REVISED 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, APRIL 4, 2017 - 7:00 P.M.
REVISED AGENDA
ADDING ITEM #12 UNDER MAYOR FUENTES
SUPPORT OF ASSEMBLY BILL 1326

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Pastor Rob McKenna, The Bridge
PLEDGE OF ALLEGIANCE – Council Member Pirsztuk

PRESENTATIONS

a) Proclamation – April as “Sexual Assault Awareness Month” and designates April 26, 2017 as “Denim Day.”

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. PROCEDURAL MOTIONS

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

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

1. Consideration and possible action to adopt a resolution establishing a fee schedule for the use of City Electric Vehicle Charging Stations. (Fiscal Impact: None)
Recommendation – 1) Conduct the Public Hearing; 2) Adopt a Resolution establishing the fee schedule; 3) Alternatively, discuss and take other possible action related to this item.

C. UNFINISHED BUSINESS
D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

2. Consideration and possible action to announce the appointments to the Technology Committee.  
(Fiscal Impact: None)  
Recommendation – 1) Announce the appointees to the Technology Committee;  
2) Alternatively, discuss and take other possible action related to this item.

E. CONSENT AGENDA

All items listed are to be adopted by one motion without discussion and passed unanimously. If a call for discussion of an item is made, the item(s) will be considered individually under the next heading of business.

3. Warrant Numbers 3015666 through 3015902 on Register No. 12 in the total amount of $1,314,374.46 and Wire Transfers from 3/13/17 through 3/26/17 in the total amount of $861,941.77.  
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

5. Consideration and possible action to authorize the City Manager to a) transfer $300,000 of funds budgeted for Fiscal Year FY 2016/17 for employee salaries and benefits to professional/technical service charges; and b) increase contract amounts with the following consultants: J Lee Engineering, JAS Pacific, and Hayer Consultants, Inc. by the same amount.  
(Fiscal Impact: $0)  
Recommendation – 1) Authorize the City Manager to transfer $300,000 of funds budgeted in Fiscal Year FY 2016/17 for the “employee salaries and benefits” budget category to the “professional/technical service charges” budget category;  
2) Authorize the City Manager to amend the existing agreements with the following consultants: J Lee Engineering, and JAS Pacific, and Hayer Consultants, Inc. to increase the respective contract amounts by a total amount not to exceed $300,000; 3) Alternatively, discuss and take other possible action related to this item.
6. Consideration and possible action to adopt a Resolution approving the Plans and Specifications for the El Segundo Athletic Field Turf Replacement Project, Project No. PW 17-10.
(Fiscal Impact: To Be Determined)
Recommendation – 1) Adopt a Resolution approving the Plans and Specification for the El Segundo Athletic Field Turf Replacement Project, Project No. PW 17-10; 2) Alternatively, discuss and take other possible action related to this item.

7. Consideration and possible action to authorize a professional services agreement with CSG Consultants, Inc. not to exceed $250,000 for planning services that will be fully reimbursed by the applicant of two pending development projects, and authorize the City Manager to sign the agreement in a form approved by the City Attorney.
(Fiscal Impact: $0)
Recommendation – 1) Approve a professional service agreement not to exceed $250,000 for planning services, and authorize the City Manager to sign the agreement in a form approved by the City Attorney; 2) Alternatively, discuss and take other possible action related to this item.

8. Consideration and possible action to approve Final Vesting Map No. 73745, a commercial subdivision to divide one parcel into two lots and create up to eight condominium units located at 2130 East Maple Avenue and 725 Campus Square West (the “Site”).
(Fiscal Impact: N/A)
Recommendation – 1) Adopt the proposed resolution, approving a Final Vesting Map No. 73745, and authorizing the Director of Planning and Building Safety and the City Clerk to sign and record said Map; 2) Alternatively, discuss and take other possible action related to this item.

9. Consideration and possible action regarding 1) Approval of Examination Plan for Maintenance Craftsworker.
(Fiscal Impact: None)
Recommendation – 1) Approval of Examination Plan for Maintenance Craftsworker; 2) Alternatively, discuss and take other possible action related to this item.
10. Consideration and possible action regarding 1) approval of a Memorandum of Understanding (Labor Agreement) between the City of El Segundo and the Police Support Services Employees Association 2) adoption of a Resolution for CalPERS Employer Paid Member Contributions (EPMC) for the Police Support Services Employees Association to increase the employee PERS Member Share; and 3) adoption of a Resolution updating the employer’s contribution under the Public Employees’ Medical and Hospital Care Act for the Police Support Services Employees Association. (Fiscal Impact: FY 2016-17 - $48,776 and FY 2017-2018 - $89,927)

Recommendation – 1) Approve the Agreement; 2) Adopt the Resolution approving the Memorandum of Understanding; 3) Adopt the Resolution for the Employer Paid Member Contribution for PSSEA; 4) Adopt the Resolution updating the Employer’s monthly medical contribution for PSSEA; 5) Alternatively, discuss and take other possible action related to this item.

F. NEW BUSINESS

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY

I. REPORTS – CITY CLERK

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Brann –

11. Consideration and possible action to explore putting together an ad-hoc committee to address the rising California Public Employees’ Retirement System (“CalPERS”) costs. (Fiscal Impact: $0)

Recommendation – 1) City Council discuss and consider approving an ad-hoc PERS Committee to address the rising PERS costs; 2) Alternatively, discuss and take other possible action related to this item.
Council Member Pirsztuk –

Council Member Dugan –

Mayor Pro Tem Boyles –

Mayor Fuentes –

12. Consideration and possible action relating to State Legislation (Assembly Bill 1326) regarding allowing law enforcement authorities to aggregate monetary value of property stolen by an individual over the course of a year and authorize felony prosecution if the monetary value meets the $950.00 threshold. 
(Fiscal Impact: None)
Recommendation – 1) Support Assembly Bill 1326 and direct staff to send a letter of support for this bill to the State Assembly Public Safety Committee; and/or 2) Alternatively, discuss and take other possible action related to this item.

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have receive value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.

MEMORIALS –

CLOSED SESSION

The City Council may move into a closed session pursuant to applicable law, including the Brown Act (Government Code Section §54960, et seq.) for the purposes of conferring with the City’s Real Property Negotiator; and/or conferring with the City Attorney on potential and/or existing litigation; and/or discussing matters covered under Government Code Section §54957 (Personnel); and/or conferring with the City’s Labor Negotiators.

REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)
ADJOURNMENT

POSTED:

DATE: MARCH 30, 2017

TIME: 03:05 PM

NAME: [Signature]
EL SEGUNDO CITY COUNCIL

AGENDA STATEMENT

MEETING DATE: April 4, 2017

AGENDA HEADING: Reports – Mayor Fuentes

AGENDA DESCRIPTION:

Consideration and possible action related to State Legislation (Assembly Bill 1326) regarding allowing law enforcement authorities to aggregate monetary value of property stolen by an individual over the course of a year and authorize felony prosecution if the monetary value meets the $950.00 threshold.

(Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Support Assembly Bill 1326 and direct staff to send a letter of support for this bill to the State Assembly Public Safety Committee; and/or,
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Assembly Bill 1326

FISCAL IMPACT: None

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

STRATEGIC PLAN:

Goal: 2. Support Community Safety and Preparedness

Objective: 1. El Segundo has a proactive approach to risk and crime
2. El Segundo has proactive community engagement so that perceptions of safety align with reality

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

BACKGROUND AND DISCUSSION:

The California League of Cities and California Police Chiefs are supporting Assembly Bill 1326 by Assembly Member Jim Cooper (D- Elk Grove). In 2014, Proposition 47 increased the threshold for grand theft, a felony, from $450.00 to $950.00 per incident. AB 1326 addresses a continuing increase in theft crimes since that time by allowing law enforcement authorities to aggregate the monetary value of property stolen by an individual over the course of a year, and authorize felony prosecution if that monetary value meets the $950.00 threshold.
This measure will address increased incidents of both individual shoplifting and organized retail
theft operations responsible for the loss of millions of dollars in retail merchandise statewide,
which entails a corresponding hit to local sales tax revenues.

The Chief of Police, Mitch Tavera, will address the Council regarding this item.

**RECOMMENDATION:**

Staff recommends the City Council send a letter of support to the State Assembly Public Safety
Committee in support of AB 1326.
INTRODUCED BY ASSEMBLY MEMBERS COOPER AND CERVANTES
(Coauthor: Assembly Member Bocanegra)

FEBRUARY 17, 2017

An act to amend Sections 459.5, 473, 476a, 490.2, and 496 of the Penal Code, relating to theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 1326, as introduced, Cooper. Theft: aggregate valuation.

The Safe Neighborhoods and Schools Act (act), enacted as an initiative statute by Proposition 47, as approved by the electors at the November 4, 2014, statewide general election, provided that for a number of theft and theft-related offenses, where the value of the property involved does not exceed $950, the offenses are punishable as a misdemeanor, unless the defendant has suffered a prior conviction for one or more specified crimes, in which case the offenses may be punished as a felony. The act created the offense of shoplifting, and applied the $950 limit to that crime and to the crimes of forgery of certain financial instruments, passing a check or certain other instruments knowing there are insufficient funds for payment of the check or instrument, petty theft, and buying or receiving stolen property, as specified.

This bill would additionally provide that those offenses may be punishable as a felony if the property involved in the multiple commission of those offenses within a 12-month period has a value in the aggregate exceeding $950, as specified.

The California Constitution authorizes the Legislature to amend an initiative statute by another statute that becomes effective only when approved by the electors.

This bill would provide that it would become effective only upon approval of the voters, and would provide for the submission of this measure to the voters for approval at the statewide general election.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 459.5 of the Penal Code is amended to read;

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1326 3/30/2017
459.5. (a) Notwithstanding Section 459, shoplifting is defined as entering a commercial establishment with intent to commit larceny while that establishment is open during regular business hours, where the value of the property that is taken or intended to be taken does not exceed nine hundred fifty dollars ($950). Any other entry into a commercial establishment with intent to commit larceny is burglary. Shoplifting shall be punished as a misdemeanor, except that a person with one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 299-290, or a person convicted of multiple shoplifting offenses within a 12-month period where the value of the property in the aggregate that is taken or intended to be taken for those offenses exceeds nine hundred fifty dollars ($950), may be punished pursuant to subdivision (h) of Section 1170.

(b) Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. No person who is charged with shoplifting may also be charged with burglary or theft of the same property.

SEC. 2. Section 473 of the Penal Code is amended to read:

473. (a) Forgery is punishable by imprisonment in a county jail for not more than one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(b) Notwithstanding subdivision (a), any person who is guilty of forgery relating to a check, bond, bank bill, note, cashier's check, traveler's check, or money order, where the value of the check, bond, bank bill, note, cashier's check, traveler's check, or money order does not exceed nine hundred fifty dollars ($950), shall be punished by imprisonment in a county jail for not more than one year, except that the person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 299-290, or if the amount of the checks, bonds, bank bills, notes, cashier's checks, traveler's checks, or money orders in the aggregate for multiple forgeries under this section within a 12-month period exceeds nine hundred fifty dollars ($950). This subdivision shall not be applicable to any person who is convicted of forgery of identity theft, as defined in Section 530.5.

SEC. 3. Section 476a of the Penal Code is amended to read:

476a. (a) Any person who, for himself or herself, as the agent or representative of another, or as an officer of a corporation, willfully, with intent to defraud, makes or draws or utters or delivers a check, draft, or order upon a bank or depositary, a person, a firm, or a corporation, for the payment of money, knowing at the time of that making, drawing, uttering, or delivering that the maker or drawer or the corporation has not sufficient funds in, or credit with the bank or depositary, person, firm, or corporation, for the payment of that check, draft, or order and all other checks, drafts, or orders upon funds then outstanding, in full upon its presentation, although no express representation is made with reference thereto, is punishable by Imprisonment in a county jail for not more than one year, or pursuant to subdivision (h) of Section 1170.

(b) However, Notwithstanding subdivision (a), if the total amount of all checks, drafts, or orders that the defendant is charged with and convicted of making, drawing, or uttering does not exceed nine hundred fifty dollars ($950), the offense is punishable only by imprisonment in the county jail for not more than one year, except that the person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 299-290, or if the amount of the checks, drafts, or orders in the aggregate that the defendant is charged with and convicted of making, drawing, or uttering within a 12-month period exceeds nine hundred fifty dollars ($950). This subdivision shall not be applicable if the defendant has previously been convicted of three or more violations of Section 470, 475, or 476, or of this section, or of the crime of petty theft in a case in which defendant's offense was a violation also of Section 470, 475, or 476 or of this section or if the defendant has previously been convicted of any offense under the laws of any other state or of the United States which, if committed in this state, would have been punishable as a violation of Section 470, 475 or 476 or of this section or the defendant has been so convicted of the crime of petty theft in a case in which, if defendant's offense had been committed in this state, it would have been a violation also of Section 470, 475, or 476, or of this section.

(c) Where the check, draft, or order is protested on the ground of insufficiency of funds or credit, the notice of protest shall be admissible as proof of presentation, nonpayment, and protest and shall be presumptive evidence of knowledge of insufficiency of funds or credit with the bank or depositary, person, firm, or corporation.

(d) In any prosecution under this section involving two or more checks, drafts, or orders, it shall constitute prima facie evidence of the identity of the drawer of a check, draft, or order if both of the following occur:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1326 3/30/2017
(1) When the payee accepts the check, draft, or order from the drawer, he or she obtains from the drawer the following information: name and residence of the drawer, business or mailing address, either a valid driver’s license number or Department of Motor Vehicles identification card number, and the drawer’s home or work phone number or place of employment. That information may be recorded on the check, draft, or order itself or may be retained on file by the payee and referred to on the check, draft, or order by identifying number or other similar means.

(2) The person receiving the check, draft, or order witnesses the drawer’s signature or endorsement, and, as evidence of that, initials the check, draft, or order at the time of receipt.

(e) The word “credit” as used herein shall be construed to mean an arrangement or understanding with the bank or depository, person, firm, or corporation for the payment of a check, draft, or order.

(f) If any of the preceding paragraphs, or parts thereof, shall be found unconstitutional or invalid, the remainder of this section shall not thereby be invalidated, but shall remain in full force and effect.

(g) A sheriff’s department, police department, or other law enforcement agency may collect a fee from the defendant for investigation, collection, and processing of checks referred to their agency for investigation of alleged violations of this section or Section 476.

(h) The amount of the fee shall not exceed twenty-five dollars ($25) for each bad check, in addition to the amount of any bank charges incurred by the victim as a result of the alleged offense. If the sheriff’s department, police department, or other law enforcement agency collects a fee for bank charges incurred by the victim pursuant to this section, that fee shall be paid to the victim for any bank fees the victim may have been assessed. In no event shall reimbursement of the bank charge to the victim pursuant to this section exceed ten dollars ($10) per check.

SEC. 4. Section 490.2 of the Penal Code is amended to read:

490.2. (a) Notwithstanding Section 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed nine hundred fifty dollars ($950) shall be considered petty theft and shall be punished as a misdemeanor, except that the person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290, or if the value of the money, labor, real or personal property taken in the aggregate for multiple thefts under this subdivision committed within a 12-month period exceeds nine hundred fifty dollars ($950).

(b) This section shall not be applicable to any theft that may be charged as an infraction pursuant to any other provision of law.

(c) This section shall not apply to theft of a firearm.

SEC. 5. Section 496 of the Penal Code is amended to read:

496. (a) (1) Every person who buys or receives any property that has been stolen or that has been obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, or who conceals, sells, withholds, or aids in concealing, selling, or withholding any property from the owner, knowing the property to be so stolen or obtained, shall be punished by imprisonment in a county jail for not more than one year, or imprisonment pursuant to subdivision (h) of Section 1170. However, if the value of the property does not exceed nine hundred fifty dollars ($950), the offense shall be a misdemeanor, punishable only by imprisonment in a county jail not exceeding one year, if the person has no prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290. However, if the value of the property in the aggregate for multiple offenses under this subdivision committed within a 12-month period exceeds nine hundred fifty dollars ($950), the person may be punished pursuant to subdivision (h) of Section 1170.

A

(2) A principal in the actual theft of the property may be convicted pursuant to this section. However, no a person may not be convicted both to this section and of the theft of the same property.

(b) (1) Every swap meet vendor, as defined in Section 21661 of the Business and Professions Code, and every person whose principal business is dealing in, or collecting, merchandise or personal property, and every agent,
employee, or representative of that person, who buys or receives any property of a value in excess of nine hundred fifty dollars ($950) that has been stolen or obtained in any manner constituting theft or extortion, under circumstances that should cause the person, agent, employee, or representative to make reasonable inquiry to ascertain that the person from whom the property was bought or received had the legal right to sell or deliver it, without making a reasonable inquiry, shall be punished by imprisonment in a county jail for not more than one year, or imprisonment pursuant to subdivision (h) of Section 1170.

Every

(2) Every swap meet vendor, as defined in Section 21661 of the Business and Professions Code, and every person whose principal business is dealing in, or collecting, merchandise or personal property, and every agent, employee, or representative of that person, who buys or receives any property of a value of nine hundred fifty dollars ($950) or less that has been stolen or obtained in any manner constituting theft or extortion, under circumstances that should cause the person, agent, employee, or representative to make reasonable inquiry to ascertain that the person from whom the property was bought or received had the legal right to sell or deliver it, without making a reasonable inquiry, shall be guilty of a misdemeanor.

(c) Any person who has been injured by a violation of subdivision (a) or (b) may bring an action for three times the amount of actual damages, if any, sustained by the plaintiff, costs of suit, and reasonable attorney's fees.

(d) Notwithstanding Section 664, any attempt to commit any act prohibited by this section, except an offense specified in the accusatory pleading as a misdemeanor, is punishable by imprisonment in a county jail for not more than one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

SEC. 6. Sections 1 to 5, inclusive, of this act amend the Safe Neighborhoods and Schools Act, Proposition 47, an initiative statute, and shall become effective only when submitted to and approved by the voters at a statewide election. The Secretary of State shall submit Sections 1 to 5, inclusive, of this act for approval by the voters at a statewide election in accordance with Section 9040 of the Elections Code.