REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, OCTOBER 19, 2010 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Deputy City Clerk, Cathy Domann

PLEDGE OF ALLEGIANCE – Council Member Suzanne Fuentes
PRESENTATIONS

a. Presentation proclaiming October 24, 2010 World Polio Day

b. Presentation from the Recreation & Parks Department to recognize the following: Hacienda Hotel & Conference Center; Embassy Suites Los Angeles International Airport / South; and ArcLight Cinemas Beach Cities as the 2010 Halloween Frolic Sponsors, and to Individual Donor Ralph Lanphere for his contributions to the Aquatics Program.

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

1. Consideration and possible action to receive and file a report and response to the Mayor’s request providing information regarding employee benefits and salary information. (Fiscal Impact: None) Recommendation – (1) Receive and file staff report in response to the October 5, 2010 City Council Meeting request regarding employer CalPERS compensation rates and types of compensation for which PERS contributions are paid by the City; (2) 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 2579303 to 2579478 on Register No. 1 in the total amount of $769,050.99 and Wire Transfers from 09/24/10 through 10/07/10 in the total amount of $1,205,862.11. 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.


4. Consideration and possible action to authorize the City Manager to execute a Public Service Agreement with South Bay Children’s Health Center Association/The South Bay Youth Project to provide on-site counseling services at El Segundo Unified School District. (Fiscal Impact: $33,018) Recommendation – (1) Authorize the City Manager to execute a Public Services Agreement in a form as approved by the City Attorney in the amount up to $33,018; (2) Alternatively, discuss and take other action related to this item.

5. Consideration and possible action to award a three (3) year Landscape Maintenance Agreement to the lowest responsible bidder, TrueGreen LandCare for the City’s landscape maintenance services. (Fiscal Impact: $137,322.00) Recommendation – (1) Authorize the City Manager to execute a three (3) year Landscape Maintenance Agreement in a form as approved by the City Attorney in the amount of $137,322.00; (2) Alternatively, discuss and take other action related to this item.
6. Consideration and possible action to adopt Ordinance No. 1448 approving Environmental Assessment EA 723 to amend the El Segundo Municipal Code ("ESMC") §15-27-6(D) and §15-27A-6(E) regulating the collection of impact fees. (Fiscal Impact: N/A)

Recommendation – (1) Waive second reading and adopt Ordinance No. 1448 for Environmental Assessment EA 723; (2) Alternatively, discuss and take other action related to this item.

7. Consideration and possible action to adopt a resolution amending the City’s existing procedures for mailing, handling and counting of Proposition 218 protest ballots to include residential (solid waste) trash collection service fees. (Fiscal Impact: None)

Recommendation – (1) Adopt a resolution amending the City’s existing procedures for mailing, handling and counting of Proposition 218 protest ballots to include residential trash collection fees; (2) Alternatively, discuss and take other action related to this item.

8. Consideration and possible action to adopt a new resolution which replaces Resolution 3784 due to Los Angeles County’s reorganization for solid waste management from Los Angeles County Department of Health Services to the Los Angeles County Department of Public Health. (Fiscal Impact: None)

Recommendation – (1) Adopt the attached resolution designating the Los Angeles County Department of Public Health as the enforcement agency to carry out the provisions of the Z'berg-Kapiloff Solid Waste Control Act of 1976 and the subsequent California Integrated Waste Management Act of 1989; (2) Alternatively, discuss and take other action related to this item.

9. Consideration and possible action regarding approval of a five-year lease with Oce North America for a multifunctional digital document copier to be used by the City Clerk’s Office for printing, copying, scanning, and faxing. (Fiscal Impact: Not to exceed $9,000 per year)

Recommendation – (1) Approve five-year lease, in a form approved by the City Attorney, with OCE North America; (2) Alternatively, discuss and take other action related to this item.
10. Consideration and possible action regarding approval of a resolution implementing the City's Last, Best, and Final Offer regarding the impacts of layoff, consisting of a severance package for the laid off employees with the City Employee Association bargaining unit. (Fiscal Impact: $11,122.56)

Recommendation – (1) Approve the attached Resolution; (2) 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 Fuentes –

Council Member Brann –

Council Member Jacobson –
Mayor Pro Tem Fisher –

Mayor Busch –

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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: 10-14-10

TIME: 11:50 A.M.

NAME: M. Jennings
AGENDA DESCRIPTION:
Consideration and possible action regarding approval of a Resolution implementing the City’s Last, Best, and Final Offer regarding the impacts of layoff, consisting of a severance package for the laid off employees within the City Employees Association bargaining unit. Fiscal Impact: $11,122.56.

RECOMMENDED COUNCIL ACTION:
1. Approve the attached Resolution.
2. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Resolution Unilaterally Resolving the Meet and Confer Impasse Over Layoff Impacts

FISCAL IMPACT:
Total Fiscal Impact: $11,122.56

Amount Budgeted: 
Additional Appropriation: None
Account Number(s): 

ORIGINATED BY: Martha Dijkstra, Human Resources Manager
REVIEWED BY: Bob Hyland, Human Resources Director
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION
On August 10, 2010, the City of El Segundo notified the El Segundo City Employees Association (ESCEA) that due to the City’s lack of funds, the City Council found it necessary to layoff employees within their bargaining unit. At the time, ESCEA was represented by a firm called City Employee Associates, which is located in Long Beach and whose Principal is Robin Nahin.

On August 19, 2010, City representatives met with representatives of ESCEA, including the President of the ESCEA, and Ms. Nahin. In that meeting, ESCEA proposed specific severance packages for the two employees who were to be laid off.

Thereafter, on September 8, 2010, the City proposed a severance package consisting of one month of compensation, contingent upon the affected employees signing a Separation Agreement (Waiver & Release of Claims). Then, representatives from both sides continued to communicate on this matter, both verbally and in writing. The City was informed that both of the affected employees intended to accept the proposed severance package. CEA requested confirmation on behalf of one of the employees that her medical coverage would extend through October 2010. The City confirmed the medical coverage would extend through October inasmuch as the insurance premiums are paid in advance.

On September 21, 2010, the City informed Ms. Nahin, CEA’s Principal, that the City wished to enter a side letter agreement formalizing the agreement reached on the severance packages and to present it to the City
Council for approval at the Council meeting on October 5, 2010. Ms. Nahin requested to review the Separation Agreements prior to the employees signing them. However, no substantive counter-proposals were made.

Then, on the same day, the City was informed that ESCEA was conducting interviews and would possibly change its representative. On September 23, 2010, the City received written communication from Wendell Phillips, formerly affiliated with CEA, regarding the City’s proposed severance package. The City learned through the ESCEA Board President that Mr. Phillips, who is no longer affiliated with CEA, would be representing ESCEA during the contract negotiations and was also asked to look into the offered severance package.

Notwithstanding the events described above, in an e-mail dated September 23, 2010, Mr. Phillips stated that it did not appear to him that layoff impact negotiations had taken place and/or not resulted in any agreements. He then proposed a severance package of up to six months of pay if the affected employees signed separation agreements.

Still, the City continued receiving e-mail communications from CEA representatives as late as September 29, 2010. In their last e-mail to the City dated September 29, 2010, CEA requested two modifications to the Separation Agreement, but did not make any proposal regarding the amount of severance pay. One of the employees even submitted her written acceptance of the City’s severance proposal on September 29, 2010.

Nevertheless, Mr. Phillips has continued to assert that no agreement has been reached. Therefore, during contract negotiations on October 11, 2010, the City presented ESCEA and Mr. Phillips with a Last, Best, and Final Offer stating that the City would provide payment equal to one month of compensation if the affected employees would execute a separation agreement, a copy of which was attached to the Last, Best and Final Offer. ESCEA representatives nor Mr. Phillips would accept or reject the Last, Best, and Final Offer, either at the October 11, 2010 meeting or in subsequent correspondence. Therefore, City representatives declared an impasse and informed ESCEA via Mr. Phillips that the matter would be presented to the City Council for resolution at its meeting on October 19, 2010. City representatives informed the ESCEA that a recommendation would be made that the City Council implement the terms of the City’s Last, Best, and Final Offer.
RESOLUTION NO.


BE IT RESOLVED by the Council of the City of El Segundo as follows:

SECTION 1: The City Council finds as follows:

A. Government Code sections 3500 through 3511 (hereinafter the Myers-Milias-Brown Act or “the Act”) provides in pertinent part that representatives of the governing body of the City of El Segundo shall meet and confer in good faith with representatives of a recognized employee organization regarding proposed changes in wages, hours and other terms and conditions of employment and shall consider fully such presentations as are made by the employee organization on behalf of its members prior to the City arriving at a determination of policy or course of action; and,

B. The City Employees Association is an employee organization recognized by the City to represent a unit consisting of job classifications, including Community Cable Program Specialist and Crime Scene Investigator I; and,

C. The City has exercised its management right to layoff the Community Cable Program Specialist and Crime Scene Investigator I; and,

D. Representatives of the City and the City Employees Association have met and conferred and failed to reach a written agreement regarding impacts of said layoff; and,

E. The parties have not agreed to submit the failure to agree to mediation.

NOW, THEREFORE, the City Council of the City of El Segundo does hereby resolve the parties’ failure to agree upon a memorandum of understanding over impacts of the layoff, as follows:

SECTION 2: The City shall pay the laid off employees in the Community Cable Program Specialist and Crime Scene Investigator I classifications an amount equal to one month of compensation if the employees elect to enter a severance agreement as presented to them by the Human Resources Director releasing the City from liability.
SECTION 3: This Resolution in the book of the City's original resolutions; and make a minute of the adoption of the Resolution in the City Council's records and the minutes of this meeting.

SECTION 4: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND APPROVED this 19th day of October, 2010.

Eric Busch, Mayor

ATTEST:

Cindy Mortesen,
City Clerk

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

By:
Karl H. Berger
Assistant City Attorney