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, November 20, 2012 – 5:00 PM

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 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) -1- matter

1. 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): -0- matter.

Initiation of litigation pursuant to Government Code §54956.9(c): -2- 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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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, November 20, 2012 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Tracy Weaver, City Clerk

PLEDGE OF ALLEGIANCE – Council Member Atkinson
PRESENTATIONS

a) Presentation - The City Council recognizes Mattel, Inc., as the sponsor for the annual Holiday Tree Lighting event with the presentation of a plaque.

b) Presentation - Sue Carter, Past President of the Friends of the Library, will be discussing a fundraising campaign to convert the El Segundo Herald on microfilm to digital access on the Library’s webpage.

c) Presentation – The Los Angeles County Metropolitan Transportation Authority is examining ways to connect the growing Metro Rail system to LAX.

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)

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.
1. Warrant Numbers 2590099 to 2590282 on Register No. 3 in the total amount of $562,462.49 and Wire Transfers from 10/26/12 through 11/08/12 in the total amount of $1,287,265.14.

Recommendation – Approve Warrant Demand Register 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.


Recommendation – Approval.

3. Consideration and possible action regarding the approval of an amendment to extend Median Landscape Maintenance Agreement No. 2513 between the City of El Segundo and the City of Manhattan Beach for median landscape maintenance on Rosecrans Avenue between Highland Avenue and Aviation Boulevard for a 10-year period.

(Fiscal Impact: Included in adopted budget)

Recommendation – 1) Approve the Amendment to extend Median Landscape Maintenance Agreement No. 2513 between the City of El Segundo and the City of Manhattan Beach for a 10-year period; 2) Authorize the City Manager to execute the Amendment on behalf of the City of El Segundo; 3) Alternatively, discuss and take other action related to this item.

4. Consideration and possible action to Adopt a resolution approving plans and specifications rehabilitating Aviation Boulevard from El Segundo Boulevard to Rosecrans Avenue.

(Fiscal Impact: $0)

Recommendation – 1) Adopt draft resolution approving plans and specifications; 2) Alternatively, discuss and take other action related to this item.

F. NEW BUSINESS

5. Presentation regarding the El Segundo South Campus Specific Plan Project. Applicant: Raytheon Corporation.

(Fiscal Impact: N/A)

Recommendation – 1) Receive and File Presentation; 2) Alternatively, discuss and take other action related to this item.
6. Consideration and possible action to adopt an urgency ordinance deleting the ten minute parking restriction on food trucks based upon changes in the California Vehicle Code and direct staff to return to Council within the next ninety to one hundred eight days with a proposed new ordinance that would regulate parking for food trucks.  
(Fiscal Impact: None)  
Recommendation – 1) Adopt the Urgency Ordinance amending E.S.M.C. Section 8-5-163A and declaring the urgency thereof; 2) Direct Staff to study the public safety impacts associated with mobile vending from vehicles and return with a proposed ordinance to regulate same; 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 Fellhauer -

Council Member Atkinson –

Council Member Fisher –

Mayor Pro Tem Fuentes –

Mayor Jacobson –
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 –

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: 11.14.12
TIME: 12:15 pm
NAME: [signature]

7
Presentation

The City Council recognizes Mattel, Inc., as the sponsor for the annual Holiday Tree Lighting event with the presentation of a plaque.
Presentation

Sue Carter, Past President of the Friends of the Library, will be discussing a fundraising campaign to convert the *El Segundo Herald* on microfilm to digital access on the Library’s webpage.
Presentation

The Los Angeles County Metropolitan Transportation Authority is examining ways to connect the growing Metro Rail system to LAX.
## CITY OF EL SEGUNDO
### WARRANTS TOTALS BY FUND

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### 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 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 prompt 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: ___________________________ CITY MANAGER: ___________________________

**DATE:** 11/15/12 **DATE:** 11/15/12

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**VOID CHECKS DUE TO ALIGNMENT:**

**VOID CHECKS DUE TO INCORRECT CHECK DATE:**

**VOID CHECKS DUE TO COMPUTER SOFTWARE ERROR:**

**NOTES:**

[Signature]

**Debrah Hill**
FINANCE DIRECTOR

**Craig D. Mann**
CITY MANAGER
CITY OF EL SEGUNDO
PAYMENTS BY WIRE TRANSFER
10/26/12 THROUGH 11/08/12

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DATE OF RATIFICATION: 11/20/12
TOTAL PAYMENTS BY WIRE: 1,287,265.14

Certified as to the accuracy of the wire transfers by:

Deputy City Treasurer

Director of Finance

City Manager

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, November 6, 2012 – 5:00 PM

5:00 P.M. SESSION

Adjourned to 6:00 PM due to lack of quorum.

CALL TO ORDER – Mayor Jacobson at 6:00 PM

ROLL CALL

Mayor Jacobson - Present
Mayor Pro Tem - Present
Council Member Fisher - Present
Council Member Atkinson - Present
Council Member Fellhauer - Present

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Mayor Jacobson announced that Council would be meeting in closed session pursuant to the items listed on the agenda.

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): -0- matter.

Initiation of litigation pursuant to Government Code §54956.9(c): -2- matter.

DISCUSSION OF PERSONNEL MATTERS (Gov't Code §54957): -1- matter
Request for unpaid leave (pursuant to El Segundo Municipal Code
Section 1-6-20)
  Position/Title: Police Officer

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): -1- matters
Sale or Lease of City Owned Property (Price and Terms):
  Real Property: City owned parking lot at Corner of Main Street and Grand Avenue
  (Assessor Parcel Number: 4135-003-901)
  City's Negotiator: Greg Carpenter, City Manager

Adjournment at 6:55 PM
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, November 6, 2012 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER – Mayor Jacobson at 7:01 PM

INVOCATION – Father Alexei Smith, St. Andrew Russian Greek Catholic Church

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Fuentes

PRESENTATIONS

a) Mayor Jacobson presented the Proclamation for Spark of Love Toy Drive to Fire Chief Smith.


c) Presentation by Walter Rosenkrantz – Car 2 Go Program.


ROLL CALL

Mayor Jacobson - Present
Mayor Pro Tem - Present
Council Member Fisher - Present
Council Member Atkinson - Present
Council Member Fellhauer - Present

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Samantha Cano, Newly Elected Youth Director for Tree Musketeers – Reported Mulching is November’s topic for Tree Musketeers.

Carlos Donahue – Chairperson for Run for Education – gave an update on the Race for 2013. Mr. Donahue had a few requests of the City for the 2013 race. Mayor Jacobson instructed City Manager, Greg Carpenter, to have staff price out the requests made by Mr. Donahue.

Sam Pena – Republic Services – spoke on items coming up for the rest of 2012.

A. **PROCEDURAL MOTIONS**

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

**MOTION** by Mayor Pro Tem Fuentes, **SECONDED** by Council Member Fellhauer 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 1) Approval of a Memorandum of Understanding (Labor Agreement) between the City of El Segundo and the California Teamsters Public, Professional a Employees’ Association (SPEA) bargaining unit; 2) Adoption of a Resolution approving the Memorandum of Understanding; 3) Adoption of a Resolution establishing the salary for Environmental Safety Manager; and 4) Adoption of a Resolution for CalPERS Employer Paid Member Contribution for Supervisory and Professional Employees’ Association.
   (Fiscal Impact: Estimated Savings FY 2012/2013 of $339,900.00)

Debra Cullen, Director of Finance, gave a brief explanation.

**MOTION** by Council Member Fellhauer, **SECONDED** by Council Member Atkinson to adopt Resolution No. 4795 approving the Memorandum of Understanding No. 4348, Adopted Resolution No. 4796 establishing the salary for Environmental Safety Manager, and Adopted Resolution No. 4797 for CalPERS Employer Paid Member Contribution. **MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.**

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 2589674 - 2590098 on Register No. 2 in the total amount of $2,385,035.62 and Wire Transfers from 10/04/2012 through 10/25/2012 in the total amount of $3,225,231.05. 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. Authorized the City Manager to sign Supplemental Agreement No. 4001A with the City of Los Angeles who serves as grant administrator for the Urban Area Security Initiative 2008 grant program. (Fiscal Impact: N/A)

5. Adopted Resolution No. 4798 to approve a Youth Employment Plan in accordance with the Los Angeles County Regional Park and Open Space District’s Procedural Grant Guide for Youth Employment Policy. (Fiscal Impact: None)

6. Authorized the City Manager to sign and enter into Agreement, No. 4345 reviewed by the City Attorney, with the American Red Cross to use the Joslyn Community Center and the Gordon Clubhouse facilities as emergency shelters in the event of a disaster in El Segundo. (Fiscal Impact: None)

7. Received and filed a report regarding the emergency repair of fuel pumps at the Maintenance Yard. (Fiscal Impact: $1,158.68)

8. Authorized the City Clerk to file the City’s Planning and Building Safety Director’s Notice of Completion in the County Recorder’s Office and authorized the City Manager, or designee, to close out Project No. RSI 12-02. (Fiscal Impact: $1,517,879.19)

MOTION by Council Member Fellhauer, SECONDED by Mayor Pro Tem Fuentes to approved Consent Agenda items 1, 2, 3, 4, 5, 6, 7, and 8. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.
NEW BUSINESS

9. Consideration and possible action to adopt a resolution of intent to approve an amendment to the contract between the California Public Employees' Retirement System (CalPERS) and the City of El Segundo to provide Government Code § 20475 (Different Level of Benefits for the 2% @ 60 formula) for Local Miscellaneous Members entering into membership after the effective date of the Contract. Introduced and waived first reading of an ordinance amending the contract between the City and CalPERS and scheduled second reading and adoption for December 4, 2012.
(Fiscal Impact: None for Fiscal Year 2012/13)

Debra Cullen, Director of Finance, gave a brief explanation

MOTION by Mayor Pro Tem Fuentes, SECONDED by Council Member Fellhauer to adopt Resolution of Intent No. 4799. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Council Member Fellhauer Introduced Ordinance No. 1472 amending the Contract between the City of El Segundo and CalPERS. Second reading and adoption scheduled for December 4, 2012.

REPORTS – CITY MANAGER – Mentioned the City’s Web Site now has a new feature, the Virtual City Hall tab for our online services.

REPORTS – CITY ATTORNEY - None

REPORTS – CITY CLERK - None

REPORTS – CITY TREASURER - None

REPORTS – CITY COUNCIL MEMBERS -

Council Member Fellhauer – spoke regarding Independent Cities Association, President Jay Gomez, is a having Press Conference on November 15, 2012 regarding AB109.

Council Member Atkinson –

10. Consideration and possible action regarding the recommendation to implement a surcharge to design and construct the City’s One Stop Permit Center.
(Fiscal Impact: None)
A verbal directive, by Council, to staff to initiate a study and bring back to council a fee resolution to adopt a temporary surcharge in order to design and construct the City's One Stop Permit Center.

Council Member Fisher – None

Mayor Pro Tem Fuentes – Attended the Fire Fighter's Association Retirement Event, attended the South Bay Workforce Investment Board's Award Event and attended "Salute to the Military" Chamber of Commerce Luncheon. Spoke on preparing for a Natural Disaster.

Mayor Jacobson – Mentioned that the legislature and Governor signed a bill that would add a $1.00 surcharge for all Business Licenses. Attended the Fire Fighter's Association Retirement Event.

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.

None

MEMORIALS – None

ADJOURNMENT at 8:45 PM

Tracy Weaver, City Clerk
SPECIAL MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, OCTOBER 30, 2012 – 5:00 PM

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

ROLL CALL

Mayor Jacobson - Present
Mayor Pro Tem - Present
Council Member Fisher - Present
Council Member Atkinson - Present
Council Member Fellhauer - 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.

Mayor Jacobson announced 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) -0- matter

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
OCTOBER 30, 2012
PAGE NO. 1
20
CONFERENCE WITH CITY'S LABOR NEGOTIATOR (Gov't Code §54957.6): -0-matter

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

REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)

Council Moved to open session.

OPEN SESSION - 6:38 P.M.

SPECIAL MATTERS

1. Conducted an Energy Efficiency Workshop — Mark Casias — Project Manager for the City of El Segundo Strategic Plan Program, Patrick Stoner — California’s Statewide Local Government Energy Efficiency Best Practices Coordinator and Sam Lee — Director of Planning and Building Safety for the city of El Segundo were presenters for the workshop.

Council received and filed presentation.

ADJOURNMENT at 8:05 p.m.

______________________________

Tracy Weaver, City Clerk
AGENDA DESCRIPTION:

Consideration and possible action regarding the approval of an amendment to extend Median Landscape Maintenance Agreement No. 2513 between the City of El Segundo and the City of Manhattan Beach for median landscape maintenance on Rosecrans Avenue between Highland Avenue and Aviation Boulevard for a 10-year period. (Fiscal Impact: Included in adopted budget)

RECOMMENDED COUNCIL ACTION:

1. Approve the Amendment to extend Median Landscape Maintenance Agreement No. 2513 between the City of El Segundo and the City of Manhattan Beach for a 10-year period.
2. Authorize the City Manager to execute the Amendment on behalf of the City of El Segundo.
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Second Amendment to Agreement between The City of El Segundo and The City of Manhattan Beach (2002-2012).

FISCAL IMPACT: Included in adopted budget

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

PREPARED BY: Mark Trujillo, Parks Superintendent
REVIEWED BY: Bob Cummings, Director of Recreation and Parks
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND & DISCUSSION:

The Cities of El Segundo and Manhattan Beach entered into a 20-year Median Landscape Maintenance Agreement on May 3, 1977 in which the City of Manhattan Beach maintains the median on Rosecrans Avenue from Highland Avenue to Sepulveda Boulevard and the City of El Segundo maintains the median from Sepulveda Boulevard to Aviation Boulevard.

An extension of the agreement between the Cities was entered into on June 16, 1997 and expired on June 30, 2002. A second amendment between the Cities was entered into on November 19, 2002 and will expire on November 19, 2012. Staff from both Cities believe this agreement has been mutually beneficial and recommend extending the term of Agreement No. 2513 for a 10-year period.
SECOND AMENDMENT TO
AGREEMENT NO. 2513 BETWEEN
THE CITY OF EL SEGUNDO AND THE CITY OF MANHATTAN BEACH
FOR MEDIAN LANDSCAPE MAINTENANCE OF ROSECRANS AVENUE BETWEEN
HIGHLAND AVENUE AND AVIATION BOULEVARD

THIS SECOND AMENDMENT ("Amendment") is made and entered into this 19th day of
November 2002, by and between the CITY OF EL SEGUNDO, a general law city and municipal
corporation existing under the laws of California, and the CITY OF REDONDO BEACH, a general
law city and municipal corporation existing under the laws of California.

1. This Amendment extends the term of Agreement No. 2513 until November 19, 2012

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

3. Except as modified by this Amendment, all other terms and conditions of Agreement No
2513 will remain the same.

CITY OF EL SEGUNDO,
a general law city

Mary Strenn,
City Manager

ATTEST

Cindy Mortesen,
City Clerk

CITY OF MANHATTAN BEACH
a general law city

APPROVED AS TO FORM
Mark D. Hensley, City Attorney

By
Karl H. Berger,
Assistant City Attorney
EXTENSION OF AGREEMENT BETWEEN THE CITIES OF MANHATTAN BEACH AND EL SEGUNDO FOR THE MEDIAN LANDSCAPE MAINTENANCE OF ROSECRAINS AVENUE BETWEEN HIGHLAND AVENUE AND AVIATION BOULEVARD

This AGREEMENT, made and entered into this 16th day of JUNE, 1997 between the CITY OF MANHATTAN BEACH and THE CITY OF EL SEGUNDO, municipal corporations of the County of Los Angeles, State of California, is made with respect to the following facts

1 On May 3, 1977, the parties entered into an agreement to provide for median landscape maintenance of Rosecrans Avenue between Highland Avenue and Aviation Boulevard ("Original Agreement") This Original Agreement is set to expire on June 30, 1997.

2 The parties desire to extend the term of the Original Agreement for a period of five (5) years

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

A The term of the Original Agreement shall hereby be extended for a period of five (5) years so that the term of the Original Agreement shall now expire on June 30, 2002.

The CITY OF MANHATTAN BEACH and The CITY OF EL SEGUNDO have caused this AGREEMENT to be approved by the City Councils of said cities with the authority that the same may be executed by the respective Mayors and City Clerks of said Cities.

Attest. CITY OF MANHATTAN BEACH

[Signature]
City Clerk

Attest. CITY OF EL SEGUNDO

[Signature]
City Clerk

[Seal]

[Signature]
Mayor
AGREEMENT BETWEEN THE CITIES OF
MANHATTAN BEACH AND EL SEGUNDO

FOR THE MEDIAN LANDSCAPE MAINTENANCE OF ROSECRA NS
AVENUE BETWEEN HIGHLAND AVENUE AND AVIATION BOULEVARD

THIS AGREEMENT, made and entered into this 3rd day of May, 1977, between the CITY OF MANHATTAN BEACH and the CITY OF EL SEGUNDO, municipal corporations of the County of Los Angeles, State of California, is made with respect to the following facts:

1. Rosecrans Avenue, between Aviation Boulevard and Highland Avenue is on the Select System of Streets for the Cities of Manhattan Beach and El Segundo with the City boundary generally coinciding with the center line of Rosecrans Avenue.

2. The two cities desire to jointly maintain median island landscaping, irrigation system and appurtenances on Rosecrans Avenue between Aviation Boulevard and Highland Avenue.

3. Title 1, Division 7, Chapter 5, Article 1 of the Government Code of the State of California (Sections 6500 to 6513, Inclusive, providing for joint powers agreements between public agencies as defined in Section 6500 of the Government Code) gives authority for the joint accomplishment such projects.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

A. The scope of the landscape maintenance shall include all trees, shrubs and ground cover, irrigation system, water supply and appurtenances within the median island of Rosecrans Avenue between Aviation Boulevard and Highland Avenue.

B. The City of Manhattan Beach shall perform all maintenance functions for the Rosecrans Avenue landscaped median from Highland Avenue to Sepulveda Boulevard.
C. The City of El Segundo shall perform all maintenance functions for the Rosecrans Avenue landscaped median from Sepulveda Boulevard to Aviation Boulevard.

D. It is mutually understood and agreed that any major changes in the type or amount of landscaping as it exists shall be done only with the concurrence of both parties.

E. This contract shall become effective on the date mentioned above and shall run for a twenty (20) year period beginning July 1, 1977 and ending June 30, 1997.

F. Notwithstanding the provisions of Paragraph C above, either party may terminate this agreement as of the first day of July of any year upon notice in writing to the other party of not less than two (2) calendar months prior to the date of termination.

The CITY OF MANHATTAN BEACH and the CITY OF EL SEGUNDO have caused this agreement to be approved by the City Councils of said Cities with authority that the same be executed by the respective Mayors and City Clerks of said Cities, the day and year first hereinafter written.

ATTEST: CITY OF MANHATTAN BEACH

[Signature]
City Clerk

(SEAL)

[Signature]
Mayor

ATTEST: CITY OF EL SEGUNDO

[Signature]
City Clerk

[Signature]
Mayor Pro Tempore

(SEAL)
AGENDA DESCRIPTION:

Consideration and possible action to adopt a resolution approving plans and specifications rehabilitating Aviation Boulevard from El Segundo Boulevard to Rosecrans Avenue. (Fiscal Impact $0)

RECOMMENDED COUNCIL ACTION:

1. Adopt draft resolution approving plans and specifications.
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Location Map
Resolution

FISCAL IMPACT: None

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

ORIGINATED BY:  Arianne Bola, Associate Engineer  
REVIEWED BY:  Stephanie Katsouleas, Public Works Director  
APPROVED BY:  Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

Aviation Boulevard is major arterial in El Segundo and a high priority for rehabilitation. On October 2, 2012, City Council awarded a contract to Shawnan for the rehabilitation of a portion of Aviation Blvd., between 116th and El Segundo Blvd. However, because the lowest bid was less than expected, a residual $50,000.00 in Proposition C funding is still available for street rehabilitation. Staff proposes to continue the street rehabilitation project on Aviation Blvd. to include the segment between El Segundo Blvd. and Rosecrans. This southern segment has a Pavement Condition index (PCI) of 31 out of 100 with potholes and alligator cracking throughout its length. Agencies typically attempt to keep a street’s average PCI above 65, which is “good to fair.” Those Prop C funds for street rehabilitation are set to expire and must be used by February 2013. Staff estimates that the additional work will cost approximately $200,000 and has identified available Gas Tax funds to cover the Prop C shortfall. In addition to annual slurry seals and sidewalk repairs, Gas Tax funds are allocated to the highest priority major arterial street repairs in El Segundo, of which Aviation Blvd. is second only to El Segundo Blvd. Notwithstanding the availability of Prop C funds, Aviation would have been the next road segment recommended for restoration given the City’s available budget for street repairs and the road’s PCI rating.
RESOLUTION NO. ___

A RESOLUTION APPROVING THE DESIGN AND PLANS FOR STREET REHABILITATION WITHIN CITY FACILITIES PURSUANT TO GOVERNMENT CODE § 830.6.

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

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

A. City staff has prepared bid specifications for the street rehabilitation project proposed on Aviation Boulevard between El Segundo Boulevard and Rosecrans ("Project");

B. The City Engineer reviewed the completed design and plans for the Project and agrees with staff that the plans are complete and the Project may be constructed;

C. 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.

SECTION 2: Environmental Assessment. The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities); and § 15303 as a Class 3 categorical exemption (New Construction or Conversion of Small Structures). The project results in minor alterations to operations of existing public facilities involving no significant expansion of the existing use. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

SECTION 3: Design Immunity; Authorization.

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 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.

E. The approval and authorization granted by this Resolution is intended to avail the City of the immunities set forth in Government Code § 830.6.
F. The City Manager, or designee, may solicit bids for the Project in accordance with applicable law.

SECTION 4: Project Payment Account. For purposes of the Contract Documents administering the Project, the City Council directs the City Manager, or designee, to establish a fund containing sufficient monies from the current fiscal year budget to pay for the Project ("Project Payment Account"). The Project Payment Account is the sole source of funds available for the Contract Sum, as defined in the Contract Document administering the Project.

SECTION 5: The City Clerk is directed to certify the adoption of this Resolution.

SECTION 6: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this ___ day of __________, 20__.

______________________________
Carl Jacobson, Mayor

ATTEST:

______________________________
Tracy Weaver, City Clerk

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

By: ____________________________
Karl H. Berger, Assistant City Attorney
AGENDA HEADING: New Business

AGENDA DESCRIPTION: Presentation regarding the El Segundo South Campus Specific Plan Project. Applicant: Raytheon Corporation. (Fiscal Impact: N/A)

RECOMMENDED COUNCIL ACTION:

1. Receive and file presentation.
AGENDA DESCRIPTION:
Consideration and possible action to adopt an urgency ordinance deleting the ten minute parking restriction on food trucks based upon changes in the California Vehicle Code and direct staff to return to Council within the next ninety to one hundred eighty days with a proposed new ordinance that would regulate parking for food trucks. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Adopt the Urgency Ordinance amending E.S.M.C Section 8-5-163A and declaring the urgency thereof;
2. Direct staff to study the public safety impacts associated with mobile vending from vehicles and return with a proposed ordinance to regulate same;
3. Alternatively, discuss and take other possible action related to this item

ATTACHED SUPPORTING DOCUMENTS:
Ordinance No. XXXX

FISCAL IMPACT: Included in Adopted Budget
Amount Budgeted: $
Additional Appropriation: N/A
Account Number(s):

ORIGINATED BY: Mark Hensley, City Attorney
REVIEWED BY: 
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
Gourmet food trucks have gained considerable popularity over the last several years, particularly in the Los Angeles metropolitan area. Gourmet trucks tend to stay in one location for longer periods of time than traditional catering trucks, longer than the current ten minutes allowed by the City’s Code.

The City’s current regulations limit vending from any parked vehicle, wagon or pushcart on public streets to 10-minutes only while the vendor conducts business with a bona fide purchaser. This provision, which was adopted in 1967, can be found at E.S.M.C. Section 8-5-13A.

California Vehicle Code Section 22455 allows municipalities to regulate the time, place and manner of mobile vending from vehicles on public streets in order to protect public safety. Section 22455 was adopted in 1984, and most recently amended in 2008 to better address the statewide influx of gourmet food trucks. Since E.S.M.C. Section 8-5-13A was adopted many
years before the Vehicle Code provisions, the City’s Code does not contain any findings to demonstrate a public safety justification for the 10-minute limit on mobile vendors.

As a result, the Southern California Mobile Food Vendors Association has filed a lawsuit against the City asking the court to invalidate El Segundo Municipal Code Section 8-5-13A, to grant a permanent and preliminary injunction prohibiting enforcement of the subject Code provision, and to require the City to pay the costs of suit and attorney’s fees under Section 1021.5 of the Code of Civil Procedure.

Rather than spend a significant amount of money to defend the outdated regulations, the City Attorney’s Office is recommending that the Council consider adopting an urgency ordinance to immediately repeal the 10-minute limit as applied to vending vehicles only. Under the proposed ordinance, the 10-minute limit would still apply to wagons and pushcarts, which are not covered by the Vehicle Code. Notwithstanding the pending lawsuit concerning the outdated regulations, mobile vendors have not demonstrated a significant desire to vend in El Segundo. The City has only issued one citation in many years for a 10-minute rule violation, which is what brought the issue to the Association’s attention. California Streets & Highways Code Section 731 declares vending on any state highway to be a public nuisance and a misdemeanor, which precludes vending along the Pacific Coast Highway/Sepulveda corridor (State Highway 1). Existing parking restrictions (for example, time limits, street sweeping, etc.) also remain in effect for all vehicles, including mobile vendors. Thus, based upon discussions with the Police Department, staff does not anticipate a significant increase in mobile vending trucks following adoption of this urgency ordinance.

Manhattan Beach recently repealed similar outdated Code provisions in favor of more modern regulations for mobile vendors, and the City of Hermosa Beach is in the process of replacing its 10-minute rule with more comprehensive regulations. While lawsuits were not filed against Manhattan Beach and Hermosa Beach, the Association advocated for those cities to repeal outdated Code provisions and craft more modern, safety-focused regulations.

Adoption of this ordinance requires a 4/5 vote of the City Council. By adopting this urgency ordinance, the lawsuit against the City would become moot, and the City could instead focus its resources on studying the issue, identifying the public safety impacts associated with mobile vendors (i.e. food trucks) and creating a new set of regulations to more appropriately govern the modern food truck business.
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO AMENDING SECTION 8-5-13A OF THE EL SEGUNDO MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF.

THE CITY COUNCIL OF THE CITY OF EL SEGUNDO DOES ORDAIN AS FOLLOWS:

Section 1. Subsection A of Section 8-5-13 of Chapter 5 of Title 8 of the El Segundo Municipal Code, and the Title of Section 8-5-13, is amended to read as follows:

8-5-13: GOODS SOLD FROM WAGONS OR PUSHCARTS:

A. Prohibited; Exception: Except as otherwise provided in this Code, no person shall stand or park any wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, on any portion of any street within the City, except that such wagons or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten (10) minutes at any one place. The provisions of this subsection shall not apply to persons delivering the articles upon order of, or by agreement with, a customer from a store or other fixed place of business or distribution.

Section 2. Urgency finding. The ordinance shall take effect immediately to protect the city from an immediate threat of liability associated with outdated regulations that predate state laws governing vending from vehicles on public streets. In the matter of Socal Mobile Food Vendors Association v. the City of El Segundo, the Association has filed a complaint against the City asking the court to invalidate El Segundo Municipal Code Section 8-5-13A, to grant a permanent and preliminary injunction prohibiting enforcement of the subject Code provision. Section 8-5-13A was adopted in 1967 and predates certain state laws governing the regulation of the time, place and manner of regulating mobile vending from vehicles on public streets for public safety purposes. Failure to remove the restrictions on mobile vending as applied to vehicles would require the City to immediately expend considerable amounts of money during an impending fiscal crisis to defend the outdated provisions that were not drafted to comply with modern state vending regulations. Such a result would be harmful to public health, safety, and welfare in that it would waste much needed public funds without providing any benefit to the public. This Ordinance is an urgency ordinance adopted pursuant to Government Code Section 36937.

Section 3. California Environmental Quality Act Exemption. The City Council determines that this ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the “CEQA Guidelines”) because it consists only of minor revisions to an existing parking regulation for one class of vehicles. Notwithstanding the pending lawsuit concerning the repeal of outdated regulations, mobile vendors have not demonstrated a significant desire to vend in El Segundo. The City has only issued one citation in many years for a 10-minute rule violation. California Streets & Highways Code Section 731 declares vending on any state highway to be a public nuisance and a
misdemeanor, which precludes vending along the Pacific Coast Highway/Sepulveda corridor (State Highway 1). Existing parking restrictions (i.e. time limits, meters, etc.) also remain in effect for all vehicles, including mobile vendors. Thus, the Council does not anticipate a significant increase in mobile vending trucks following adoption of this urgency ordinance. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt in accordance with CEQA Guidelines §§ 15061(b)(3); 15305 as a minor alteration in land use limitations which do not result in any changes in land use or density; and 15308 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment.

Section 4. In accordance with Government Code Section 36937, this ordinance shall be effective upon adoption for the immediate preservation of the public peace, health, safety, and welfare. Pursuant to Government Code § 36937(b), this Ordinance is adopted by a four-fifths vote.

Section 5. The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED AND ADOPTED this _____ day of ______________, 2012.

__________________________________________
Carl Jacobson, Mayor

ATTEST:

__________________________________________
, City Clerk

APPROVED AS TO FORM:

__________________________________________
Mark Hensley, City Attorney