

MEETING MINUTES OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, December 5, 2023

CLOSED SESSION – Mayor Boyles called the meeting to order at 4:00 PM.

ROLL CALL

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

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

SPECIAL ORDER OF BUSINESS:

Mayor Pro Tem Pimentel announced that Council would be meeting in closed session pursuant to the items listed on the agenda.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (GOV'T CODE §54956.9(D)(1): -10- MATTER(S)

1. City of El Segundo v. Wiseburn Unified School District, Los Angeles Superior Court Case No. 23TRCV01031.
2. 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).
3. Scott Martinez (Retired City Fire Fighter) v. City of El Segundo, Los Angeles Superior Court Case No. 21ST CV10637.
4. James Tulette (Retired City Fire Fighter) v. City of El Segundo, Los Angeles Superior Court, Case No. 205T, CV44025.
5. Shawn Bonfield Retired (City Fire Department Battalion Chief) v. City of El Segundo, Los Angeles Superior Court Case no. 20ST CV48677.
6. William Hatcher (Retired El Segundo Fire Fighter) v. City of El Segundo, Los Angeles Superior Court, Case No. 21ST CV37399.
7. Richard Towne (Retired El Segundo Fire Fighter) v. City of El Segundo, Los Angeles Superior Court, Case No. 21ST CV19113.
8. Rebecca Smith (Former Non-Sworn Police Department Employee) v. City of El Segundo - Binding Arbitration Personnel Case.

9. Amy McDaniels (Non-Sworn Police Department Employee) v. City of El Segundo - Binding Arbitration Personnel Case.
10. Brent Beardmore (City Police Officer) v. City of El Segundo, Los Angeles Superior Court Case No. 22STCV25047.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Threats to Significant exposure/- to litigation pursuant to (Government Code §54956.9(d)(2) or (d)(3)): -1- matter(s).

1. Government Tort Claim by Keith Puckett

CONFERENCE WITH CITY’S LABOR NEGOTIATOR (Government Code §54957.6): - 2- MATTER(S)

1. Employee Organizations: City Employees’ Association (CEA), Fire Fighter’s Association and Management Confidential (unrepresented).

Representative: City Manager, Darrell George, Human Resources Director, Rebecca Redyk, and Alex Volberding.

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 Giroux	-	Present
Council Member Baldino	-	Present

INVOCATION – Rabbi Dovid Lisbon, Jewish Community Center

PLEDGE OF ALLEGIANCE – Council Member Pirsztuk

SPECIAL PRESENTATIONS:

1. Council Member Giroux read a commendation recognizing the El Segundo High School Water Polo Team. Former Water Polo Coach Henry Stuart and Greg McMullin spoke on behalf of the team.
2. Proclamation read by Council Member Baldino, proclaiming the 1200 block of East Acacia Avenue as Candy Cane Lane from December 9, 2023, at 7:00 PM through December 23, 2023.

3. Proclamation read by Council Member Baldino, proclaiming Sunday, December 10, 2023 as the 59th Annual El Segundo Holiday Parade. Marsha Hansen, El Segundo's Chamber of Commerce CEO accepted the proclamation.
4. Introduction and presentation regarding the El Segundo Public Library's New Vega Discover Online Catalog, Mark Herbert, Public Library Manager presented the item.

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

Bradford Stone, resident, commented on item #D17, proposed yard sale at Park Vista.
Pam Nicholson, President of the Joslyn Center Seniors Club, commented on the need for a light at the bottom of the elevator. The light has been out for over a year.

CITY MANAGER FOLLOW-UP COMMENTS:

Darrell George, City Manager gave an update on the Hyperion Water Reclamation Plant.

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

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

B. CONSENT:

5. Approve Regular and Special City Council meeting minutes of November 7, 2023.
(Fiscal Impact: None)
6. Approve warrants demand register for October 2, 2023, through November 11, numbers 7B, 8A, 8B, 9A, 9B, and 10A: warrant numbers 3047669 through 3048210, and 9003014 through 9003038. Ratify Payroll and employee benefit Checks; Checks released early due to contracts or agreement; Emergency disbursements and/or adjustments; and, Wire transfers.
(Fiscal Impact: \$10,771,724.33 (\$2,763,626.26 in check warrants and \$8,008,098.07 in wire warrants))
7. Approve the 2024 City Council Meeting Calendar with staff's recommended meeting cancellations.
(Fiscal Impact: None)
8. Adopt Resolution No. 5450 approving the plans and specifications for the proposed Water Main Improvements Project along California Street, Sycamore Avenue, Palm Avenue, and Elm Avenue. Project No. PW 23-15 to avail the city of immunities pursuant to Government Code § 830.6 and authorize staff to advertise the project for construction bids.

(Fiscal Impact: \$1,500,000 included in the FY 2023-24 budget)

9. Authorize the City Manager to execute a standard Public Works Contract No. 6826 with NKS Mechanical Contracting, Inc. in the amount of \$647,000.00 for Phase 1 City Hall HVAC Improvements Project, Project No. PW 23-03, and authorize an additional \$103,000.00 as contingency funds for potential unforeseen condition
(Fiscal Impact: \$750,000, included in the FY 2023-24 budget)
10. Accept the FY 2023-24 annual concrete Improvements Project by FS Contractors, Inc. as complete and authorize and direct the City Clerk to file a Notice of Completion with the County Recorder's Office. (Project No. PW 22-17)
(Fiscal Impact: \$261,139, included in the FY2022-23 budget)
11. PULLED BY MAYOR PRO TEM PIMENTEL
12. Waive second reading and adopt Ordinance No. 1653 for Environmental Assessment No. 1180 and Zone Text Amendment No. 23-02, amending the El Segundo Municipal Code ("ESMC") Chapters 4-16 and 15-4A-1 to allow permanent regulation of short-term home sharing through a permit process and find it exempt from further environmental review pursuant to 14 California Code of Regulations §§ 15358 and 15061(b)(3).
(Fiscal Impact: The proposed amendments allow short-term home sharing through a Home Share Permit. Implementation of the Ordinance will result in collection of permit fees, business license fees and Transient Occupancy Tax ("TOT"). Ongoing enforcement and management of home sharing is absorbed by the annual operating budget for the Community Development and Finance Departments)
13. Authorize the City Manager to execute a Professional Services Agreement (PSA) No. 6805 with ESA Associates for \$364,000 to prepare an Environmental Impact Report to be reimbursed by the developer of a proposed residential project located at 1521 E. Grand Avenue.
(Fiscal Impact: None)

MOTION by Council Member Pirsztuk, SECONDED by Mayor Pro Tem Pimentel, approving Consent items 5, 6, 7, 8, (Council Member Baldino recused himself from this item) 9, 10, 12, and 13. MOTION PASSED BY A UNANIMOUS VOTE. 5/0

PULLED ITEMS:

11. Approve the Purchase of a Combination Jet/Vacuum Truck for the City's Wastewater Division
(Fiscal Impact: \$768,000 - Replacement cost for this combination jet/vacuum truck is \$668,000 plus a contingency of \$100,000. Currently, the equipment replacement fund for this vehicle has \$291,700 available. The remaining balance of \$476,300 will be funded by savings from the Wastewater Enterprise Fund. Over the years, vehicle costs have increased, yet the replacement rates collected through the

Equipment Replacement Fund have remained at a consistent level. An increase in the amount of funds collected per year for the Equipment Replacement Fund will be needed to keep pace with the cost of inflation.

This item will be moved to the December 19, 2023, City Council meeting. No vote was taken.

D. STAFF PRESENTATIONS: *(Item #D19 and # D17 were moved forward)*

19. Update and Memorandum of Understanding Regarding the Proposed Greenway Project to be Located Along the Western Side of Aviation Boulevard Where a Railroad Line Currently Exists

Mike Racine, member of the Board of Directors of the El Segundo Economic Development Corporation ("ESEDC") gave an update and presentation regarding a proposed Regional Aviation Boulevard Bikeway/Greenway Project, and associated funding options.

Mark Hensley, City Attorney also reported on the item and answered Council's questions.

Council Discussion

Council consensus to receive and file the update.

MOTION by Council Member Mayor Pro Tem Pimentel, SECONDED by Mayor Boyles approving a Memorandum of Understanding ("MOU") Agreement No. 6827 between the City and ESEDC regarding City staff providing limited assistance in working with ESEDC and the City potentially applying for grant funds, including from Los Angeles County Metropolitan Transportation Authority ("Metro"). MOTION PASSED BY A UNANIMOUS VOTE. 5/0

17. Park Vista Yard Sale Request
(Fiscal Impact: None)

Michael Allen, Community Development Director reported on the item.

Council Discussion

Council consensus directing staff to move forward on exploring a solution to allow a public yard sale for the Park Vista Senior Living facility residents.

C. PUBLIC HEARING:

14. Zone Text Amendment to Implement Program 9 of the City's Housing Element
(Fiscal Impact: None)

Mayor Boyles stated this was time and place for a public hearing regarding waiving full reading of the proposed Ordinance (EA No. 1345 and Zone Text Amendment No. 23-02) to amend El Segundo Municipal Code Title 15, implement certain Zone Text Amendments in El Segundo Housing Element Program 9, and find it exempt from further environmental review pursuant to 14 California Code of Regulations Sections 15358, 15061(b)(3), and 15162.

Clerk Weaver stated that proper notice had been given in a timely manner and that no written communication had been received.

Michael Allen, Community Development Director introduced the item.

Eduardo Schonborn, AICP, Planning Manager gave a presentation.

Public Input:

MOTION by Mayor Pro Tem Pimentel, SECONDED by Council Member Pirsztuk to close the public hearing. MOTION PASSED BY A UNANMOUS VOTE. 4/0

During Council discussion, Council requested the following amendments to the Ordinance;

- Amend the definition of Employee Housing to delete reference to the number of persons
- Amend Table No. 1 of ESMC 15-4A-1 (Permitted uses in Residential Zones) to include the use of Employee housing serving 6 or fewer persons as permitted in the R-1 zone
- Amend Table No. 1 of ESMC 15-6A-1 (Permitted uses in the Industrial zones) include the use of Low Barrier Navigation Centers as permitted in the M-1 zone in accordance with the provisions established in ESMC 15-37A.

Mark Hensley, City Attorney read by title only;

ORDINANCE NO. 1654

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE TITLE 15 TO IMPLEMENT HOUSING ELEMENT PROGRAM 9 TO FACILITATE THE DEVELOPMENT OF A VARIETY OF HOUSING TYPES AND STREAMLINED DEVELOPMENT REVIEW PROCESS

(ENVIRONMENTAL ASSESSMENT NO. 1345 AND ZONE TEXT AMENDMENT NO. 23-02)

Council Member Baldino introduced the ordinance as amended. The second reading and possible adoption will be on December 19, 2023, of the regular City Council meeting.

D. STAFF PRESENTATIONS: *(ITEMS #D19 and #D17 were moved forward)*

15. Resolution of Intention and First Reading of an Ordinance Authorizing an Amendment to the City's CalPERS Contract to Implement Additional Government Code § 20516 Employee Cost Sharing for Classic City Employees' Association Members

(Fiscal Impact: The retirement contract amendment will have an estimated \$14,477 annual savings to the City as the employees will be picking up a portion of the "employer share" of their retirement cost.)

Rebecca Redyk, Human Resources Director reported on the item.

Council Discussion

Mark Hensley, City Attorney read by title only;

RESOLUTION NO. 5451

A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL CITY OF EL SEGUNDO

MOTION by Mayor Pro Tem Pimentel, Council Member Giroux adopting Resolution No. 5451. MOTION PASSED BY A UNANIMOUS VOTE. 5/0

MOTION by Council Member Baldino, SECONDED by Mayor Pro Tem Pimentel authorizing the City Manager and City Clerk, to execute CalPERS forms as required for submission to CalPERS to facilitate CalPERS contract amendment process. MOTION PASSED BY A UNANIMOUS VOTE. 5/0

Mark Hensley, City Attorney read by title only;

ORDINANCE NO. 1655

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF EL SEGUNDO AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

Council Member Baldino introduced the ordinance. The second reading and possible adoption will be on January 16, 2024, at the regular City Council meeting.

(MOVED TO A FUTURE CITY COUNCIL MEETING)

16. Fire Services Automatic Aid Agreement Between the Cities of El Segundo and Manhattan Beach
(Fiscal Impact: None)

18. Topgolf USA El Segundo, LLC Sublease Assignment to Spirit Realty, L.P. and Associated Master Lease Amendment and Estoppel Certificate

Mark Hensley, City Attorney reported on the item.

Council discussion

MOTION by Council Member Baldino, SECONDED by Council Member Pirsztuk approving the proposed assignment of Topgolf USA El Segundo, LLC's sublease to Spirit Realty, L.P. and corresponding leaseback of the interest from Spirit Realty, L.P. to Topgolf USA El Segundo, LLC subject to, and contingent upon the execution of the attached Acknowledgment of Lease Terms and Guarantor Acknowledgment of Guaranty. MOTION PASSED BY A UNANIMOUS VOTE. 5/0

MOTION by Council Member Baldino, SECONDED by Council Member Pirsztuk authorizing the Mayor to execute the Estoppel Certificate and Consent, the Second Amendment to the Due Diligence and Recreation Ground Lease Agreement between the City of El Segundo and Centercal LLC, and the corresponding First Amendment to Memorandum of Lease, on the condition that the assignment of the sublease occurs on or before January 30, 2024, provided the documents are in a form substantially similar to the drafts attached to the Council Agenda Report and are approved by the City Attorney. MOTION PASSED BY A UNANIMOUS VOTE. 5/0

F. REPORTS – CITY CLERK – No report

G. REPORTS – CITY TREASURER – Not present

H. REPORTS – COUNCIL MEMBERS

Council Member Baldino – Spoke during Civic Engagement Week to 5th graders at both Richmond Elementary and Center Street School.

Council Member Giroux – Would like to agenize an item for an upcoming meeting regarding prohibiting the wearing masks while protesting.

Council Member Pirsztuk – Would like to see Holiday lights on main street, similar to what occurred during the filming of the Candy Cane Lane. Mentioned the Joy Around the World on Thursday, December 5th, Candy Cane Lane opening on Saturday, December 9th and the Holiday Parade is Sunday, December 10th. Mentioned it's the 4th birthday for the Space Force.

Mayor Pro Tem Pimentel – Gave an update on the Green Line Extension and gave an update on Sanitation.

Mayor Boyles – Also commented on the Green Line Extension, attended the Sidebar Summit that was held in El Segundo and thanked staff for a successful event. Thanked Brandon, a resident, for letting him know that he rolled through

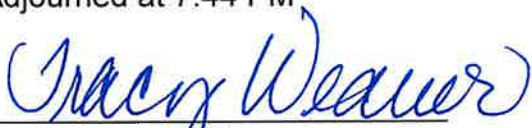
two stop signs! Stated it was a good reminder for all residents to slow down and be aware of your surroundings.

I. REPORTS – CITY ATTORNEY – Stated the City has spent nearly \$2.5 million on defending the multitude of lawsuits brought on by public safety. The city has defended four (4) out four (4) lawsuits successfully. There are four remaining lawsuits.

J. REPORTS/FOLLOW-UP – CITY MANAGER – No report

MEMORIAL – Christy Boch, former employee Anjello Sotello's daughter.

Adjourned at 7:44 PM


Tracy Weaver, City Clerk