

MEETING MINUTES OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, MARCH 1, 2022

CLOSED SESSION – Mayor Boyles called to order at 4:07 PM

ROLL CALL

Mayor Boyles - Present
Mayor Pro Tem Pimentel - Present
Council Member Pirsztuk - Present
Council Member Nicol - Present
Council Member Giroux - Present

PUBLIC COMMUNICATION – (Related to City Business Only – 5-minute limit per person, 30-minute limit total) None

SPECIAL ORDER OF BUSINESS:

Mayor Boyles announced that Council would be meeting in closed session pursuant to the items listed on the Agenda.

CLOSED SESSION:

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

Council Members Pirsztuk and Nicol left closed session due to potential conflicts of interest during the discussion of initiation of litigation by the City, the lessee, against 612 Twin Holdings, LLC, the owner and lessor of the parking garage located at the northeast corner of Grand Avenue and Richmond Street, due to having real property interests within 500 feet of the parking garage.

CONFERENCE WITH LEGAL COUNSEL – ANITICPATED LITIGATION

Initiation of litigation pursuant to Government Code §54956.9(c): -2- matter.

PUBLIC EMPLOYMENT (GOV'T CODE §54957) – 1- MATTER(s)

City Manager

CONFERENCE WITH CITY'S LABOR NEGOTIATOR (GOV'T CODE §54957.6): -2-
MATTER(S)

Employee Organizations: Fire Fighters Association and Police Officers Association

Agency Designated Representative: Irma Moisa Rodriguez, Interim City Manager, Joe Lillio and Human Resources Director, Rebecca Redyk

Adjourned at 5:50 PM

OPEN SESSION – Mayor Boyles called to order at 6:00 PM

ROLL CALL

Mayor Boyles	-	Present
Mayor Pro Tem Pimentel	-	Present
Council Member Pirsztuk	-	Present
Council Member Nicol	-	Present
Council Member Giroux	-	Present

INVOCATION – Reverend Dina Ferguson, St. Michael Episcopal Church

PLEDGE OF ALLEGIANCE – Council Member Giroux

SPECIAL PRESENTATIONS:

1. Introduction of Poet Laureate, Hope Anita Smith by Natalie Strong, Arts and Culture Advisory Committee Chair.
2. Proclamation read by Mayor Boyles, proclaiming March 2022 as American Red Cross Month, Mr. Gerald Thomas received the Proclamation on behalf of the American Red Cross.

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5-minute limit per person, 30-minute limit total)

In Chamber –

Jonathan Cuetto, non-resident, commented on item #D9.

Luis Bobadilla, non-resident and owner of MOTA – Medicine Of The Angels, commented on item #D9.

Via Zoom –

Andre Sugden, resident, and 8th grader at ESMS commented on Main Street traffic, this topic will be for his 8th grade community project.

Ben Watkins, resident, commented on item #D12, the appointment of an interim City Manager.

CITY MANAGER FOLLOW-UP COMMENTS:

Joe Lillio, Interim City Manager will have Elias Sassoon, Public Works Director contact Andre Sugden and stated the City is using the firm of Ralph Anderson to recruit for the City Manager position.

A. Read all Ordinances and Resolutions on the Agenda by Title Only.

MOTION by Council Member Giroux, SECONDED by Council Member Nicol to read all ordinances and resolutions on the agenda by title only. MOTION PASSED BY UNANIMOUS VOTE. 5/0

D. STAFF PRESENTATIONS: *(Items D12 and D13 moved forward on the Agenda)*

12. Temporary Appointment of CalPERS Retiree Darrell George to Interim City Manager Pursuant to Government Code §§ 7522.56 and 21221(h).
(Fiscal Impact: The City Manager position is currently funded in the FY 2021-2022 budget. There is no additional ongoing fiscal impact associated with the temporary appointment of a retired annuitant to the Interim City Manager position. In accordance with CalPERS requirements, Mr. George will not be eligible for any compensation or benefits in addition to the hourly pay rate while working for the City of El Segundo as a retired annuitant)

Rebecca Redyk, Human Resources Director presented the item.

Darrell George introduced himself to Council and will begin his position as Interim City Manager tomorrow, March 2, 2022.

Council discussion

Mark Hensley, City Attorney read by title only;

RESOLUTION NO. 5315

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO
APPOINTING DARRELL GEORGE AS AN INTERIM CITY MANAGER
Government Code Section 21221(h)

MOTION by Council Member Pirsztuk, SECONDED by Council Member Giroux adopting Resolution No. 5315. MOTION PASSED BY UNANIMOUS VOTE. 5/0

MOTION by Council Member Nicol, SECONDED by Council Member Giroux approving Employment Agreement No. 6285. MOTION PASSED BY UNANIMOUS VOTE. 5/0

13. Temporary Appointment of a CalPERS Retiree John Jones to Interim Community Services Director Pursuant to Government Code §§ 7522.56 and 21221(h)
(Fiscal Impact: Included in Adopted FY 2021/22 Budget under the Director of Community Services position)

Rebecca Redyk, Human Resources Director presented the item.

John Jones introduced himself to Council and will begin his position as Interim Community Services Director tomorrow, March 2, 2022.

Council wished Melissa McCollum the best in her new position with the City of Manhattan Beach.

Mark Hensley, City Attorney read by title only;

RESOLUTION NO. 5316

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO
APPOINTING JOHN JONES AS AN INTERIM COMMUNITY SERVICES
DIRECTOR

Government Code Section 21221(h)

MOTION by Council Member Nicol, SECONDED by Council Member Giroux adopting Resolution No. 5316. MOTION PASSED BY UNANIMOUS VOTE. 5/0

MOTION by Council Member Giroux, SECONDED by Council Member Pirsztuk approving Employment Agreement No. 6286. MOTION PASSED BY UNANIMOUS VOTE. 5/0

B. CONSENT:

3. Approve Special City Council Meeting minutes of February 10, 2022 and Special and Regular City Council Meeting minutes of February 15, 2022.
(Fiscal Impact: None)
4. Approve warrants demand register for January 24, 2022 through February 20, 2022, numbers 15A, 5B, 16A and 16B, warrant numbers 3039134 through 3039611 and, 9002360 through 9002365 through 9002403. Ratify Payroll and employee benefit Checks; Checks released early due to contracts or agreement; Emergency disbursements and/or adjustments; and, Wire transfers.
(Fiscal Impact: \$6,607,821.33 (\$1,884,483.88 in check warrants and \$4,723,337.45 in wire warrants))
5. Authorize the City Manager to execute Standard Public Works Construction Contract No. 6288 with Corral Construction & Development, Inc. for \$213,333 for the Community Development Block Grant Project and authorize an additional \$21,333 as contingency funds for potential unforeseen conditions.
(CDBG Project 602294-20)
(Fiscal Impact: \$235,000 included in adopted Budget)

6. Accept the FY 2020-21 Pavement Rehabilitation Project by All American Asphalt as complete and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office. No. (PW 21-01)
(Fiscal Impact: \$1,144,217.83)
7. Approve funding source change from the gas tax fund to the Measure M fund for construction contract with FS Contractors, Inc. for the FY 2021-2022 Annual Concrete Improvements Project (Project No PW 21-10.)
(Fiscal Impact: \$300,000 included in the adopted Budget)
8. Waive second reading and adopt Ordinance No. 1633 amending ESMC Title 14 (Subdivision Regulations) to include subdivision standards for General Urban Lot Splits; and Title 15 adding new Section 15-4G - Two Unit Residential Developments and Urban Lot Splits in Single-Family Residential (R1) Zones, in accordance with the provisions of Senate Bill No. 9.
(Fiscal Impact: None)

(The proposed ordinance (zone text amendment) is exempt from review under the California Environmental Quality Act (California Public Resources Code §§21000, et seq., "CEQA") because SB 9 specifically authorizes local agencies to impose objective zoning, subdivision, and design standards consistent with the bill's provisions, and to adopt an ordinance to implement its provisions. SB 9 further provides that such ordinances are not considered a "project" under CEQA (Gov. Code, §§65852.21, subd. (j); 66411.7, subd. (n)).

MOTION by Council Member Giroux, SECONDED by Mayor Pro Tem Pimentel approving Consent Agenda items 3, 4, 5, 6, 7, and 8. MOTION PASSED BY UNANIMOUS VOTE. 5/0

C. PUBLIC HEARING: None

D. STAFF PRESENTATIONS:

14. Hyperion Update (*Item D14 moved forward on the Agenda*)
(Fiscal Impact: Staff time was included in Adopted FY 2021/22 Budget. There is no additional fiscal impact associated with this report at this time. No additional appropriation is required)

Elias Sassoon, Public Works Director, Professor Michael K Stenstrom, PhD., P.E, BCEE and Council Member Giroux gave a presentation and answered Council's questions.

Council Discussion

Key topics of discussion

- Work with Consultants on staff with the City
- Work with AQMD District Rep – Rex Richardson
- Start the legal process
- Do a full court press
- Have voices heard
- Work with Hyperion Leadership to rebuild trust with Council and residents
- NOx Monitoring
- Investigate what kind of monitoring to help prevent future failures

Council consensus to receive and file the report.

9. Resolution Certifying Sufficiency of Commercial Cannabis Voter Initiative Petition, City Council Direction on Voter Initiative Ordinance, and Direction on Potential City Initiative Ordinance
(Fiscal Impact: The cost of presentation of the citizen initiative ordinance to the City's voters at the November 8, 2022 General Municipal Election comprises approximately \$2,513 of the total \$20,945 estimate from Los Angeles County. This cost will be included in the FY 2022-2023 Budget if City Council approves the initiative)

Mark Hensley, City Attorney and Michael Allen, AICP, Development Services Director reported on the item.

Council discussion

Council consensus directing staff to take the petitions back to the Los Angeles County Registrar's Office to verify all signatures collected by petitioners.

MOTION by Council Member Nicol, SECONDED by Council Member Giroux to continue the item to the next regular Council Meeting on March 15, 2022. Mark Hensley, City Attorney and Michael Allen, Development Services Director presented the item and answered Council's questions.

10. Progress Update on Local Early Action Planning Grant Inclusionary Housing Study
(Fiscal Impact: This study is funded by the California Department of Housing and Community Development (HCD), LEAP grant. All City costs for conducting the study and administering the grant up to \$65,000 are reimbursed by HCD)

Michael Allen, AICP, Development Services Director, Paul Samaras, AICP, Principal Planner, and Consultants, Darin Smith and Julie Cooper with Economic and Planning Systems gave a presentation and answered Council's questions.

Council discussion

Council consensus to receive and file the presentation.

Council consensus directing staff to investigate military housing, smaller footprint housing; apartments and condos and use funds to further analyze east of the Washington area.

Mayor Boyles and Council Member Nicol let the dais. This was decided at a previous meeting, if items concerning the downtown area were on the agenda, then these two council members would recuse themselves due to businesses in the area.

11. Temporary Outdoor Dining Permitted During the Pandemic in the Public Right-of-Way in the Downtown Area.
(Fiscal Impact: Further study and development of outdoor dining does not have any direct fiscal impact to the City's general fund. Staff time is included in the FY 2021-2022 Adopted Budget.)

Michael Allen, Development Services Director reported on the item.

Council discussion

Council consensus to receive and file update.

MOTION by Council Member Giroux, SECONDED by Council Member directing staff to immediately require the removal of outdoor dining improvements that do not meet building code safety requirements. MOTION PASSED BY UNANIMOUS VOTE. 3/0

MOTION by Council Member Pirsztuk, SECONDED by Council Member Pirsztuk directing staff to immediately require the removal of all outdoor dining located within travel lanes on Main Street within 30 days. MOTION PASSED BY UNANIMOUS VOTE. 3/0

MOTION by Council Member Giroux, SECONDED by Council Member Pirsztuk extending outdoor dining on Richmond Street into travel lanes until August 16, 2022. MOTION PASSED BY VOTE. 2/1 Yes: Pirsztuk Giroux No: Pimentel

Council consensus establishing a date no later than October 31, 2022, for the removal of the remainder of all temporary outdoor dining improvements that were allowed during the pandemic.

MOTION by Council Member Pirsztuk, SECONDED by Council Member Giroux directing staff to proceed with further studies and development of a permanent outdoor dining program. MOTION PASSED BY UNANIMOUS VOTE. 3/0

ITEMS D12, D13 AND D14 MOVED FORWARD ON THE AGENDA.

E. COMMITTEES, COMMISSIONS AND BOARDS: None

F. REPORTS – CITY CLERK – No report

G. REPORTS – CITY TREASURER – Not present

H. REPORTS – COUNCIL MEMBERS

Council Member Giroux – Congratulated the ESHS Girl's Water Polo Team for winning CIF and came in 2nd in the Southern Region.

Council Member Nicol – Thanked City staff for their assistance on the Little League and Girls' Softball parade.

Council Member Pirsztuk – Complimented all 8th grade ESMS students on their 8th grade projects, this program is part of IB (International Baccalaureate).

Mayor Pro Tem Pimentel – Commented on a regional transportation initiative, mentioned residents will be receiving queries regarding adding substations to the Green Line and due to Assemblywoman Autumn Burke's resignation there will be a special election in June to fill her seat and thanked the Police Department for the enforcement of stop signs on Main Street.

Mayor Boyles – Met new Supervisor, Holly Mitchell, attended and reported on the South Bay Council of Government's Board meeting, mentioned that District Attorney Gascon has agreed to meet with the SBCOG, stated the General Assembly for the COG will be March 24, 2022 and congratulated the ESHS Girls' Soccer team on winning CIF for the second year.

15. Extend the Expiration Date for City Council Committee Assignments, and Appoint a Representative to the LAX Area Advisory Committee
(Fiscal Impact: None)

Mayor Boyles reported on the item.

MOTION by Council Member Giroux, SECONDED by Council Member Pirsztuk approving an amendment to the City Council Assignments to extend the expiration date from May 17, 2022 to January 17, 2023 and appointing Corrie Zupo to the LAX Area of Advisory Committee. MOTION PASSED BY UNANIMOUS VOTE. 5/0

I. REPORTS – CITY ATTORNEY – Stated during Closed Session Council approved the filing of legal action against the owner and lessor of the parking structure located on the northeast corner of Grand Avenue and Richmond Street, 612 Twin Holdings, LLC for failure to maintain the property and financial audit provisions, with a vote of 3/0 (Pirsztuk and Nicol were recused due to the location of real property interests in the area of the structure) and secondly apologized to the City Clerk's Office for his adverse reaction on the request to verify all signatures on the petition.

J. REPORTS/FOLLOW-UP – CITY MANAGER – Mentioned the next Council Meeting will be March 15, 2022. Thanked the Council for opportunity to serve as Interim City Manager for the last three weeks.

MEMORIALS – None

Adjourned at 11:01 PM



Tracy Weaver, City Clerk