISCUSSION OF PERSONNEL MATTERS (Gov't Code §54957): - 0- matter

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

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

Council recessed at 6:50 p.m.

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, MAY 3, 2011 - 7:00 P.M.

7:00 P.M. SESSION

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

INVOCATION – Pastor John Svendsen, First Baptist Church

PLEDGE OF ALLEGIANCE – Council Member Don Brann

PRESENTATIONS

- a. Mayor Busch presented the CERT Certificates to the recent graduates.
- b. Council Member Jacobson presented a Proclamation announcing Saturday, May 21, 2011 as Super CPR Saturday.
- c. Marissa Christenson, Bicycle Coalition, made a presentation regarding the South Bay Bicycle Master Plan.

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.

A. PROCEDURAL MOTIONS

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

MOTION by Council Member Brann, SECONDED 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)

C. UNFINISHED BUSINESS

1. Consideration and possible action regarding a request for 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)

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

Council took no action on this item.

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

2. Consideration and possible action to announce the appointment to the Community Cable Advisory Committee, Recreation and Parks Commission and Senior Citizen Housing Corporation Board. (Fiscal Impact: None)

Mayor Busch announced the appointment of Brian Mitchell to the Community Cable Advisory Committee to a full term expiring 10/30/14; the appointment of Rob Croxell to the Recreation and Parks Commission, to a full term expiring 5/30/15; and the appointment of Laura Freeman and Karen Gorin to the Senior Citizen Housing Corporation Board to full terms expiring 6/30/15.

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 2581923 to 2582137 on Register No. 14 in the total amount of \$703,373.83 and Wire Transfers from 4/8/11 through 4/21/11 in the total amount of \$1,961,307.38. Authorized staff to release. Ratify 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 April 19, 2011.

5. Awarded standard Public Works Contract No. 4158 to NIC Partners, Inc., for the installation of surveillance equipment at the City Police Station. Project No.: PW 11-03 (Fiscal Impact: \$57,148.79 COPS Funds) Authorized the City Manager to execute the Contract in a form as approved by the City Attorney with NIC Partners, Inc., in the amount of \$57,148.79.

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

CALL ITEMS FROM CONSENT AGENDA

- 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 – Spoke regarding the Easter Egg Hunt at Recreation Park; Thanked the Public Works Director and the Public Works crew on their quick response on graffiti removal.

Council Member Brann – Congratulated Eric Martin (a former student) as the Facility Director of the Round House Aquarium at Manhattan Beach Pier and on the awards he has received. Reported that he attended an economic development conference in Sacramento.

Council Member Jacobson – Announced Super CPR Saturday, May 21, 2011.

Mayor Pro Tem Fisher – Thanked the Chamber of Commerce for organizing the meeting of a coalition of Downtown Businesses to help promote business in the downtown area.

Mayor Busch – Announced the Hometown Fair this Saturday and the Education Foundation Golf Tournament on Friday. Also reminded the public to vote at the Special Election on May 17th to fill the seat for United States Representative, 36th District.

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have receive 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.

MEMORIALS – NONE

CLOSED SESSION – NONE

ADJOURNMENT at 7:46 p.m.

Cindy Mortesen, City Clerk

AGENDA DESCRIPTION:

Consideration and possible action to (1) accept a donation from El Segundo resident Alex Fowler to build a decorative garden wall, pull weeds, clean the fire pit, install cement cooking pads and a cement pad to store firewood at Camp Eucalyptus, located at 641 California Street, for his Boy Scout Eagle Project; (2) adopt a Resolution to approve the plan for the project; (3) authorize the City Manager to execute a contract with Alex Fowler and his parent/guardian in a form approved by the City Attorney. Fiscal Impact: None

RECOMMENDED COUNCIL ACTION:

1. Approve the acceptance of a donation from Alex Fowler;
2. Adopt Resolution that includes the approval of the project's plan;
3. Authorize the City Manager to execute a contract with Alex Fowler and his parent/guardian in a form approved by the City Attorney;
4. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Letter from Alex Fowler
2. Resolution
3. Site plan provided by Alex Fowler

FISCAL IMPACT:

Amount Budgeted: N/A
Additional Appropriation: N/A
Account Number(s): N/A

ORIGINATED BY: Mark Trujillo, Parks Superintendent *MT*
REVIEWED BY: Bob Cummings, Director of Recreation and Parks *BC*
APPROVED BY: Doug Willmore, City Manager *DW*

BACKGROUND AND DISCUSSION:

Alex Fowler, a resident Boy Scout and Eagle Scout candidate has offered to donate his time and materials to complete the following project at Camp Eucalyptus for his Eagle project:

- Build a decorative wall along the northwest corner of the lot to assist in preventing erosion of the soil onto the walkway.
- Pull weeds from the flower bed on the north side of the building.
- Clear approximately 6 inches of burnt wood out of the fire pit
- Install two (2) 3' x 4' x 4' decorative cement cooking pads
- Install a 2' x 6' x 4' cement pad to stack firewood

Alex Fowler will provide materials and supplies for this project. The project will be completed by a group of 15 – 20 volunteers and managed by Alex Fowler.

To work on public property, Alex Fowler and his parent/guardian will be required to enter into an agreement with the City in a form approved by the City Attorney.

This project will enhance the appearance of Camp Eucalyptus without cost to the City and will provide Alex an Eagle Scout leadership service project.

Alex Fowler
1420 E. Mariposa Ave.
El Segundo, CA 90245

April 22, 2011

El Segundo City Council
348 Main Street
El Segundo, CA 90245

Dear Mayor Bush and Council Members:

My name is Alex Fowler and I am in El Segundo Boy Scout Troop 762. I have been active in scouts since I was five years old and am now ready to plan my Eagle project, the highest rank to attain in scouting.

Boy Scouts require an Eagle project as part of the advancement to Eagle rank. This project is very challenging, yet very rewarding. It is my responsibility to plan, direct, and follow through the project to its successful completion. As part of the project requirements, I must come up with an original service project, get all the necessary approvals from the organization benefitting from the work, the Troop parent committee and scoutmaster, as well as approval by the scout district advancement committee. I come before you to obtain your approval for my service project as described below at Camp Eucalyptus.

My vision is to build a decorative wall along the hill of dirt in the northwest corner of the lot. This garden wall will assist in preventing the erosion of soil onto the walkway. The wall will be constructed from stacking cement garden wall block, which will also be glued. The maximum height would be approximately 24" to 30" along the west side/northwest corner sloping to a minimum height of 8" on the east end.

Other improvements include to pull weeds from the flower bed on the north side of the building, dig approximately 6 inches of burnt wood out of the fire pit, pour two 3' x 4' x 4" decorative cooking pads, and pour a 2' x 6' x 4" cement pad to stack firewood.

I estimate I will need \$700 to cover materials for this project. The funds will be raised through car washes and donations. The labor will be donated from 15 – 20 volunteers I recruit from my Troop and friends. There will be no financial obligation from the City; however, I estimate the value of the improvements to be \$2,500.00.

Your approval for this project is greatly appreciated. I will do a great job and the finished product will last for many generations.

Sincerely,

Alex Fowler

RESOLUTION NO. _____

A RESOLUTION APPROVING THE DESIGN AND PLANS FOR THE CONSTRUCTION OF GARDEN WALL AND OTHER MAINTENANCE IMPROVEMENTS THAT SURROUNDS THE CAMP EUCALYPTUS PARK LOCATED AT 641 CALIFORNIA ST. PURSUANT TO GOVERNMENT CODE § 830.6 AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ALEX FOWLER AND HIS PARENT/GUARDIAN.

The City Council of the City of El Segundo does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

- A. On March 22, 2011, the City received a proposal by Alex Fowler ("VOLUNTEER") to construct a garden wall and improve areas surrounding Camp Eucalyptus Park.
- B. The Project consists of construction of a decorative wall, pull weeds from the flower bed on the north side of the building, dig burnt wood out of the fire pit, pour two decorative cooking pads, and pour cement pad to stack firewood (the "Project");
- C. VOLUNTEER proposes to donate all materials and labor for the Project. The City would not incur any cost;
- D. Based upon information supplied by the VOLUNTEER, the Council understands and believes that the total value of the materials and labor would be \$3,200. Volunteer will utilize additional 15-20 community volunteers.
- E. Ordinarily, the City would need to comply with the competitive bidding requirements set forth in the California Public Contracts Code for this type of project;
- F. The purpose of such bidding requirements is to guard against favoritism, improvidence, extravagance, fraud and corruption, to prevent waste of public funds, and to obtain the best economic result for the public;
- G. The facts and circumstances of this Project, however, demonstrate that competitive bids would be unavailing or would not produce an advantage, and the advertisement for competitive bid would thus be undesirable and impractical for the following reasons:
 - 1. There is, at most, only a nominal cost to the public for the reason that VOLUNTEER will donate all materials and labor;

2. VOLUNTEER will not receive any public funds for completing the Project;
 3. VOLUNTEER's only motivation in constructing the Project is to accomplish charitable works for the City;
 4. It is improbable that any other private contractor can construct the Project for a lesser amount; and
 5. To complete the Project, VOLUNTEER will still be required to comply with the City's standard contract requirements.
- H. In waiving the competitive bid requirements otherwise required by the SPMC, the City Council takes note of the analysis and decisions set forth in *Graydon v. Pasadena Redevelopment Agency* (1980) Cal.App.3d 631; *Hodgeman v. City of San Diego* (1942) 53 Cal. App.2nd 610; *Orange County Water Dist. v. Bennett* (1958) 156 Cal. App.2nd 745; and *Los Angeles G&E Corp. v. City of Los Angeles* (1922) 188 Cal. 307;
- I. The City Engineer designed the Project and prepared the Project's plans and specifications. The plans are now complete and the Project may be constructed;
- J. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 with regard to the plans and construction of the Project; and
- K. In accepting VOLUNTEER's donation of the Project, the City notes that Labor Code § 1720.4 specifically exempts work performed by volunteers from payment of prevailing wages. In addition, the Department of Industrial Relations ("DIR") has determined that prevailing wages need not be paid for the Project (see DIR Decision No. 98-004 dated June 10, 1998 [donated pergola on city property]; and DIR Decision No. 99-058 dated January 7, 2000 [volunteer labor]). Accordingly, the Project is not a "public work" under the Labor Code and 15-20 volunteers need not be paid prevailing wages.

SECTION 2: Design Immunity.

- A. The design and plans for the Project are determined to be consistent with the City's standards and are approved.
- B. The design approval set forth in this Resolution occurred before actual work on the Project construction commenced.
- C. The approval granted by this Resolution conforms with the City's General Plan.
- D. The approval and authorization granted by this Resolution is intended to

avail the City of the immunities set forth in Government Code § 830.6.

SECTION 3: Authorizations.

- A. The City Engineer, or designee, is authorized to act on the City's behalf in approving any alterations or modifications of the design and plans approved by this Resolution.
- B. The City Manager is authorized to execute a contract with VOLUNTEER for construction of the Project in a form approved by the City Attorney.

SECTION 4: The City Clerk is directed to certify the adoption of this Resolution.

SECTION 5: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this 17th day of May, 2011.

Eric Busch, Mayor

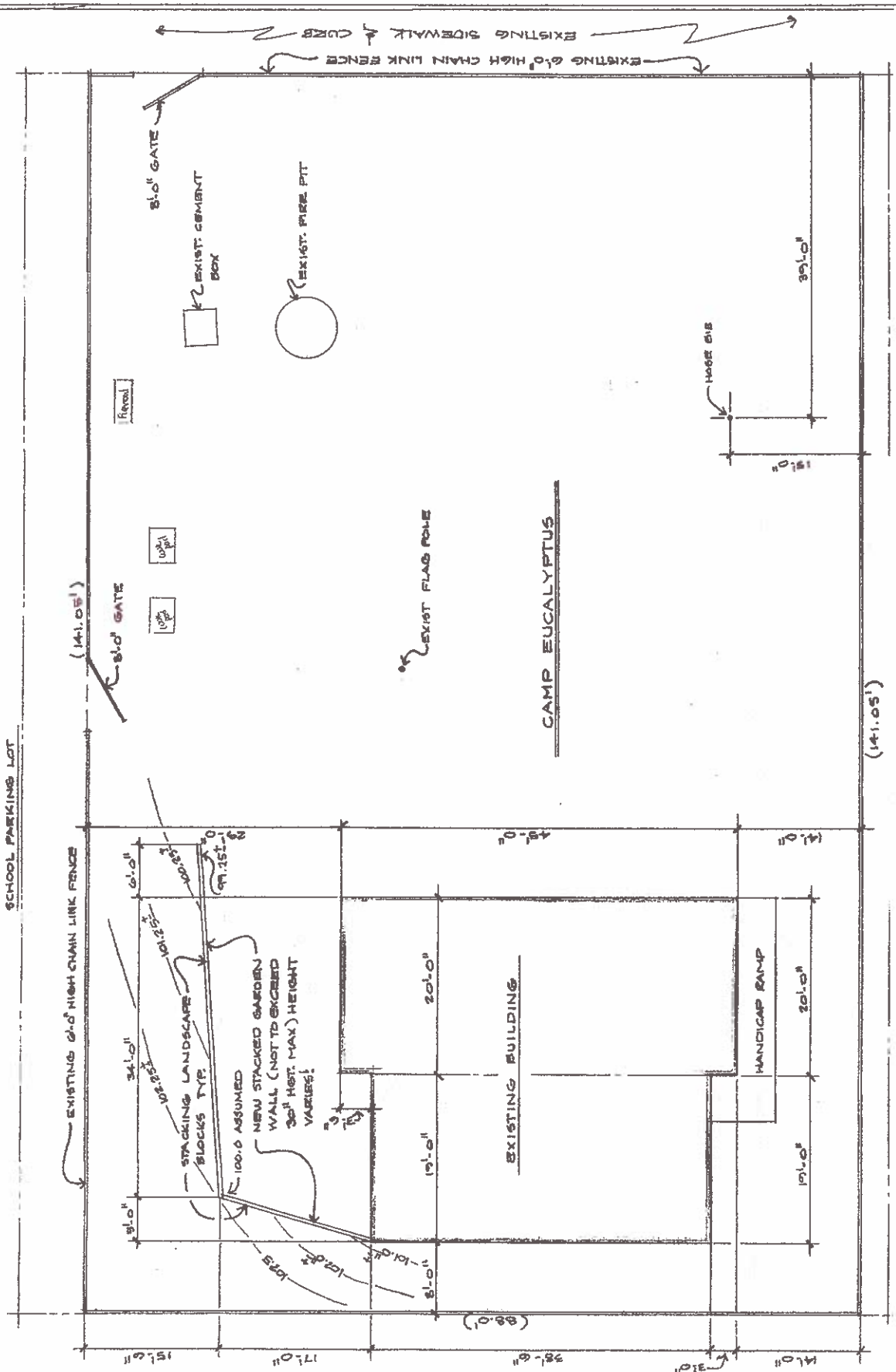
ATTEST:

Cindy Mortesen, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By 
Karl H. Berger, Assistant City Attorney

SCHOOL PARKING LOT



LEGAL DESCRIPTION
 LOT 1 AND N 1/4 30' OF LOT 2,
 TRACT NO. 100982

PLOT / SITE PLAN
 SCALE: 1/8" = 1'-0"

ALEX FOWLER
 EAGLE PROJECT PLAN

CALIFORNIA ST.



AGENDA DESCRIPTION:

Consideration and possible action to accept the proposed donation of materials and labor in the amount of \$4,235.19 from the Toyota Sports Center for installation of a roll-on court surface for the inline hockey rink at Recreation Park.

(Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Accept the proposed donation from the Toyota Sports Center in the amount of \$4,235.19 for materials and labor to install the new hockey rink surface;
2. Adopt the Resolution outlining the scope of work;
3. Authorize the City Manager to execute a contract with Toyota Sports Center in a form approved by the City Attorney;
4. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Resolution

FISCAL IMPACT:

Amount Budgeted: \$0

Additional Appropriation: N/A

Account Number(s): N/A

ORIGINATED BY: Meredith Petit, Recreation Superintendent *MP*

REVIEWED BY: Bob Cummings, Director of Recreation and Parks *BC*

APPROVED BY: Doug Willmore, City Manager *mw*

BACKGROUND AND DISCUSSION:

The Toyota Sports Center (TSC) is in the planning stages of converting their existing inline hockey rink to an ice hockey rink. As a result, TSC is looking for an inline hockey rink in close proximity to host its displaced adult inline hockey league. Toyota Sports Center has submitted a facility reservation permit to reserve the City's inline hockey rink for its upcoming summer season and will pay the current facility rental rate.

In addition to renting the facility for the upcoming season, Toyota Sports Center has also offered to donate materials and labor to install a new epoxy Roll-On surface at the inline hockey rink at Recreation Park to improve rink performance. Resident youth sports groups that use the rink have been consulted by Recreation Staff and are in favor of the improvements and rink usage. Available rink time has been determined by working cooperatively with the youth sports groups that practice and play at the rink to ensure that the needs of all user groups are met.

The new surface would be a Super Base Two Part Epoxy Roll-On Surface. The surface would improve playability by allowing players of all ages the ability to skate faster and have more traction while using the rink. The new surface would be a significant upgrade to the current surface, in which the concrete is in need of repair.

By accepting this donation, Toyota Sports Center would coordinate the project with the appropriate City staff and would be held to the same standards as all Contractors.

RESOLUTION NO. _____

A RESOLUTION APPROVING MAINTENANCE IMPROVEMENT PLANS TO THE ROLLER HOCKEY RINK AT RECREATION AND PARKS LOCATED AT 401 SHELDON ST. PURSUANT TO GOVERNMENT CODE § 830.6 AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TOYOTA SPORTS CENTER.

The City Council of the City of El Segundo does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

- A. On April 19, 2011 the City received a proposal by Toyota Sports Center (TSC) ("VOLUNTEER") to prepare skating floor at Roller Hockey Rink located at Recreation and Parks.
- B. The Project consists of the following: clean concrete floor, paint all lines and circles with red and blue, apply one coat of constant shield, and apply one coat of roll-on clear (the "Project");
- C. VOLUNTEER proposes to donate all materials and labor for the Project. The City would not incur any cost;
- D. Based upon information supplied by the VOLUNTEER, the Council understands and believes that the total value of the materials and labor would be \$4,235.19. VOLUNTEER will utilize their staff of four for three days, eight hours each day.
- E. Ordinarily, the City would need to comply with the competitive bidding requirements set forth in the California Public Contracts Code for this type of project;
- F. The purpose of such bidding requirements is to guard against favoritism, improvidence, extravagance, fraud and corruption, to prevent waste of public funds, and to obtain the best economic result for the public;
- G. The facts and circumstances of this Project, however, demonstrate that competitive bids would be unavailing or would not produce an advantage, and the advertisement for competitive bid would thus be undesirable and impractical for the following reasons:
 - 1. There is, at most, only a nominal cost to the public for the reason that VOLUNTEER will donate all materials and labor;
 - 2. VOLUNTEER will not receive any public funds for completing the Project;

3. VOLUNTEER's only motivation in constructing the Project is to accomplish charitable works for the City;
 4. It is improbable that any other private contractor can construct the Project for a lesser amount; and
 5. To complete the Project, VOLUNTEER will still be required to comply with the City's standard contract requirements.
- H. In waiving the competitive bid requirements otherwise required by the SPMC, the City Council takes note of the analysis and decisions set forth in *Graydon v. Pasadena Redevelopment Agency* (1980) Cal.App.3d 631; *Hodgeman v. City of San Diego* (1942) 53 Cal. App.2nd 610; *Orange County Water Dist. v. Bennett* (1958) 156 Cal. App.2nd 745; and *Los Angeles G&E Corp. v. City of Los Angeles* (1922) 188 Cal. 307;
- I. The City Engineer designed the Project and prepared the Project's plans and specifications. The plans are now complete and the Project may be constructed;
- J. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 with regard to the plans and construction of the Project; and
- K. In accepting VOLUNTEER's donation of the Project, the City notes that Labor Code § 1720.4 specifically exempts work performed by volunteers from payment of prevailing wages. In addition, the Department of Industrial Relations ("DIR") has determined that prevailing wages need not be paid for the Project (see DIR Decision No. 98-004 dated June 10, 1998 [donated pergola on city property]; and DIR Decision No. 99-058 dated January 7, 2000 [volunteer labor]). Accordingly, the Project is not a "public work" under the Labor Code and 15-20 volunteers need not be paid prevailing wages.

SECTION 2: Design Immunity.

- A. The design and plans for the Project are determined to be consistent with the City's standards and are approved.
- B. The design approval set forth in this Resolution occurred before actual work on the Project construction commenced.
- C. The approval granted by this Resolution conforms with the City's General Plan.
- D. The approval and authorization granted by this Resolution is intended to avail the City of the immunities set forth in Government Code § 830.6.

SECTION 3: Authorizations.

- A. The City Engineer, or designee, is authorized to act on the City's behalf in approving any alterations or modifications of the design and plans approved by this Resolution.
- B. The City Manager is authorized to execute a contract with VOLUNTEER for construction of the Project in a form approved by the City Attorney.

SECTION 4: The City Clerk is directed to certify the adoption of this Resolution.

SECTION 5: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of _____, 20__.

Eric Busch, Mayor

ATTEST:

Cindy Mortesen, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By 
Karl H. Berger, Assistant City Attorney

AGENDA DESCRIPTION:

Consideration and possible action to amend the 5-year contract with Nationwide Environmental Services for Street Sweeping services performed citywide. (Fiscal Impact: \$4177.00 this fiscal year, and a total of \$17,476.00 over the next four (4) years.)

RECOMMENDED COUNCIL ACTION:

1. Authorize the City Manager to execute a contract amendment in a form as approved by the City Attorney with Nationwide Environmental Solutions in the amount of \$17,476.00 for fiscal years 2010/11 - 2013/14 based on the existing Street Sweeping Contract.
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:


Contract Amendment

FISCAL IMPACT: Budget Adjustment Required

Amount Budgeted: \$696,188.40
Additional Appropriation: Yes \$17,476.00
Account Number(s): 001-400-4201-6206

ORIGINATED BY: Stephanie Katsouleas, Public Works Director 

REVIEWED BY: Stephanie Katsouleas, Public Works Director

APPROVED BY: Douglas Willmore, City Manager 

BACKGROUND AND DISCUSSION:

In 2003, El Segundo entered a three-year contract with Nationwide Environmental Services for street sweeping services conducted citywide. The contract was renewed in 2006 for an additional three years. Both contracts included annual escalations of 3% in the cost of the services provided. In the last year of the contract, the annual rate for street sweeping had reached \$135,182.00.

In 2009, just prior to the end term of Nationwide's contract, the City released a Request for Proposals (RFP) seeking new quotes from qualified vendors for street sweeping services. The bids received were substantially higher than the City was paying Nationwide (\$259,000 – \$317,000). The City then investigated whether it could piggyback on another local government contract at a lower rate. The lowest rate found was still more than \$190,000. Upon being advised that the City was considering changing contractors, Nationwide proposed a five-year extension at a new base rate of \$139,237.62, which was 3% more than its last contracted rate. The city accepted that proposal and entered into a five-year contract agreement which expires in

2014. The contract amendment stated that other than a change to the base rate, all other contract provisions would remain in effect. However, it has come to light that there is a discrepancy in interpretation of the contract provision. Nationwide thought at the time that it was negotiating the continuance of a 3% annual increase over the five-year term. However, staff has confirmed through the City Attorney that the contract does not specifically allow the 3% annual escalation. Nationwide recently met with staff and requested that this issue be brought forward for consideration and that a contract amendment be approved to include the annual escalation. Staff reviewed email correspondence in 2009 and has concluded that it was the intent of both parties to include the escalation. If approved, at the end of the five-year contract the 2014 total annual street sweeping amount of \$169,244 will still be more than \$20,000 less than the next closest 2009 competitor rate. Therefore, staff recommends approval of the attached 4th Amendment with Nationwide Environmental Services, with a 3% escalation rate as follows:

Year	Annual Base Rate	Monthly Base Rate
2009/10	\$139,237.62	\$11,603.14
2010/11	\$146,199.50	\$12,183.29
2011/12	\$153,509.48	\$12,792.46
2012/13	\$161,184.95	\$13,432.08
2013/14	\$169,244.20	\$14,103.68

**FOURTH AMENDMENT TO
AGREEMENT NO. 3168 BETWEEN
THE CITY OF EL SEGUNDO AND
NATIONWIDE ENVIRONMENTAL SERVICES**

THIS FOURTH AMENDMENT ("Amendment") is made and entered into this first day of June, 2011, by and between the CITY OF EL SEGUNDO, a general law city and municipal corporation existing under the laws of California ("CITY"), and NATIONWIDE ENVIRONMENTAL SERVICES, INC. a California Corporation ("CONTRACTOR").

1. Section 1A: Consideration of Monthly Payment of Agreement No. 3168 ("Agreement"), executed by parties on July 1, 2003 is amended to increase the base monthly amount on an annual basis by 3% as follows:

- i. For the first year of the term (2009/10): The base monthly payment = \$11,603.14
- ii. For the second year of the term (2010/11): The base monthly payment = \$12,183.29
- iii. For the third year of the term (2011/12): The base monthly payment = \$12,792.46
- iv. For the fourth year of the term (2012/13): The base monthly payment = \$13,432.08
- v. For the fifth year of the term (2013/14): The base monthly payment = \$14,103.68

2. The term of this contract will remain in effect through September 30, 2014. The City may exercise an option to renew this Agreement for an additional five (5) years for a total of (10) years. The City must notify Contractor of exercising such option thirty (30) days before the initial term expires.

3. This Amendment may be executed in any number or counterparts, each of which will be an original, but all of which together constitutes one instrument executed on the same date.

4. Except as modified by this Amendment, all other terms and conditions of Agreement No. 3898 remain the same.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF EL SEGUNDO

Doug Willmore
City Manager

ATTEST:

Cindy Mortesen,
City Clerk

Taxpayer ID No. _____

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By: _____
Karl H. Berger, Assistant City Attorney

AGENDA DESCRIPTION:

Consideration and possible action to approve a request from the Center Street School Parent Teachers Association (PTA) to waive the banner fee per El Segundo Municipal Code section 8-8-7 D1.
(Fiscal Impact: \$178.00)

RECOMMENDED COUNCIL ACTION:

1. Approve the request to waive the banner user fees per El Segundo Municipal Code Section 8-8-7 D1.
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:


Letter from the Center School PTA

FISCAL IMPACT: Budget Adjustment Required

Amount Requested: \$178.00 (requesting to be waived)

Additional Appropriation: No

Account Number(s):

ORIGINATED BY: Maryam M. Jonas, Principal Engineer 

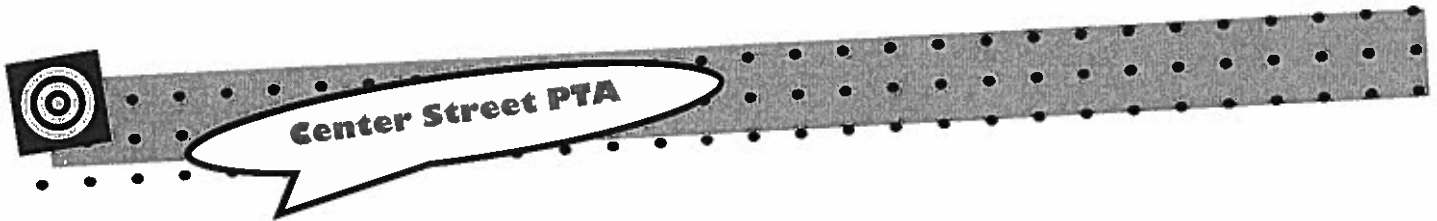
REVIEWED BY: Stephanie Katsouleas, Public Works Director 

APPROVED BY: Doug Willmore, City Manager 

BACKGROUND AND DISCUSSION:

The City of El Segundo has been approached by Ms. Gilda Dyckman, Center Street PTA Treasurer, requesting a \$178.00 fee waiver for the use of City banner poles on Main Street in front of the El Segundo High School. The banner, announcing the PTA Annual Ice Cream Social on June 10th at Center Street School, would be hung from May 31 to June 12, 2011.

The Annual Ice Cream Social is the major fundraiser event for the school and is supported by the community and businesses. Proceeds from this event allow the PTA to purchase the school's paper supply for the entire school year as well as other items not funded through the school district budget.



March 28, 2011

El Segundo City Council

Dear Ms. Jennings,

On behalf of Center Street School PTA, we would like to request to the Council to waive the fee to hang a banner over Main Street. I have already made the reservation to hang the banner for the week of May 31-June 12, 2010. Our banner is to advertise our annual Ice Cream Social at Center Street School on June 10th, from 5pm-8pm. This event is organized by our school's PTA and the proceeds raised from this event will help fund our field trip school buses for each Kinder-5th grade, approximately 28 classes taking 2 field trips per school year for next school year (2011-2012).

Our PTA continues through the school year to grant our school & teacher's wish list that the school district may not be able to pay for through their budget. This year we were able to grant 5000.00 to purchase smart boards in our remaining classrooms and purchase our school paper supply for the entire school year (approximate \$10,000.00). These are just a few things that we do to support our children and campus at Center Street School.

Thanking you in advance for your consideration in waiving this fee.

Sincerely,

Gilda Dyckman
CSS PTA Treasure & Ice Cream Coordinator

C/O Center Street School
700 Center Street
El Segundo, CA 90245

310-615-2676
310-640-9105 fax

ITEM TO BE DELIVERED UNDER SEPARATE COVER

F. NEW BUSINESS

9. **Consideration and possible action regarding the presentation of fiscal year 2010-2011 Midyear Financial Review and approval of fiscal year 2011-2012 Budget Calendar. (Fiscal Impact: None)**

Recommendation – (1) Receive and file FY 2010-2011 Midyear Financial staff report; (2) Direct staff to proceed with Fiscal Year 2011-2012 Budget Calendar; (3) Alternatively discuss and take other action related to this item