

MEETING MINUTES OF THE EL SEGUNDO CITY COUNCIL  
TUESDAY, FEBRUARY 15, 2022  
(Special Meeting ran concurrently with the Regular City Council Meeting)

CLOSED SESSION – Mayor Boyles called to order at 4:03 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:*

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (GOV'T CODE §54956.9(D)(1): -6- MATTER(S)

1. Scott O'Connor (City Police Officer) v. City of El Segundo, United States District Court (Central District of California), Civil Case No. 2:20-CV-0311 DMG (PLAx).
2. Scott Martinez (City Fire Fighter) v. City of El Segundo, Los Angeles Superior Court Case No. 21ST CV10637.
3. James Tulette (City Fire Fighter) v. City of El Segundo, Los Angeles Superior Court, Case No. 205T, CV44025.
4. Shawn Bonfield (City Fire Department Battalion Chief) v. City of El Segundo, Los Angeles Superior Court Case no. 20ST CV48677.
5. William Hatcher (Retired El Segundo Fire Fighter v. City of El Segundo, Los Angeles Superior Court, Case No. 21ST CV37399.
6. Richard Towne (Retired El Segundo Fire Fighter) v. City of El Segundo, Los Angeles Superior Court, Case No. 21ST CV19113.

CONFERENCE WITH LEGAL COUNSEL – ANITICPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(d) (2) and (3):  
-1- matter.

Initiation of litigation pursuant to Government Code §54956.9(c): -1- matter.

PUBLIC EMPLOYMENT (GOV'T CODE §54957) – 2- MATTER(s)

Interim City Manager and City Manager

Recessed 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 – Pastor Jonathan Elmore, The Bridge Church

PLEDGE OF ALLEGIANCE – Council Member Pirsztuk

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

***In Chamber*** –

Randall Duncan, resident, commented on the creation of El Segundo Downtown Beautification Fund.

John Pickhaver, resident, commented on a recent DEI presentation given at the February 1, 2022 Council Meeting.

Nick Nicotine, resident, commented on the recent Smoking Ban Ordinance that Council did not pass recently.

***Via Zoom*** –

Marissa Land, resident, commented on the DEI Committee and member Coach Woody, does not feel Coach Woody's values align with the committee.

Robin Miskolcze, resident, commented on the DEI Committee with regards to the 2022 Legislative Platform and various other items of concern.

Sean O'Brien, resident, commented on the DEI Committee and the need to replace vacant seats.

Dave Holop, resident, commented on the DEI Committee with regards to the 2022 Legislative Platform and other items of concern.

CITY MANAGER FOLLOW-UP COMMENTS:

Mr. Lillio will have staff follow-up on the El Segundo Beautification fund.

Barbara Voss gave an update on the DEI committee vacancies and upcoming interviews for the committee.

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

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

B. CONSENT:

1. Approve Special City Council Meeting minutes of December 14, 2021 and January 25, 2022 and Regular and Special City Council Minutes of February 1, 2022.  
(Fiscal Impact: None)
2. Approve warrants demand register for January 10, 2022 through January 23, 2022, numbers 14A and 14B, warrant numbers 3038907 through 3039133, and 9002360 through 90002364. Ratify Payroll and employee benefit Checks; Checks released early due to contracts or agreement; Emergency disbursements and/or adjustments; and, Wire transfers.  
(Fiscal Impact: \$4,782,671.17 (\$1,551,278.87 in check warrants and \$3,231,392.30 in wire warrants))
3. Authorize the City Manager to extend the License Agreements No's, 4814C AYSO, 4815C Babe Ruth, 4816C Girls Softball, 4817C Inline Hockey, 4818C ESLL, 4819C Lacrosse, and 4821C United States Volleyball with each El Segundo Youth Sports Organization identified in the Youth Sports Council Athletic Field/Facility Use and Allocation Policy for the remainder of FY 2021/2022.  
(Fiscal Impact: Total annual revenue from the license agreements is estimated to be \$24,000 which has been included in the adopted FY 2021-22 Budget)
4. Adopt Resolution No. 5311 approving a Street Improvement and Maintenance Cooperation Agreement, Agreement No. 6275 with the City of Hawthorne for the Union Pacific Railroad Crossing Improvements. (Project No. MP 21-10)  
(Fiscal Impact: \$110,000 included in the adopted FY 2021-2022 Budget)
5. Waive second reading and adopt Ordinance No. 1632 approving E-Filing of Statement of Economic Interests and Campaign Finance forms.  
(Fiscal Impact: \$4900 annually for five years)
6. Approve Resolution No. 5312 allowing continued teleconferenced Public Meetings.  
(Fiscal Impact: None)

7. Pursuant to El Segundo Municipal Code (“ESMC”) § 1-7-9 (A), waive the bidding process and authorize the City Manager to execute the fourth amendment to the Agreement No.5525D with MAK Fire Protection Engineering & Consulting, Inc. to increase the not-to-exceed compensation by \$49,000 with a new not to exceed aggregate amount of \$98,000 for fire plan check services and appropriate an additional \$49,000 from General Fund unassigned fund balance to Fire Prevention’s professional and technical expense account.  
(Fiscal Impact: \$49,000)
  
8. Approve an amendment to Professional Services Agreement No. 5749B with Dudek for environmental review services on the Pacific Coast Commons Specific Plan (“PCC”) project to increase the PSA’s total not-to-exceed compensation from \$259,095 to \$335,441.  
(Fiscal Impact: The PCC project is subject to a reimbursement agreement with the project proponent. All City costs for processing the application, including environmental review services provided by Dudek are reimbursed by the project applicant. Therefore, the amendment to the professional services agreement will have no fiscal impact to the City's General Fund)

MOTION by Council Member Nicol, SECONDED by Council Member Giroux approving Consent Agenda items 1, 2, 3, 4, 5, 6, 7, and 8. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

PULLED ITEMS:

C. PUBLIC HEARING:

9. Resolution Establishing Cost-Recovery Fees Related to the Certified Unified Program Agency Unified Program and Refinery Emergency Notification System Implementation and Ongoing Maintenance  
(Fiscal Impact: None)

Mayor Boyles stated this was the time and place for a continued public hearing adopting a resolution adopting a Unified Program single fee and one-time AB1646 implementation fee.

Clerk Weaver stated that proper notice had been given in a timely manner and that no written communication had been received in the City Clerk’s office.

Deena Lee, Fire Chief reported on the item and answered Council’s questions.

Public Input: None

MOTION by Council Member Nicol, SECONDED by Giroux to close the hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Council discussion

Mark Hensley, City Attorney, read the Resolution by title only.

RESOLUTION NO. 5313

A RESOLUTION ADOPTING A UNIFIED PROGRAM SINGLE FEE AND ONE-TIME  
AB1646 IMPLEMENTATION FEE.

MOTION by Council Member Pirsztuk, SECONDED by Council Member Giroux  
adopting Resolution No. 5313. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

10. Ordinance Amending El Segundo Municipal Code Titles 14 and 15 to comply  
with State Law Allowing for Two-Unit Development and Urban Lot Splits in the R-  
1 Single Family Residential Zone  
Fiscal Impact: None)

(The proposed ordinance amending El Segundo Municipal Code Titles 14 and 15  
is exempt from review under CEQA and the CEQA Guidelines because SB 9  
specifically authorizes local agencies to impose certain objective standards  
consistent with the bill's provisions, and 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)))

Mayor Boyles stated this was the time and place for a public hearing adopting a  
resolution approving a Negative Declaration and the final draft 2021-2029 Housing  
Element (Environmental Assessment No. EA 1271 and General Plan Amendment No.  
GPA 19-04).

Clerk Weaver stated that proper notice had been given in a timely manner and that no  
written communication had been received in the City Clerk's office.

Michael Allen, Development Services reported on the item and answered Council's  
questions.

Public Input: None

MOTION by Council Member Giroux, SECONDED by Nicol to close the hearing.  
MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Council Discussion

The Ordinance will amend as follows; Strike FAR language in reference to 1.0 in lots  
greater than twenty-five (25) feet.

Mark Hensley, City Attorney, read the Ordinance by title only.

ORDINANCE NO. 1633

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE TITLE 14 (SUBDIVISION REGULATIONS) TO ADD NEW CHAPTER 6 AND TITLE 15 (ZONING CODE) CHAPTER 4 TO ADD NEW ARTICLE G ALLOWING CERTAIN SUBDIVISIONS AND MULTIPLE RESIDENTIAL UNITS IN THE SINGLE FAMILY RESIDENTIAL ZONE AND ESTABLISHING OBJECTIVE STANDARDS PURSUANT TO SENATE BILL NO. 9

Council Member Nicol introduced Ordinance No. 1633 as amended. Second reading and possible adoption of the Ordinance is scheduled for the regular City Council meeting of March 1, 2022.

D. STAFF PRESENTATIONS:

11. Amendment to Topgolf Agreement to Modify Golf Course Improvements to Delete the Requirement for One Par 4 Hole and Add a Periodic Increase to the Annual Topgolf "Payment for Public Good"; and Discussion of Golf Course and Driving Range User Rates.  
(Fiscal Impact: None)

Joe Lillio, Interim City Manager, Mark Hensley, City Attorney and Tanner Micheli, Director of Real Estate Development with Topgolf reported on the item and answered Council's questions.

Council Discussion

MOTION by Council Member Pirsztuk, SECONDED by Council Member Giroux approving an amendment to Topgolf Agreement No. 6261A modifying golf course improvements to delete the requirement for one par 4 hole and add a periodic increase to the annual Topgolf "Payment for Public Good." MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Council consensus to receive and file discussion on golf course and driving range user rates.

12. 2022 Legislative Platform  
(Fiscal Impact: None)

Portland Bates, Sr Management Analyst reported on the item and answered Council's questions along with Barbara Voss, Deputy City Manager. Ms. Voss stated she would add language to the Platform in regard to Diversity, Equity and Inclusion as suggested by some who spoke earlier during Public Communications.

Council Discussion

MOTION by Mayor Pro Tem Pimentel, SECONDED by Council Member Nicol approving the 2022 Legislative Platform. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

E. COMMITTEES, COMMISSIONS AND BOARDS:

F. REPORTS – CITY CLERK – No report

G. REPORTS – CITY TREASURER –

13. Investment Portfolio Report for December 2021

Matthew Robinson, City Treasurer gave a presentation and answered Council's questions.

Council consensus to receive and file presentation

H. REPORTS – COUNCIL MEMBERS

Council Member Giroux – Mentioned the El Segundo High School Girls Water Polo team will play in the CIF Semi-Finals tomorrow night (Feb. 16, 2022).

See Special Minutes of February 15, 2022 for Council Member Giroux's item.

Council Member Nicol – Commented on the Smoking Ordinance that Council did not pass and how at times it is tough to align with the public's view and to the speaker earlier, you have been heard. Congratulated AYSO Boys U10 on winning the Area 1D Championship.

Council Member Pirsztuk – Reminded the Community the Shred Event will be held on February 26, 2022 and thanked the Superbowl attendees who visited our town over the weekend for patronizing our town.

Mayor Pro Tem Pimentel – Attended and reported on the South Bay Council of Governments Transportation meeting and will attend the Sanitation meeting tomorrow, Wednesday February 16, 2022.

Mayor Boyles – Mentioned all the youth sports taking place this week in our town.

See Special Minutes of February 15, 2022 for Mayor Boyles item.

I. REPORTS – CITY ATTORNEY – No report

J. REPORTS/FOLLOW-UP – CITY MANAGER – Mentioned the upcoming items for the next regular City Council meeting on March 1, 2022.

MEMORIALS –Jack Wayt

Open session adjourned at 7:54 PM

Council returned to Closed session at 7:55 PM

Closed session adjourned at 8:03 PM

  

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Tracy Weaver, City Clerk