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, NOVEMBER 18, 2008 - 7:00 P.M.

ITEM NO. 11 ADDED UNDER CONSENT AGENDA

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Pastor Roger Kinsey, Pacific Baptist Church

PLEDGE OF ALLEGIANCE – Council Member Carl Jacobson

Next Resolution # 4577
Next Ordinance # 1425
PRESENTATIONS


ROLL CALL

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

A. PROCEDURAL MOTIONS

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

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

C. UNFINISHED BUSINESS

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

1. Consideration and possible action to adopt the Aviation Safety and Noise Abatement Committee's (ASNAC) recommended comments to the California Department of Transportation in response to Los Angeles International Airport's (LAX) request for a Noise Variance regarding its operations at LAX.
Recommendation – (1) Receive ASNAC recommendations as part of El Segundo's input to the LAX Noise Variance process; (2) Alternatively, discuss and take other 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.
2. Warrant Numbers 2568633 to 2568885 on Register No. 3 in the total amount of $558,075.31 and Wire Transfers from 10/24/2008 through 11/06/2008 in the total amount of $1,117,342.40.

   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.

3. Regular City Council Meeting Minutes and Special City Council Meeting Minutes of November 5, 2008.

   Recommendation – Approval.

4. Consideration and possible action regarding approval of a revised Class Specification for the job classification of Park Maintenance Supervisor.

   Recommendation – (1) Approve the proposed Class Specification; (2) Alternatively, discuss and take other action related to this item.

5. Consideration and possible action regarding approval of the Employment Examination Plan for Pool Maintenance Technician.

   Recommendation – (2) Approve the Examination Plan for Pool Maintenance Technician; (2) Alternatively, discuss and take other action related to this item.

6. Consideration and possible action regarding acceptance of the project for the 2007-2008 annual contract for curb, gutter, handicap access ramps, sidewalk and other minor improvements at various locations citywide. Approved Capital Improvement Project. Project No. PW 08-05. CDBG Project No. 601066-07. (Fiscal Impact: $231,446.20)

   Recommendation – (2) Accept the work as complete; (2) Authorize the City Clerk to file a Notice of Completion in the County Recorder’s Office; (3) Alternatively, discuss and take other action related to this item.

7. Consideration and possible action to approve a Professional Service Agreement with AKM Consulting Engineers for improvements to the City’s wastewater collection system, specifically a conceptual design of possible elimination of Pump Station No. 7 (640 Virginia Street), the upgrade of Pump Station No. 1 (625 West Acacia Avenue), and the replacement of the force main from Pump Station No. 1 to Imperial Avenue. (Fiscal Impact: $276,480)

   Recommendation – (1) Approve a Professional Service Agreement with AKM Consulting Engineers; (2) Authorize the City Manager to execute the agreement in a form as approved by the City Attorney; (3) Alternatively, discuss and take other action related to this item.
8. Consideration and possible action to authorize staff to solicit bids for the upgrade of field lighting at George Brett Field and the Softball Field in Recreation Park at 339 Sheldon Street. Approved Capital Improvement Program Project No. PW 08-15 (Fiscal Impact: $290,000)
Recommendation – (1) Authorize staff to solicit bids for the upgrade of field lighting at Brett Field and the Softball Field; (2) Alternatively discuss and take other action related to this item.

9. Consideration and possible action authorizing the City Manager to enter into an agreement to accept a matching grant of $24,000 in funding from the Governor's Office of Emergency Services ("OES") that authorizes the El Segundo Fire Department to evaluate and implement a pilot community notification system for mass notifications. The City's twenty percent (20%) match will be through a soft match of staff resources and Beach Cities Community Awareness and Emergency Response Association ("CAER") participation. (Fiscal Impact: $24,000)
Recommendation – (1) Authorize the City Manager to enter into an agreement to accept a grant of $24,000 in funds from the OES to evaluate mass notification systems and select a vendor for a pilot community notification system; (2) Alternatively, discuss and take other action related to this item.

10. Consideration and possible action to approve a resolution to support the City's participation in the South Bay Cities Council of Governments Energy Partnership. (Fiscal Impact: None)
Recommendation – (1) Approve the attached resolution that supports the South Bay Cities Council of Governments Energy Partnership and our City's participation in the programs and projects of the South Bay Environmental Savings Center; (2) Alternatively, discuss and take other action related to this item.

11. Consideration and possible action regarding awarding a contract to S&L Specialty Contracting, Inc. for construction related to Group 29 (27 homes) of the City's Residential Sound Insulation Program (Project No. RSI 08-17). (Estimated construction cost and retention: $547,800)
Recommendation – (1) Accept the withdrawal of Bid from DAB Construction, Inc.; (2) Determine that the failure to acknowledge Addendum #2 on the bid form by S&L Specialty Contracting, Inc. be considered a "immaterial irregularity"; (3) Waive the "immaterial irregularity" of the Bid from S&L and award a contract to S&L Specialty Contracting, Inc. for Group 29; (4) Authorize the City Manager to execute a contract in a form approved by the City Attorney; (5) Alternatively discuss and take other action related to this item.
CALL ITEMS FROM CONSENT AGENDA

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 –

Council Member Fisher –

Council Member Jacobson –

Mayor Pro Tem Busch –

12. Consideration and possible action regarding a presentation and discussion regarding public art regulations and direction to the Planning and Building Safety staff to prepare an ordinance amending the Municipal Code to establish regulations for a “Percent for Art or Art in Public Places Program”. (Fiscal Impact: None) Recommendation – (1) Receive staff presentation; (2) Discussion; (3) Direct Planning and Building Safety staff to prepare an ordinance to amend the Municipal Code to establish regulations for a “Percent for Art or Art in Public Places Program”; (4) Alternatively, take other possible related action 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: November 13, 2008

TIME: 2:20 p.m.

NAME: [Signature]
AGENDA DESCRIPTION:
Consideration and possible action regarding awarding a contract to S&L Specialty Contracting, Inc. for construction related to Group 29 (27 homes) of the City's Residential Sound Insulation Program (Project No. RSI 08-17).
(Estimated construction cost and retention: $547,800)

RECOMMENDED COUNCIL ACTION:
1. Accept the withdrawal of Bid from DAB Construction, Inc.
2. Determine that the failure to acknowledge Addendum #2 on the bid form by S&L Specialty Contracting, Inc. be considered a "immaterial irregularity"
3. Waive the "immaterial irregularity" of the Bid from S&L and award a contract to S&L Specialty Contracting, Inc. for Group 29
4. Authorize the City Manager to execute a contract in a form approved by the City Attorney; and/or
5. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Letter submitted by DAB Construction requesting to withdraw their bid
2. First four (4) pages of the bid form from the bid submitted by S&L Specialty Contracting
3. Letter submitted by S&L Specialty Contracting, Inc. regarding Addendum #2

FISCAL IMPACT: Included in Adopted Budget

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<td>Account Number(s):</td>
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ORIGINATED BY: James S. O'Neill, Program Manager
REVIEWED BY: Greg Carpenter, Director of Planning and Building Safety
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
On November 3, 2008 the City Clerk’s office opened sealed bids for Group 29 (RSI 08-17) of the City’s Residential Sound Insulation (RSI) Program. The results of the bid openings were as follows:

1. DAB Construction, Inc. ..................................................$429,260
2. S&L Specialty Contracting, Inc. ..............................$498,000
3. Karabuild Development, Inc. ...................................$559,000
4. Tron Construction, Inc. .............................................$603,550
5. G&G Specialty Contractors, Inc. ............................$625,974
6. Professional Building Contractors, Inc. ..................$633,200
DAB Construction, Inc. (DAB) has requested to withdraw its bid from consideration. DAB claims a “clerical error” resulted in their Bid being $47,320 short, and that they did not receive a revised bid from a subcontractor which resulted in an additional $11,180 shortage in their bid.

California Public Contracts Code §5101 states that “A bidder shall not be relieved of the bid unless by consent of the awarding authority…”

In this instance, Staff is of the opinion that the conditions set forth in California Public Contracts Code §5101 and §5103 have been met in principle. Notice of a “clerical error” omitting costs for “drywall, baffles & soffits” was delivered to the City the same day as the bid opening.

A review of the bid from DAB also shows that more than 59% of the work is proposed to be subcontracted, whereas the project specifications state that not more than 50% of the work can be subcontracted.

The second lowest bidder, S&L Specialty Contracting, Inc. (S&L) failed to acknowledge the second of two addenda issued by the City prior to bid, however S&L has subsequently sent a letter to the City acknowledging that Addendum #2 was in fact received by S&L prior to the Bid. The letter also states that the addendum “was carefully reviewed and considered, and all aspects, requirements, and costs of the Addendum were included within (their) bid…”

Staff is recommending that, based on the acknowledgement by S&L that their failure to acknowledge the second addendum on the bid form be considered a “immaterial irregularity” in their bid. The bid by S&L was determined to be otherwise responsive.

A complete review of the bids received by the other contractors was not completely reviewed.

As City Council is aware, S&L has successfully completed Residential Sound Insulation Program projects for the City and are currently finishing several projects.

The amount requested for the contract is $547,800 which represents the Total Bid amount shown on the bid and an additional 10% of that Total Bid for potential change orders related to unforeseen conditions.

As City Council is aware, eighty percent (80%) of costs associated with the Residential Sound Insulation Program are covered by federal grant funding from the Federal Aviation Administration (FAA) until those funds identified in the Grant Implementation Plan to the City of Los Angeles are exhausted. Remaining expenses, with the exception of elective “Owner Upgrades” selected by property owners, are covered by funding received as part of the settlement agreement with LAWA.

With the successful completion of Group 29, the total number of residences completed by the City’s RSI Program will be 921.
11/3/08

Mr. James S. O’Neill
Program Manager of Residential Sound Insulation
City Of El- Segundo
350 Main St.
El Segundo, CA 90245-3813

Re: Withdraw the Bid for Residential Sound Insulation Program Group 29

I would like to request to withdraw our bid from your consideration on the aforementioned project due to a clerical error, which we made. Unfortunately, on our bid breakdown the cost for drywall, baffles & sofits column was not added to the rough costs, which caused our bid to become $36,400x1.30%=$47,320 short. HK Electric also revised and increased his bid, which we did not receive before sending out our bid. This revision also increasing the bid price by $11,180.

Please accept my apologies for any inconvenience caused by this withdraw.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Sincerely yours;

[Signature]

Mehdi John Badie
President
BIDDERS'S PROPOSAL AND STATEMENT
CITY OF EL SEGUNDO, LOS ANGELES COUNTY, CALIFORNIA

Project Number RSI 08-17
“Residential Sound Insulation Program – Group 29”

PROPOSAL

To the Mayor and City Council
City of El Segundo
350 Main St.
El Segundo, CA 90245

The undersigned declares that he/she has carefully examined the location of the proposed work and has otherwise satisfied himself/herself as to the nature and location of the work, and is full informed as to all conditions and matters which can in any way affect the work or cost thereof, that he/she has examined the Contract Documents, and has read the accompanying “BIDDING INSTRUCTIONS” and hereby agrees to provide the following:

To furnish all labor, materials, equipment, transportation, and services and to do all the work required for the “Residential Sound Insulation Program – Group 29” in strict conformity with the Contract Documents and at the following lump sum price, to Wit:

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<th>ID</th>
<th>Address</th>
<th>Description</th>
<th>Engineer's Estimate</th>
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**Total Bid (Contract Sum)**

Four Hundred Ninety Eight Thousand Dollars

$498,000.00

In case of discrepancy between the words and figures, the words must prevail.

**NOTICE:** Bidders will not be released due to errors and illegible bids must be disqualified.

**NOTICE:** Total Bid (Contract Sum) must equal the total of Schedule of Values. If the Total Bid does not equal the total of the Schedule of Values, it is grounds for rejection of the Bid. Furthermore, inconsistencies between the Schedule of Values and the Plans for each Dwelling are grounds for rejection of the Bid.

This bid is based upon completing the work as set in the Construction Schedule published in the Contract Documents. If awarded the contract for the Work, the undersigned hereby agrees to
sign the contract and furnish the necessary bonds not more than ten (10) calendar days after Notice to Proceed date.

Enclosed is a Bidder's Bond, certified check or cashier's check, which is not less than ten percent (10%), as a guarantee that the undersigned will enter into the contract if awarded to the undersigned. The undersigned further agrees that in case of default in executing the required contract with necessary bonds and insurance, within the time limits above specified, said bonds or check and money payable therein must be fortified to and become the property of the City of El Segundo, State of California.

Name of Firm: S&L Specialty Contracting, Inc.
315 South Franklin Street
Syracuse, NY 13202

Address: ____________________________

Telephone Number: 315 478 9740

Contractor's License Number: 796968

Type of License: B, C10, C20

License Expiration Date: 7/31/09

Type of Entity: ☐ Sole Proprietorship ☐ Partnership ☑ Corporation ☐ Other

I declare under penalty of perjury that the foregoing is true and correct.

Contractor Representative: JAMES W. LEANA

Title: PRES...

Signature: ____________________________

Dated this 30th day of December, 2008.

If Corporation, please attach evidence of authority to sign.
ACKNOWLEDGEMENT OF RECEIPT OF ADDENDA

Bidder acknowledges receipt of the following addenda, has become familiar with their contents, and has accounted for all such changes in the Bidder’s Proposal and Statement. The Bidder must attach copies of transmittal letters and facsimile cover sheets for each identified addendum.

Addendum Number   1   Date:  10-28-08
Addendum Number   _____  Date:  _____
Addendum Number   _____  Date:  _____
Addendum Number   _____  Date:  _____
Addendum Number   _____  Date:  _____
Addendum Number   _____  Date:  _____
Addendum Number   _____  Date:  _____
Addendum Number   _____  Date:  _____

Signature:  

Dated this 3rd day of November, 2008.
November 12, 2008

Mr. James O’Neil
Residential Sound Insulation Program, City of El Segundo
City Hall
350 Main Street
El Segundo, CA 90245-3813

Re: Residential Sound Insulation Program
    Group 29
    Bid Clarification

Dear Mr. O’Neil:

This letter serves to clarify our bid for the above-referenced Project in which we inadvertently failed to acknowledge Addendum Number 2, on Bid Page 4:

1.) S&L acknowledges Addendum No. 2, dated October 30, 2009, was received in advance of the Bid, was carefully reviewed and considered, and all aspects, requirements, and costs of the Addendum were included within our bid for the above referenced Project.

Should you have any questions or require additional information, please contact the undersigned.

Sincerely,

S&L SPECIALTY CONTRACTING, INC.

James W. Leana
President

F:\Bid Prep\EL SEGUNDO\GROUP 29\bid clari1tr 11-12-08.doc