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.

REVISED SPECIAL MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, SEPTEMBER 29, 2015 - 6:30 P.M.
ITEM #4 ADDED UNDER CONSENT
(RELATED TO THE RSI PROGRAM)

6:30 P.M. SESSION

CALL TO ORDER

INVOCATION – Tracy Weaver, City Clerk

PLEDGE OF ALLEGIANCE – Council Member Marie Fellhauer
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.

CITY COUNCIL COMMENTS – (Related to Public Communications)

A. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

1. Consideration and possible action (Continued Public Hearing) regarding the Fiscal Year 2015-2016 Budget (including all City Revenues and Expenditures), and Adoption of Resolution approving the 2015-2016 Final Operating and Capital Improvement Budget and the 2015-2016 Appropriations Limit. Copies of the Fiscal Year 2015-2016 Preliminary Budget can be found in the Library, City Clerk’s office, and on the City’s website.

(Fiscal Impact: Total Revenues of $123,101,930, Total Expenditures of $133,442,662; General Fund Revenues of $63,238,130, Expenditures of $64,377,060)

Recommendation – 1) Continue Public Hearing and receive public testimony. Adopt the Resolution approving the 2015-2016 Final Operating and Capital Improvement Budget and the 2015-2016 Appropriations Limit, as presented; 2) Alternatively, discuss and take other action related to this item.
B. UNFINISHED BUSINESS

2. [CONTINUED ITEM #C2 FROM SEPTEMBER 15, 2015 CITY COUNCIL MEETING] Rescission of Brown Act Commitment - In Accordance with Government Code Section 54960.2 (e), consideration and possible action to rescind the commitment made by the City Council on November 5, 2013, not to hold further closed session meetings regarding real property negotiations with regard to ESCenterCal, LLC’s (“CenterCal”) proposal to enter into a Due Diligence and Ground Lease Agreement (“Agreement”) to lease the driving range portion of the Lakes Golf Course from the City for the purpose of developing a Top Golf facility. (Fiscal Impact: unknown – depends on whether legal proceedings are commenced.)

Recommendation – 1) Consideration and possible action to rescind the commitment made by the City Council on November 5, 2013, to not hold further closed session meetings regarding real property negotiations with regard to CenterCal's proposal to enter into an Agreement to lease the driving range portion of the Lakes Golf Course from the City for the purpose of developing a Top Golf facility; 2) Delay consideration of this item to a future date and give notice of such delay to Ms. Geist in accordance with Government Code Section 54960.2; 3) Alternatively, discuss and take other action related to this item.

3. [CONTINUED ITEM #C3 FROM SEPTEMBER 15, 2015 CITY COUNCIL MEETING] Consideration and possible action to approve a Due Diligence and Ground Lease Agreement and Reimbursement Agreement with ES CenterCal LLC (“ES CenterCal”) to lease the driving range portion of The Lakes Golf Course for the purpose of developing the TopGolf facility consisting of a driving range, restaurant, bar and lounge and event facilities. (Fiscal Impact: See attached report from ProForma Advisors)

Recommendation – 1) Consideration and possible action to approve and authorize the Mayor to execute the Due Diligence and Ground Lease Agreement subject to ES CenterCal entering into a reimbursement agreement with the City (see item 2); 2) Consideration and possible action to authorize the City Manager to enter into a Reimbursement Agreement that requires ES CenterCal to pay the cost and fees associated with the various due diligence and land use entitlement costs; 3) Consideration and possible action to authorize the City Manager to execute a Professional Service Agreement for CEQA review services related to the Due Diligence and Ground Lease Agreement approved as form by the City Attorney in an amount not to exceed $257,500.00; 4) Alternatively, discuss and take other action related to this item.
C. CONSENT AGENDA

4. Consideration and possible action to revise the final contract amounts for Projects 14-12 (the City’s Residential Sound Insulation Program’s Group 56) and 14-14 (the City’s Residential Sound Insulation Program’s Group 58). (Final Contract Amounts of: $922,038.18 and $652,646.26 respectively, less any liquidated damages determined to be appropriate)

Recommendation: - 1) Revise the contract amount for Project 14-12 (Group 56 of the RSI Program); 2) Revise the contract amount for Project 14-14 (Group 58 of the RSI Program); and/or 3) Alternatively discuss and take other action related to this item.

CLOSED SESSION

The City Council may move into a closed session pursuant to applicable law, including the Brown Act (Government Code Section §54956, et seg.) 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: 09.28.18
TIME: 5:00 PM
NAME: [Signature]
AGENDA DESCRIPTION:
Consideration and possible action to revise the final contract amounts for Projects 14-12 (the City's Residential Sound Insulation Program's Group 56) and 14-14 (the City's Residential Sound Insulation Program's Group 58). (Final Contract Amounts of: $922,038.18 and $652,646.26 respectively, less any liquidated damages determined to be appropriate)

RECOMMENDED COUNCIL ACTION:
1. Revise the contract amount for Project 14-12 (Group 56 of the RSI Program);
2. Revise the contract amount for Project 14-14 (Group 58 of the RSI Program);
3. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None

FISCAL IMPACT: Included in Adopted Budget
- Amount Budgeted: $973,819 and $714,437 respectively
- Additional Appropriation: N/A
- Account Number(s): 116-400-0056-8960, 116-400-0058-8960

ORIGINATED BY: James S. O'Neill, Program Manager
REVIEWED BY: Sam Lee, Director of Planning and Building Safety
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
At the September 15, 2015 City Council meeting, the final contract amounts for Projects 14-12 (Group 56 of the Residential Sound Insulation, or “RSI” Program) and 14-14 (Group 58 of the RSI Program) were verbally amended to be $907,900.23 and $653,273.92 respectively. These amounts were based on change order totals of $22,610.23 and $3,785.90 respectively. In conversations since the City Council meeting with representatives for the contractors for these projects, Harry H. Joh Construction, Inc. it has been determined that those totals were incorrect. Staff has very recently finalized discussions with representatives for Harry H. Joh Construction, Inc. and both parties have agreed that the final contract amounts for the projects are $922,038.18 and $652,646.26, less any liquidated damages that would be due. Those amounts reflect revised change order totals of $36,748.18 and $3,158.26 respectively. City staff is recommending accepting the projects as completed to meet a September 30th funding deadline related to these groups.