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, December 4, 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 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) -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
AGENDA
EL SEGUNDO CITY COUNCIL
COUNCIL CHAMBERS - 350 Main Street

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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, December 4, 2012 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – John Svendsen, Pastor – First Baptist Church

PLEDGE OF ALLEGIANCE – Council Member Fellhauer
PRESENTATIONS

a) Proclamation – Karl Jacobs, El Segundo Police Department’s RSVP of the Year.
b) Proclamation – Candy Cane Lane opens December 8, 2012.
c) Proclamation – Annual Holiday Parade December 9, 2012
e) Presentation – Megan Berry from Muscular Dystrophy Association, regarding Fill-the-Boot campaign.

ROLL CALL

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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

1. Consideration and possible action to 1) adopt an ordinance approving 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; 2) adopt an urgency ordinance amending the contract between the City and CalPERS; 3) take such additional, related, action that may be desirable.
(Fiscal Impact: None for Fiscal Year 2012/13)
Recommendation – 1) Waive Second Reading and Adoption of the Ordinance; 2) Adopt the Urgency Ordinance; 3) Alternatively, discuss and take other action related to this item.

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. Warrant Numbers 2590283 to 2590471on Register No. 4 in the total amount of $1,347,196.21 and Wire Transfers from 11/08/2012 through 11/22/2012 in the total amount of $2,663,806.55.
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.
4. Consideration and possible action to amend a standard Public Works Contract with Shawnan for additional road rehabilitation work on Aviation Boulevard from El Segundo Boulevard to Rosecrans Avenue. Street Project No. PW 12-02.
(Fiscal Impact: To Be Determined)
Recommendation – 1) Authorize the City Manager to execute a Public Works contract amendment with Shawnan in a form as approved by the City Attorney for an amount to be presented at the City Council Meeting; 2) Authorize the City Manager to amend the Professional Services Agreement with APA Engineering, Inc. in a form approved by the City Attorney for additional construction inspection services in the amount not to exceed $20,000; 3) Authorize the transfer of Gas Tax funds for an amount to be presented at the City Council Meeting to cover any additional construction and inspection services costs not covered by Proposition C; 4) Alternatively, discuss and take other action related to this item.

5. Consideration and possible action to waive bid requirements per El Segundo Municipal Code (“ESMC”) § 1-7-10 and authorize the City Manager, or designee, to purchase the Laserfiche document management system from Complete Paperless Solutions.
(Fiscal Impact: $42,000.00)
Recommendation – 1) Pursuant to ESMC § 1-7-10, waive bidding requirements and authorize the purchase of the Laserfiche document management solution for $42,000.00; 2) Alternatively, discuss and take other action related to this item.

6. Consideration and possible action regarding a request from the El Segundo PTA Council to increase the City's in-kind donation from $3,500.00 to $6,173.00 for their PTA Run for Education event to be held on March 23, 2013.
(Fiscal Impact: Additional $2,673.00)
Recommendation – 1) Deny the request from the El Segundo PTA Council for additional staffing and resources; 2) Alternatively, discuss and take other action related to this item.

F. NEW BUSINESS

7. Consideration and possible action regarding filling the vacancy in the elected office of City Treasurer based upon the former Treasurer Chris Powell's resignation from that office on November, 26, 2012
(Fiscal Impact: Unknown at this time)
Recommendation – 1) Discuss potential options and/or potentially take action to fill the vacant City Treasurer position by either appointing a person to fill the position for the remainder of the term (April 2018) or holding a special election in June; 2) Alternatively, discuss and take other action related to this item.
G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY

I. REPORTS – CITY CLERK

8. Consideration and possible action regarding Council consensus to cancel the January 2, 2013 City Council Meeting
(Fiscal Impact: None)
Recommendation – 1) Approve cancellation of the January 2, 2013 City Council Meeting; 2) Alternatively, discuss and take other action related to this item.

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fellhauer -

Council Member Atkinson –

Council Member Fisher –

Mayor Pro Tem Fuentes –

Mayor Jacobson –

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MEMORIALS – Barbara Jean Jennings
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: November 28, 2012
TIME: 12:15 PM
NAME: [Signature]
**Proclamation**

**City of El Segundo, California**

**WHEREAS,** the goal of the El Segundo Police Department’s Retired Senior Volunteer Program (“RSVP”) is to supplement and assist both the Field Operations and the Administrative Services Bureau in their efforts to better serve the citizens of the City of El Segundo; and

**WHEREAS,** RSVP members are the "eyes and the ears" of the Police Department and, as representatives of the City and the Police Department, must maintain an image at all times that parallels the professionalism of the El Segundo Police Department; and

**WHEREAS,** Karl Jacobs has been an El Segundo Police Department RSVP since June 16, 2009, working not only the assigned hours, but contributing additional hours for special events such as the El Segundo Little League Parade, the Tree Musketeers’ Arbor Day, the Elderfest and the 4th of July in the park. In addition, Karl assists the Crime Prevention Unit with many other functions. Noticing citizens did not properly post their handicap placard, he suggested a handout that could be placed in vehicles call “How to Properly Display a Handicap Placard”; and

**WHEREAS,** Karl Jacobs never fails to come to work with an eagerness to help with any request, and makes invaluable contributions to the RSVP program and to our community with enthusiasm and support; and

**WHEREAS,** Karl Jacobs has been selected by the City of El Segundo as the recipient of the El Segundo Police Department’s **RSVP of the Year** award in recognition of the 157 volunteer hours he has given to the El Segundo Police Department’s Retired Senior Volunteer Program.

**NOW, THEREFORE,** on this 4th day of December, 2012, the Mayor and Members of the City Council of the City of El Segundo, California, hereby commend Karl Jacobs for his invaluable contributions to the Retired Senior Volunteer Program, and invite all citizens in recognizing him as the El Segundo Police Department’s **RSVP of the Year.**

\[Image of City of El Segundo logo\]

**Mayor Carl Jacobson**

**Mayor Pro Tem Suzanne Fuentes**

**Council Member Bill Fisher**

**Council Member Dave Atkinson**

**Council Member Marie Fellhauer**
WHEREAS, Great and wonderful events are many times the inspiration of one person, like Ken Bailey, whose simple idea, that a decorated tree be placed at the end of the cul-de-sac on the 1200 Block of East Acacia in celebration of a neighborhood Christmas 1949, is over 60 years later an annual holiday tradition in El Segundo, worthy of national media coverage, and known as Candy Cane Lane; and

WHEREAS, Candy Cane Lane features Santa Claus arriving on top of a horn-blowing El Segundo fire truck to light the beautifully decorated homes on Candy Cane Lane as he makes his way into a snow-covered Christmas Village situated at the end of the cul-de-sac, where he then climbs on his sleigh from which he sends good cheer each year for 16 nights this year to hundreds of boys and girls, residents and tourists; and

WHEREAS, Magnolia trees are brightly decorated and artificial snow is supplied by the City. The El Segundo Community Band plays and property owners dress up their homes for all the oohs and aahs and the tradition of Candy Cane Lane. A few good merry men of Candy Cane Lane, like Tom Lindsay, have given their merry Ho, Ho, Ho’s, year after year, in the same Santa suit donated by Chevron. A big thanks to Spring Cleaners for generously making sure Santa’s suit is sparkling and mended for the season and South Bay Vital Signs for creating a joyful entrance sign. The RSVPs and El Segundo High School volunteers make sure the crowds maneuver down the Lane in a safe and orderly fashion; and toys are donated by Mattel and given to the children; and

WHEREAS, Least we forget, we herein list the names of the folks that are synonymous with Candy Cane Lane: Bruemmer’s, Brunnenkant’s, Doukakis’, Eyre’s, Hart’s, Ho’s, Hudspeth’s, Kehl’s, Leach’s, Manumalena’s, McEwan’s, Mitchell’s, Moore’s, Mortesen’s, Odle’s, Phillips’, Sanchez’s, Schlendering’s, Steinberg’s, Stosser/Szeto’s, Turnbull’s, Walters’, Warwick’s, Wong’s, and Woods’.

NOW, THEREFORE, on this 4th day of December, 2012, the Mayor and Members of the City Council of the City of El Segundo, California, proclaim the 1200 Block of Acacia Avenue as CANDY CANE LANE from December 8, 2012 at 7:00 p.m., through December 23, 2012, and invite the young and young at heart to experience the wonders of this El Segundo holiday tradition.

Mayor Carl Jacobson
Mayor Pro Tem Suzanne Fuentes
Council Member Bill Fisher
Council Member Dave Atkinson
Council Member Marie Fellhauer
WHEREAS, The El Segundo Chamber of Commerce has given El Segundo the Annual Holiday Parade for the past 49 years, a tradition which both celebrates El Segundo and calls forth the Holiday Season; and

WHEREAS, The parade, to be held Sunday, December 9, 2012 from 1:00 p.m. to 3:00 p.m., with a theme of Let it Snow, will assemble on the corner of Imperial Avenue and Main, and continue down Main Street, disbanding at El Segundo Boulevard; and

WHEREAS, The parade will start with the Grand Marshall, end with the traditional Grand Finale - the Chevron Fire Truck, bringing Santa Claus through downtown El Segundo, and in between the crowds will be treated to a few surprises; and

WHEREAS, The community is invited to other holiday festivities on Thursday, December 6th, beginning at 3:00 p.m. with Santa’s Village at City Hall Plaza, the Farmer’s Market and Holiday Craft Fair on Main Street, and the Annual Tree Lighting Celebration in the Plaza from 4:00 p.m. to 5:30 p.m., followed by the Chamber of Commerce Holiday Mixer held at Citizens Business Bank.

NOW, THEREFORE, the Mayor and Members of the City Council of the City of El Segundo, California, do hereby proclaim Sunday, December 9, 2012, as the 49th Annual El Segundo Holiday Parade, and invite the community to all the traditional El Segundo holiday events and wish the Chamber of Commerce many more years of marching down Main Street.

Mayor Carl Jacobson
Mayor Pro Tem Suzanne Fuentes Council Member Bill Fisher
Council Member Dave Atkinson Council Member Marie Fellhauer
Commendation
City of El Segundo, California

WHEREAS, The El Segundo Community Christmas Dinner was conceived by El Segundo resident Bill Coffman in 1983; Bill solicited the help of local businesses, residents and organizations to fund, cook and serve a traditional Christmas dinner that brought people together to share the holiday spirit; and

WHEREAS, The El Segundo Community Christmas Dinner has become a hometown tradition that has served the community for 29 years. The last 24 Christmas dinners have been served at the Joslyn Center; and

WHEREAS, The Annual Christmas Dinner will be provided this season with the generous donations of food and preparation by KJ's Diner and Restaurant, other food donations from Paul Martin's Grille and the Doubletree Hotel, floral arrangements provided by Natural Simplicity, and the time and effort of Mark and Marcia Marion, individual volunteers along with the support of the Recreation & Parks Department Outreach Office; and

WHEREAS, The El Segundo Community Christmas Dinner will be held at 12:00 p.m. on December 25th at the Recreation & Parks Department's Joslyn Center, for the benefit of all those in the community who wish to participate in fellowship and share in some Christmas cheer.

NOW, THEREFORE, on this 4th day of December, 2012, the Mayor and Members of the City Council of the City of El Segundo, California, do hereby commend and thank all sponsors, supporters and volunteers, for their unselfish community service in keeping this hometown holiday tradition alive in El Segundo.

Mayor Carl Jacobson
Mayor Pro Tem Suzanne Fuentes Council Member Bill Fisher
Council Member Dave Atkinson Council Member Marie Fellhauer
Presentation
Megan Berry from Muscular Dystrophy Association
Fill-the-Boot campaign.
AGENDA DESCRIPTION:
Consideration and possible action to 1) adopt an ordinance approving 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; 2) adopt an urgency ordinance amending the contract between the City and CalPERS; 3) take such additional, related, action that may be desirable. (Fiscal Impact: None for Fiscal Year 2012/13).

RECOMMENDED COUNCIL ACTION:
1. Waive Second Reading and Adoption of the Ordinance
2. Adopt the Urgency Ordinance
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Ordinance approving CalPERS Contract Amendment (Exhibit “A”)
2. Urgency Ordinance approving CalPERS Contract Amendment (Exhibit “A”)

FISCAL IMPACT: None
Amount Budgeted: N/A
Additional Appropriation: N/A
Account Number(s): N/A

ORIGINATED BY: Deborah Cullen, Director of Finance/Human Resources
REVIEWED BY:
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
The City of El Segundo contracts with the California Public Employees’ Retirement System (CalPERS) in order to provide pension benefits to City employees. Agency benefits provided are based upon the City Council’s contract with the CalPERS Board of Administration. Contract amendments complying with all applicable PERS laws and regulations can be made to modify benefits. Currently, Memoranda of Understanding (MOU’s) have been negotiated with all represented miscellaneous employee units to provide a Two-Tier retirement formula for miscellaneous employees. There are various steps and legal requirements to implement a contract amendment with CalPERS, including the passage and adoption of an Ordinance authorizing the contract amendment, an approved Resolution of Intention specifying the proposed changes to the contract, and compliance with all applicable Government Code provisions and CalPERS timelines.
Two-Tier Retirement Formula for Miscellaneous CalPERS Members
Government Code § 21353 (2% @ 60); Government Code § 20475 (Different Level of Benefits)

The CalPERS retirement formula for Miscellaneous employees is currently 2% @ 55. The current MOU’s for the City Employees’ Association (CEA), the Police Support Services Association (PSSEA), and the Supervisory and Professional Employees’ Association (SPEA) include provisions to implement a second tier retirement formula of 2% @ 60, in accordance with Government Code §21353, for employees hired on or after the date of the contract amendment with PERS. Per Government Code §20475, a second tier of benefits with a lower benefit formula can only apply to new hires after the effective date of the contract. Additionally, this new retirement formula will apply to unrepresented positions in the Management/Confidential group, as well as Executives. The 2% @ 60 formula will only be applicable to new hires who are lateral transfers from other PERS agencies. Due to AB340, the Public Employees’ Pension Reform Act of 2013 (PEPRA), all new hires after January 1, 2013 who are not current CalPERS Members will be hired under the 2% @ 62 retirement formula.

Timeline and Requirements

Government Code § 20741 requires a twenty (20) day period between the adoption of the Resolution of Intention and the Second Reading and Adoption of the Ordinance. Additionally, based upon PEPRA, which will take effect January 1, 2013, CalPERS is requiring that all previously negotiated Two-Tier formulas be implemented prior to December 31, 2012.

The Resolution of Intention was adopted at the Council Meeting of November 6, 2012. The Ordinance is scheduled for second reading and adoption at the today’s meeting. At this time, staff is recommending that the City Council also adopt an urgency ordinance in order to ensure that the CalPERS contract amendment becomes effective before the January 1, 2013 deadline.

Disclosure of the Cost of this Contract Amendment/Fiscal Impact
Government Code § 7507

Government Code §7507 requires that the future annual costs or benefit change of the proposed contract be made public at least two weeks before adopting a final ordinance. These costs were initially made public at the City Council Meeting of November 6, 2012.

There will be no immediate rate impact from this amendment. Decreases in the employer rate will occur as employees are hired into the Second Tier. Any decreases in the employer miscellaneous rate are based upon the impact of hiring employees into the second level of benefits (2% @ 60) for Local Miscellaneous Employees. The employer rate reduction will occur gradually, beginning on July 1, 2015, if there are second tier employees hired on or before June 30, 2013. Due to the annual actuarial valuation process that CalPERS uses, impacts to employer contribution rates take effect two years following the end of the fiscal year in which changes occur.
ORDINANCE NO. 1472

AN ORDINANCE APPROVING AN AMENDMENT TO AN AGREEMENT WITH THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM.

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

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

A. On September 12, 2012, the Governor signed Assembly Bill 340 which, among other things, implemented the California Public Employees' Pension Reform Act of 2013 (the “Act”);

B. The Act will become effective on January 1, 2013. Upon BECOMING effective, the Act will make numerous changes to the California Public Employees Retirement System (“PERS”);

C. The City Council believes that it is necessary to make certain changes to the City’s agreement with the California Public Employees Retirement System before January 1, 2013;

D. On November 6, 2012, the City Council adopted Resolution No. 4799 in conformance with Government Code § 20469 regarding its intention to amend the Agreement with the California Public Employee Retirement System (“PERS”);

E. Resolution No. 4799 stated the City’s intent to amend its PERS Agreement (“Amendment”) by implementing a second tier retirement formula of 2% @ 60, in accordance with Government Code § 21353, for employees hired on or after the date of the contract amendment with PERS.;

F. More than twenty (20) days passed since the City Council adopted Resolution No. 4799;

G. It is in the public interest to adopt this ordinance for the purpose of protecting the public health, safety, and welfare including, without limitation, the well-being of City employees and retirees.

SECTION 2: The Amendment attached as Exhibit “A,” and incorporated by
reference, is approved. The City Manager, or designee, is authorized to execute the Amendment and all ancillary documents required to implement the Amendment.

SECTION 3: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 4: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 5: This Ordinance will become effective thirty (30) days after its adoption.

PASSED AND ADOPTED this 4th day of December, 2012.

____________________________________
Carl Jacobson, Mayor
ATTEST:

STATE OF CALIFORNIA )
COUNTY OF LOS ANGELES ) SS
CITY OF EL SEGUNDO )

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 1472 was duly introduced by said City Council at a regular meeting held on the 5th day of November 2012, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 4th day of December 2012, and the same was so passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Tracy Weaver, City Clerk

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

By: _________________________
Karl H. Berger, Assistant City Attorney

A. Paragraphs 1 through 15 are hereby stricken from said contract as executed effective October 6, 2012, and hereby replaced by the following paragraphs numbered 1 through 16 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members entering membership in the miscellaneous classification on or prior to the effective date of this amendment to contract, age 60 for local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract, age 50 for local police members entering membership in the police classification on or prior to October 6, 2012, age 55 for local fire members and for those local police members entering membership for the first time in the police classification after October 6, 2012.

2. Public Agency shall participate in the Public Employees' Retirement System from and after October 1, 1943 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:

   (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.

   (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.

   (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
(d) Public Agency’s election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency’s election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.

(e) Public Agency’s election to assign this Contract without the prior written consent of the CalPERS’ Board of Administration.

(f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees’ Retirement Law.

(g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.

4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:

a. Local Fire Fighters (herein referred to as local safety members);

b. Local Police Officers (herein referred to as local safety members);

c. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

**NO ADDITIONAL EXCLUSIONS**

6. Prior to January 1, 1975, those members who were hired by Public Agency on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.
7. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member entering membership in the miscellaneous classification on or prior to the effective date of this amendment to contract shall be determined in accordance with Section 21354 of said Retirement Law subject to the reduction provided therein for service on and after July 1, 1956, the effective date of Social Security coverage, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).

8. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21353 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 60 Modified).

9. The percentage of final compensation to be provided for each year of credited prior and current service as a local fire member shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).

10. The percentage of final compensation to be provided for each year of credited prior and current service as a local police member entering membership in the police classification on or prior to October 6, 2012 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).

11. The percentage of final compensation to be provided for each year of credited current service as a local police member entering membership for the first time in the police classification after October 6, 2012 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).

12. Public Agency elected and elects to be subject to the following optional provisions:
   
a. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local safety members only.
   
b. Section 21571 (Basic Level of 1959 Survivor Benefits) for local miscellaneous members only.
   
c. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
   
d. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
e. Section 21024 (Military Service Credit as Public Service).

f. Section 20042 (One-Year Final Compensation).

g. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local safety members only.

h. Section 21548 (Pre-Retirement Option 2W Death Benefit).

i. Section 20903 (Two Years Additional Service Credit).

j. Section 20516 (Employees Sharing Cost of Additional Benefits):

Section 21353.1 (3% @ 55 Full and Modified formula) for local fire members.

The employee cost sharing contributions are 3%. The maximum employee cost sharing contribution is the normal cost plus the increase in the accrued liability due to the benefit improvement amortized over 20 years. In no event shall the employee cost sharing contribution attributable to the unfunded liability remain in effect beyond May 19, 2021. Thereafter, in any given contribution year, the maximum employee cost sharing contribution cannot exceed 2.591% of payroll.

k. Section 20475 (Different Level of Benefits). Section 21363.1 (3% @ 55 Full formula) is applicable to local police members entering membership for the first time in the police classification after October 6, 2012.

Section 21353 (2% @ 60 Modified formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

13. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

14. Public Agency shall also contribute to said Retirement System as follows:

a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.
b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

15. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

16. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of ________________, ____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF EL SEGUNDO

BY ________________________________
KAREN DE FRANK, CHIEF
CUSTOMER ACCOUNT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY ________________________________
PRESIDING OFFICER

Witness Date

Attest:

______________________________
Clerk
ORDINANCE NO. 1474

AN URGENCY ORDINANCE ADOPTED IN ACCORDANCE WITH GOVERNMENT CODE § 36937(B) APPROVING AN AMENDMENT TO AN AGREEMENT WITH THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM.

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

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

A. On September 12, 2012, the Governor signed Assembly Bill 340 which, among other things, implemented the California Public Employees' Pension Reform Act of 2013 (the "Act");

B. The Act will become effective on January 1, 2013. Upon BECOMING effective, the Act will make numerous changes to the California Public Employees Retirement System ("PERS");

C. The City Council believes that it is necessary to make certain changes to the City's agreement with the California Public Employees Retirement System before January 1, 2013;

D. On November 6, 2012, the City Council adopted Resolution No. 4799 in conformance with Government Code § 20469 regarding its intention to amend the Agreement with the California Public Employee Retirement System ("PERS");

E. Resolution No. 4799 stated the City's intent to amend its PERS Agreement ("Amendment") by implementing a second tier retirement formula of 2% @ 60, in accordance with Government Code § 21353, for employees hired on or after the date of the contract amendment with PERS.;

F. More than twenty (20) days passed since the City Council adopted Resolution No. 4799;

G. It is in the public interest to adopt this ordinance for the purpose of protecting the public health, safety, and welfare including, without limitation, the well-being of City employees and retirees;

H. In accordance with Government Code § 36937(b), the City Council
finds that this Ordinance should be adopted on an urgency basis to preserve the public welfare. Failure to amend the PERS Agreement immediately would imperil the retirement opportunities of miscellaneous employees and, in addition, could affect the City’s ability to pay for the continued service of employees seeking retirement benefits. Taking immediate steps to protect the public welfare from such impacts is in the public interest.

SECTION 2: The Amendment attached as Exhibit “A,” and incorporated by reference, is approved. The City Manager, or designee, is authorized to execute the Amendment and all ancillary documents required to implement the Amendment.

SECTION 3: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 4: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 5: This Ordinance will become effective immediately upon adoption pursuant to Government Code § 36937(b) for the immediate preservation of the public peace, health, safety, and welfare. Accordingly, this Ordinance is adopted by a four-fifths vote.

PASSED AND ADOPTED this 4th day of December, 2012.

______________________________
Carl Jacobson, Mayor
ATTEST:

STATE OF CALIFORNIA )
COUNTY OF LOS ANGELES ) SS
CITY OF EL SEGUNDO )

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Urgency Ordinance No. 1474 was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 4th day of December, 2012, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________
Tracy Weaver, City Clerk

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

By: ________________________
Karl H. Berger, Assistant City Attorney

Page 3 of 3
AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of El Segundo


A. Paragraphs 1 through 15 are hereby stricken from said contract as executed effective October 6, 2012, and hereby replaced by the following paragraphs numbered 1 through 16 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members entering membership in the miscellaneous classification on or prior to the effective date of this amendment to contract, age 60 for local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract, age 50 for local police members entering membership in the police classification on or prior to October 6, 2012, age 55 for local fire members and for those local police members entering membership for the first time in the police classification after October 6, 2012.

2. Public Agency shall participate in the Public Employees' Retirement System from and after October 1, 1943 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:

   (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.

   (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.

   (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
(d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.

(e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.

(f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.

(g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.

4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:

   a. Local Fire Fighters (herein referred to as local safety members);
   b. Local Police Officers (herein referred to as local safety members);
   c. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

   NO ADDITIONAL EXCLUSIONS

6. Prior to January 1, 1975, those members who were hired by Public Agency on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.
7. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member entering membership in the miscellaneous classification on or prior to the effective date of this amendment to contract shall be determined in accordance with Section 21354 of said Retirement Law subject to the reduction provided therein for service on and after July 1, 1956, the effective date of Social Security coverage, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).

8. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21353 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 60 Modified).

9. The percentage of final compensation to be provided for each year of credited prior and current service as a local fire member shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).

10. The percentage of final compensation to be provided for each year of credited prior and current service as a local police member entering membership in the police classification on or prior to October 6, 2012 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).

11. The percentage of final compensation to be provided for each year of credited current service as a local police member entering membership for the first time in the police classification after October 6, 2012 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).

12. Public Agency elected and elects to be subject to the following optional provisions:

   a. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local safety members only.

   b. Section 21571 (Basic Level of 1959 Survivor Benefits) for local miscellaneous members only.

   c. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.

   d. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
e. Section 21024 (Military Service Credit as Public Service).

f. Section 20042 (One-Year Final Compensation).

g. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local safety members only.

h. Section 21548 (Pre-Retirement Option 2W Death Benefit).

i. Section 20903 (Two Years Additional Service Credit).

j. Section 20516 (Employees Sharing Cost of Additional Benefits):

   Section 21353.1 (3% @ 55 Full and Modified formula) for local fire members.

   The employee cost sharing contributions are 3%. The maximum employee cost sharing contribution is the normal cost plus the increase in the accrued liability due to the benefit improvement amortized over 20 years. In no event shall the employee cost sharing contribution attributable to the unfunded liability remain in effect beyond May 19, 2021. Thereafter, in any given contribution year, the maximum employee cost sharing contribution cannot exceed 2.591% of payroll.

k. Section 20475 (Different Level of Benefits). Section 21363.1 (3% @ 55 Full formula) is applicable to local police members entering membership for the first time in the police classification after October 6, 2012.

   Section 21353 (2% @ 60 Modified formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

13. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

14. Public Agency shall also contribute to said Retirement System as follows:

   a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.
b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

15. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

16. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of ________________, _____.

BOARD OF ADMINISTRATION 
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL 
CITY OF EL SEGUNDO

BY 
KAREN DE FRANK, CHIEF 
CUSTOMER ACCOUNT SERVICES DIVISION 
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY 
PRESIDING OFFICER

______________________________
Witness Date

Attest:

______________________________
Clerk
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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/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 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:  /11/24/12  DATE:  /11/27/12
## CITY OF EL SEGUNDO
### PAYMENTS BY WIRE TRANSFER
#### 11/08/12 THROUGH 11/22/12

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**DATE OF RATIFICATION: 12/04/12**

**TOTAL PAYMENTS BY WIRE:**

2,663,806.55

Certified as to the accuracy of the wire transfers by:

Deputy City Treasurer  Date: 11/26/12

Director of Finance    Date: 11/27/12

City Manager           Date: 11/27/12

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 20, 2012 – 5:00 PM

5:00 P.M. SESSION

CALL TO ORDER – Mayor Jacobson at 5:00 PM

ROLL CALL

Mayor Jacobson - Present
Mayor Pro Tem Fuentes - 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.

SPECIAL ORDER OF BUSINESS:

CLOSED SESSION:
The City Council moved into 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): -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, November 20, 2012 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER – Mayor Jacobson at 7:00 PM

INVOCATION – Tracy Weaver, City Clerk

PLEDGE OF ALLEGIANCE – Council Member Atkinson

PRESENTATIONS

a). Presentation by Mayor Jacobson recognizing Mattel, Inc., as the sponsor for the annual Holiday Tree Lighting event with a plaque. Deborah Dicochea from Mattel, Inc. accepted the plaque.

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

c) Presentation by Cory Zelman, Transportation Planning Manager and Project Manager for the Airport Metro Connector for The Los Angeles County Metropolitan Transportation Authority, on examining ways to connect the growing Metro Rail system to LAX.

ROLL CALL

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

Linda Cohen announced the Winter Wonderland Event will take place Dec. 1, 2012 from 2:00 pm – 8:00 pm on the El Segundo High School Quad.
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

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. Approved 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. Authorized staff to release. Ratified Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.


3. Approved 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 and authorized the City Manager to execute the Amendment on behalf of the City of El Segundo. (Fiscal Impact: Included in adopted budget)

4. Adopted Resolution No. 4800 approving plans and specifications rehabilitating Aviation Boulevard from El Segundo Boulevard to Rosecrans Avenue. (Fiscal Impact: $0)

MOTION by Council Member Fellhauer, SECONDED by Council Member Fisher to approve Consent Agenda items 1, 2, 3, and 4. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0
F. NEW BUSINESS

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

Received and filed a presentation by Sam Lee, Director of Building and Safety, concerning Raytheon Corporation and the El Segundo South Campus Specific Plan Project.

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 eighty days with a proposed new ordinance that would regulate parking for food trucks. (Fiscal Impact: None)

MOTION by Council Member Fellhauer, SECONDED by Mayor Pro Tem Fuentes to adopt Urgency Ordinance No. 1473, amending E.S.M.C. Section 8-5-163A, deleting the ten minute parking restriction on food trucks based upon changes in the California Vehicle Code and directed 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. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

G. REPORTS – CITY MANAGER – Wished the Council and all City Employees a Happy Thanksgiving.

H. REPORTS – CITY ATTORNEY - None

I. REPORTS – CITY CLERK - None

J. REPORTS – CITY TREASURER – Gave a Review and update on the Treasury Office.

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fellhauer - None

Council Member Atkinson – None

Council Member Fisher – Wished everyone a Happy Thanksgiving

Mayor Pro Tem Fuentes – Thanked all Veteran’s for their service to our country, attended the LAEDC Awards, thanked Sue Carter for her presentation and efforts with Friends of the Library and wished everyone a Happy Thanksgiving.
Mayor Jacobson – Thanked Mattel, Inc. for sponsoring the Community Mixer this month and mentioned that Citizen’s Bank will host the Holiday Mixer following the Tree Lighting Event in December.

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 – Barbara Jennings

ADJOURNMENT at 7:51 PM

Tracy Weaver, City Clerk
AGENDA DESCRIPTION:
Consideration and possible action to amend a standard Public Works Contract with Shawnan for additional road rehabilitation work on Aviation Boulevard from El Segundo Boulevard to Rosecrans Ave. Street Project No. PW 12-02 (Fiscal Impact: To be Determined)

RECOMMENDED COUNCIL ACTION:
1. Authorize the City Manager to execute a Public Works contact amendment with Shawnan in a form as approved by the City Attorney for an amount to be presented at the City Council meeting;
2. Authorize the City Manager to amend the Professional Services Agreement with APA Engineering, Inc in a form approved by the City Attorney for additional construction inspection services in the amount not to exceed $20,000;
3. Authorize the transfer of Gas Tax funds for an amount to be presented at the City Council meeting to cover any additional construction and inspection services costs not covered by Proposition C; or
4. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Location Map

FISCAL IMPACT: Budget Adjustment Required
Amount Budgeted: $340,000.00
Additional Appropriation: $TBD from Prop C and Gas Tax Fund
Account Number(s): 301-400-8203-8358 (Capital Projects: Aviation Blvd.)
106-400-

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

BACKGROUND AND DISCUSSION:
On October 2, 2012, City Council awarded a standard Public Works contract to Shawnan for the rehabilitation of Aviation Blvd. between 116th Street and El Segundo Blvd. (Phase 1) using a pavement overlay treatment process. The rehabilitation of this segment of Aviation Blvd. is scheduled to begin the week of December 3rd and is being performed in partnership with the County of Los Angeles using Proposition C funding. Because the original bid received for this project was 25% less than budgeted, there is approximately $50,000 of Prop C funds still
available for much needed additional pavement restoration on Aviation Blvd, between El Segundo Blvd. and Rosecrans Ave (Phase 2). Public Works also has a FY 12/13 Prop C allocation of $120,000 that it can allocate toward this extra work. Staff proposed to City Council on November 20, 2012 using the remaining Prop C funds, which will expire in February, to implement Phase 2. At that time, Council adopted plans and specifications for the additional restoration work.

Shawnan has been provided plans for the additional work and preparing a quote for the City to consider. Because there will be no additional mobilization costs if the work is approved in a timely manner, staff expects the average cost for Phase 2 will be slightly less than Phase 1. Shawnan has stated that it can complete the additional work by the February grant deadline and will honor the same unit pricing as that stated in its bid. Shawnan's new quote was not yet available at the time this staff report was submitted, so staff will provide the actual amount for consideration at the City Council meeting. Our objective is to have the contractor schedule the work using the most efficient means possible and thus providing approval at the December 4 meeting is desirable in lieu of waiting until December 18.

Lastly, staff has confirmed that Gas Tax funds are available to make up the difference not covered by current and expiring Prop C funds and requests that City Council approve the transfer of necessary Gas Tax funds for this project. Please note that, 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. qualifies for consideration.
AGENDA DESCRIPTION:
Consideration and possible action to waive bid requirements per El Segundo Municipal Code ("ESMC") § 1-7-10 and authorize the City Manager, or designee, to purchase the Laserfiche document management system from Complete Paperless Solutions. (Fiscal Impact: $42,000)

RECOMMENDED COUNCIL ACTION:
(1) Pursuant to ESMC § 1-7-10, waive bidding requirements and authorize the purchase of the Laserfiche document management solution for $42,000.
(2) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Laserfiche products quote by Complete Paperless Solutions (CPS)

FISCAL IMPACT: Budget Adjustment Required
Amount Budgeted: $27,000
Additional Appropriation: Yes $15,000
Account Number(s): 001-400-2505-6217 Software Maintenance

ORIGINATED BY: Brian Evanski, Captain
REVIEWED BY: Mitch Tavera, Chief of Police
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

In 2001, Staff acquired and implemented a document imaging software system from Questys Solutions. Since inception, the City maintained a service and maintenance contract with Questys. In October 2011, the city experienced a file server crash which required the restoration of all data, including the document image files utilized by Questys. Although other system files were restored, Questys is unable to resolve the problems that resulted in the need for restoration.

Problems remain despite numerous attempts to solve the issues (including the City’s purchase and installation of a new platform). At this point, it does not appear that it is in the City’s best interest to continue its relationship with the Questys system.

Staff researched imaging system options and determined that the Laserfiche document management solution will best meet the City’s needs as Laserfiche is being utilized in more than thirty cities throughout California. Staff further determined that Complete Paperless Solutions (CPS) will best meet the City’s needs as the provider for the Laserfiche solution as CPS has
demonstrated success with the conversion and decoding process of various system files to the Laserfiche format. Additionally, annual software maintenance costs will be reduced in excess of $11,000 for the Laserfiche solution provided by CPS.

Because the current system has proven to be unreliable despite numerous attempts to correct with the vendor, Staff recommends that we replace the Questys imaging system with the Laserfiche document management solution from Complete Paperless Solutions.

The acquisition and implementation of the Laserfiche product may be funded by utilizing the monies identified in the 2012/2013 budget for maintenance of the current system.
**Quote**

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**Workflow Design not included. Appropriate tax not included.**

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Accepted By

Accepted Date

Tax ID: 27-0926551

Please Make Checks Payable to: Complete Paperless Solutions
AGENDA DESCRIPTION:

Consideration and possible action regarding a request from the El Segundo PTA Council to increase the City’s in-kind donation from $3,500.00 to $6,173.00 for their PTA Run for Education event to be held on March 23, 2013. (Fiscal Impact: Additional $2,673.00)

RECOMMENDED COUNCIL ACTION:

1. Deny the request from the El Segundo PTA Council for additional staffing and resources;
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Request from the El Segundo PTA Council
2. Cost Chart for additional requested in-kind services
3. Race route for 5K, 10K, and Kids Run

FISCAL IMPACT: $2,673.00 (Estimated)

Amount Budgeted: $3,500.00
Additional Appropriation: $2,673.00
Account Number(s): 001-300-0000-3879 (R&P Reservation Revenues)
001-400-5102-4103 (Parks Salaries Overtime)
001-400-5102-6206 (Parks Contract Services)
001-400-5201-4102 (Recreation Part-Time Salaries)
001-400-3104-4103 (Police Salaries Overtime)
001-400-4202-4103 (Public Works Salaries Overtime)

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

BACKGROUND & DISCUSSION:

During Public Communications at the City Council meeting on November 5, 2012, PTA Run for Education Chairperson Carlos Donohue requested that the City consider providing in-kind services in an amount greater than was previously approved, to assist in the planned expansion of the event.

The PTA is planning to expand the event from a 5K race course to include a 10K race course and expanded Expo. The expansion requires the City to provide additional traffic control from the Public Works and Police Departments, as well as a variety of equipment, coordination, and use of City property. The estimated amount above the originally approved $3,500.00 associated with the smaller-scale event is $2,673.00. The additional services the PTA is requesting to be waived include the following:
• Library Park Reservation fees
  o $125.00 for use of Library Park from 6:00 am – 1:00 pm
• Additional road closure signage for the 10K portion of the race route
  o Additional cost of $1,100.00 from the Public Works Department
• Additional Police Department staff for traffic control
  o Additional cost of $713.00 from the Police Department
• Banner across Sepulveda – The PTA would like to be included under the City’s permit with Cal Trans for hanging banners across Sepulveda. The PTA will hire a contractor to hang the banner.
  o The banner permit from Cal Trans costs the City $495.00 per year
• Use of the City’s Showmobile
  o There is not an established fee for use of the City’s Showmobile. The estimated value to have the Showmobile towed to event sites is estimated at $100.00 round trip. Additional associated fees include $392.00 for staff to be on site for the duration of the event.
• Use of the City’s parking lots at Mariposa & Main Streets, City Employee parking lot at Holly & Standard Streets, and the City parking structure on Grand Avenue between Main & Richmond Streets.
  o There are currently no established fees for use of City parking lots.
• Use of two (2) City shuttles and staff to transport attendees to the starting line.
  o There are currently no established fees for use of City Shutlles. Staff for two (2) shuttles for six (6) hours and estimated gas charges are $243.00.
• Use of City tables (12), chairs (80), and tents (15)
  o There are currently no established fees for use of City equipment. PTA Run for Education organizers have offered to pick-up and return these items; therefore, the $201.00 staff time for delivery of these items will not apply.

Resources for this year have been allocated for minimal levels of non-profit and City sponsored event support. The additional level of support the El Segundo PTA Council is requesting is nearly double what was approved in the budget and is more consistent with the level of support for events that are planned, budgeted and operated by the City.
Greg/Jackie,

OK, so I have compiled a list of items. I'll be sending in additional paperwork shortly to Jackie but in the meantime the items below represent everything I could think of.

For the 2013 El Segundo Run For Education there are a number of improvements we will be rolling out with some elements requiring approval or guidance from the City. Our larger Expo will be very similar to the Hometown Fair except everything will be fitness, youth, or community focused.

Items Unchanged:

- We will seek approval to host a 5K Run/Walk (Route is unchanged from previous years).
- We will seek approval to use Library Park and surrounding perimeter streets.
- We will seek approval for Park Event to run from 7:00am to 12:00 noon.
- We will seek approval to hang a banner across Main street in front of the high school.
- We will seek approval to use amplified sound at Library Park during the event.
- We will seek approval to have a water station at Center Street Elementary.
- We will provide volunteers to distribute No Parking flyers to all residents along the route, man intersections the day of the event, distribute water/aid at water stations, as well as assist with all clean up at stations and Library Park.
- We will seek approval to have food and game booths located on Richmond Street.
- We will seek approval to have sponsor booths located in Library Park.

New Items:

- We will seek approval to hang a 2nd banner across Sepulveda Blvd. using current banner poles.
- We will seek approval for new 10K route. Route was designed in collaboration with ESPD and is a modified version of the 5K. (Note: The 5K and 10K will be run in unison. Utilizing the double loop format for the 10K, they should both end at roughly the same time.)
- We will seek approval to use Park and Rec's Showtruck for event staging.
- We will seek to work with the City to designate parking to be utilized by event attendees.
- We will seek approval to allow Park and Rec to provide Shuttles to transport attendees from designated parking to and from the event at Library Park.
- We will seek approval to have a 2nd water/aid station located by Grand and Sheldon to accommodate the 10K runners.
- We will seek approval to have temporary porta-potties located at Library Park and at each of the two water/aid stations along the race route.
- We will seek approval to utilize inflatables slides on Richmond Street.
- We will seek approval for Park and Rec to possibly loan miscellaneous folding chairs, tables, benches etc. for use at the Expo's food area. (currently use ESHS equipment but might need more.)
- We will seek approval to have Park and Rec, Police, and Fire at event promoting their activities.
- We will seek approval to have City Council members and/or Mayor attend event in official capacity, participate in opening ceremonies, and aid in the presentation of medals/trophies to overall top three finishers (male and female).
- While we are not aware of any restrictions or City budget implications we have invited the El Segundo Firefighters Association to host a pancake breakfast at Library Park. This would be identical to the current annual pancake breakfast they host in the Fall at the Fire Station with ESFA keeping all proceeds for their designated charity. Understood they man this with off-duty volunteers, have the majority of their material donated by local restaurants and hotels, with the only expense being rental of the grill and cost of propane. We have yet to hear back but would look to proceed with another group if the FD passes.

As always, while we would greatly appreciate as many fees as possible waived we are happy to negotiate a compromise that would benefit both groups. Not everything is a must have and we can certainly hold off on some for next year or find alternative sources.

Regards,

Carlos

 Carlos Donahue | Race Director
El Segundo Run For Education - March 23rd 2013
p: 310-487-7292
e: carlos@esrun4education.com

http://www.esrun4education.com
http://www.facebook.com/esrun4education

El Segundo PTA Council - Run For Education - 501(c)(3) Non-Profit - Tax ID: 23-7024342

11/20/2012
## FY 12/13 Budget for ESUSD In-Kind Services

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-Kind contributions</td>
<td>$798,120</td>
</tr>
<tr>
<td>Cash contribution</td>
<td>$250,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,048,120</strong></td>
</tr>
</tbody>
</table>

## FY 12/13 Approved In-Kind Services for Run for Education Event

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Works Department and Police Department</td>
<td>$3,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,500</strong></td>
</tr>
</tbody>
</table>

## Additional items NOT Budgeted in FY 12/13 for Run for Education Event
(Need Council approval to waive fees)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Works Department</td>
<td>$1,100</td>
</tr>
<tr>
<td>Police Department</td>
<td>$713</td>
</tr>
<tr>
<td>Library Park Use</td>
<td>$125</td>
</tr>
<tr>
<td>1 Staff for showmobile (6 hours ea.,)</td>
<td>$392</td>
</tr>
<tr>
<td>Tow truck for showmobile</td>
<td>$100</td>
</tr>
<tr>
<td>2 Staff for 2 shuttles (6 hours ea.,)</td>
<td>$243</td>
</tr>
<tr>
<td><strong>Additional amount to be waived</strong></td>
<td><strong>$2,673</strong></td>
</tr>
</tbody>
</table>
2011 Run for Education
5km • El Segundo, CA • Certification CA11024RS

Certificate effective from March 8, 2011 to December 31, 2021
Course measured and map drawn by Ron Scardera

Map not to scale

Start: on Main St, 92'11" north of the traffic light pole that’s on the NE corner at Palm Ave.
Mile 1: on Center St, L side, at pole #481422E, the 2nd wood pole north of Grand Ave on the east side of Center St.
Mile 2: on Center St, L side, just south of Maple Ave, at the north edge of driveway to 757.
Mile 3: on Main St, L side, 28 yards south of Oak Ave.
Finish: on Main St, at the banner pole in front of El Segundo HS, 16'3" south of the manhole.
2013 El Segundo Run for Education
10km · El Segundo, CA · USATF Certificate CA12109RS

Certificate effective from November 14, 2012 to December 31, 2022
Course measured November 6, 2012 and map drawn by Ron Scardera

Start..... on Main St, 92'11" north of the traffic light pole that's on the NE corner at Palm Ave.
Mile 1... on Center St, E side, at pole #4481422E, the first wood pole north of Grand Av on the east side of Center St.
Mile 2... on Center St, W side, just south of Maple Ave, at the north edge of driveway to 757.
Mile 3... on Main St, E side, 28 yards south of Oak Ave.
Mile 4... on Grand Av, N side, 12 yards east of Maryland St.
U-turn.. on Center St, even with power pole #784240E and 40' N/O the N crosswalk line at Grand Av.
Mile 5... on Center St, W side, at the north stop line N side of Palm Av.
Mile 6... on Maple Av, S side, just east, of Main St middle of driveway for 774 - 776 Maple Av.
Finish... on Main St, at the banner pole in front of El Segundo HS, 16'3" south of the manhole.
1. 5k/10k Start

2. 5k/10k Finish / Kids run start/Finish

3. Kids run 5k turn around point - Studio printing, 446 Main Street

4. Kids run 1k turn around point - Fire Station Driveway 314 Main Street
AGENDA DESCRIPTION:
Consideration and possible action regarding filling the vacancy in the elected office of the City Treasurer based upon former Treasurer Chris Powell’s resignation from that office on November 26, 2012. (Fiscal Impact: Unknown at this time)

RECOMMENDED COUNCIL ACTION:
1) Discuss potential options and/or potentially take action to fill the vacant City Treasurer position by either appointing a person to fill the position for the remainder of the term (April 2016) or holding a special election in June.
2) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None

FISCAL IMPACT: Potential Budget Adjustment Required

Amount Budgeted: $0.00

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

BACKGROUND AND DISCUSSION:
On November 26, 2012 the City Clerk’s office received a letter of resignation from former Treasurer Chris Powell. Pursuant to Government Code §§ 1750(e) and 1770(c), the resignation creates a vacancy in the elected office of the City Treasurer. The term of office for the vacant position ends in April 2016.

Government Code § 36512 provides that, within 60 days of November 26th, the City Council may (1) appoint an eligible elector to fill the vacancy or (2) call for a special election for the voters to fill the vacancy. The special election must take place not sooner than 114 days after calling for the election. The City does not have an estimate at this time as to what the County will charge the City for calling a special election but it is estimated that such cost could well exceed $100,000. The City Attorney’s Office and Clerk’s Office are reviewing whether the election qualifies for a vote by mail only process which could substantially reduce the costs of the election.

The 60 day deadline for taking action to either appoint or call for a special election is January 25, 2013. The next special election that is more than 114 days from the time period within which the Council has to make a decision is June 4, 2013.
If the City Council chooses to appoint a person to the vacated office, the City Council could implement an application process or simply vote on persons nominated by Council Members. Any person selected by the City Council must be an eligible elector, i.e., a person must be a City resident and be eligible to vote. A person appointed to office would serve for the remainder of the term (April 2016).

Please note that a vote to appoint an individual to the City Council is a majority of the quorum. Accordingly, if only three Council Members are present to vote, two affirmative votes will appoint.¹

AGENDA DESCRIPTION:
Consideration and possible action regarding Council consensus to cancel the January 2, 2013 City Council Meeting (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
(1) Approve cancellation of the January 2, 2013 City Council Meeting;
(2) Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None

FISCAL IMPACT: None
Amount Budgeted: $  
Additional Appropriation: N/A
Account Number(s):

ORIGINATED BY: Tracy Weaver, City Clerk
REVIEWED BY: 
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
The first regular 2013 City Council meeting is scheduled for Wednesday, January 2, 2013. Because City Hall will be closed for certain established holidays and because of the additional meeting workload and scheduled travel plans, it would be difficult to meet legal noticing requirements and to properly prepare for the meeting.

Traditionally, the first City Council meeting of the new year has been cancelled and therefore it is requested that Council consider cancelling the January 2, 2013 meeting.