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.

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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, March 5, 2013 – 5:00 PM

5:00 P.M. SESSION

CALL TO ORDER

ROLL CALL

PUBLIC COMMUNICATION – (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.
SPECIAL ORDER OF BUSINESS:

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; as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov't Code §54956.9(a) -1- matter

1. City of El Segundo vs. City of Los Angeles, et. al. LASC Case No. BS094279

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(b): -0- matter.

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

DISCUSSION OF PERSONNEL MATTERS (Gov’t Code §54957): -0- matter

APPOINTMENT OF PUBLIC EMPLOYEE (Gov’t. Code § 54957) –0- matter

CONFERENCE WITH CITY’S LABOR NEGOTIATOR (Gov’t Code §54957.6): -0- matters

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov’t Code §54956.8): -0- matters
AGENDA
EL SEGUNDO CITY COUNCIL
COUNCIL CHAMBERS - 350 Main Street

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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, March 5, 2013 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Scott Lambert, Associate Minister, Hilltop Church of Christ

PLEDGE OF ALLEGIANCE – Council Member Fisher
PRESENTATIONS

a) Proclamation – Earth Hour; Saturday, March 23, 2013 from 8:30 PM – 9:30 PM.
b) Proclamation – Arbor Day; Saturday, March 9, 2013

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 amend El Segundo Municipal Code (“ESMC”) Title 8 (“Vehicles and Traffic”), Chapter 5, to exempt Council approved carsharing programs from specified parking time limits and approve a resolution and agreement, subject to approval by the City Attorney’s office, that provides for “car2go” to operate a carsharing program in the City and receive parking permits pursuant to the proposed amendment to ESMC Title 8 if adopted by the Council.
(Fiscal Impact: None)
Recommendation – 1) Introduce an Ordinance amending ESMC Title 8 to exempt City Council approved carsharing programs from specified parking time limits set forth in Title 8; 2) Adopt a Resolution approving car2go to be eligible for parking permits pursuant to the proposed amendment to ESMC Title 8 if adopted by the City Council; 3) Authorize the City Manager to execute an agreement with car2go in a form approved by the City Attorney; 4) Alternatively, discuss and take other action related to this item.)

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

E. CONSENT AGENDA
2. Warrant Numbers 2591342 to 2591563 on Register No. 10 in the total amount of $1,160,161.59 and Wire Transfers from 1/31/13 through 2/14/13 in the total amount of $3,103,741.57.

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.


Recommendation – Approval.

4. Consideration and possible action regarding 1) the second reading and adoption of an Ordinance amending El Segundo Municipal Code § 1-6-4 Regarding Exclusions from Civil Service to include the Residential Sound Insulation Design Coordinator and 2) Approval for Staff to initiate recruitment efforts for Residential Sound Insulation Design Coordinator. (Fiscal Impact: N/A)

Recommendation – 1) Second reading by title only and adoption of Ordinance No. 1477 Regarding Employment Exclusions from Civil Service; 2) Authorize Staff to initiate recruitment efforts for the Residential Sound Insulation Design Coordinator; 3) Alternatively, discuss and take other action related to this item.

5. Consideration and possible action regarding approval of an amendment to modify insurance requirements from $10,000,000.00 to $5,000,000.00 for Agreement No. 4347 between the City of El Segundo and El Segundo Unified School District of Los Angeles County. (Fiscal Impact: None)

Recommendation – 1) Authorize the First Amendment to Agreement No. 4347 in a form approved by the City Attorney with El Segundo Unified School District of Los Angeles County; 2) Alternatively, discuss and take other action related to this item.
6. Consideration and possible action regarding authorizing the recording of the Notice of Completion and authorizing the City Manager to accept completion of work for 42 homes related to Project Number RSI 12-03 (the City’s Residential Sound Insulation Program’s Group 44).
   (Fiscal Impact: Final Contract Amount: $1,491,640.87)

   Recommendation – 1) Authorize the City Clerk to file the City’s Planning and Building Safety Director’s Notice of Completion in the County Recorder’s Office; 2) Authorize the City Manager, or designee, to close out Project No. RSI 12-03; 3) Alternatively, discuss and take other action related to this item.

7. Consideration and possible action to award a standard Public Works Contract to O’Duffy Bros., Inc. for the construction of Mariposa Avenue Storm Drain System, Project No. PW 12-06.
   (Fiscal Impact: $120,000.00)

   Recommendation – 1) Authorize the City Manager to execute a standard Public Works Contract in a form as approved by the City Attorney with O’Duffy Bros., Inc, in the amount of $94,935.00; 2) Alternatively, discuss and take other action related to this item.

8. Consideration and possible action to 1) accept donation of materials and labor from El Segundo resident Henry Doby to improve and enhance the grounds and fixtures at Camp Eucalyptus for his Boy Scout Eagle Project; 2) adopt a Resolution to approve the plans for the project; 3) authorize the City Manager to execute a contract with Henry Doby’s parent or guardian in a form approved by the City Attorney.
   (Fiscal Impact: None)

   Recommendation – 1) Approve to accept donation of materials and labor from Henry Doby; 2) Adopt a resolution that includes approval of the project’s plan; 3) Authorize the City Manager to execute a contract with Henry Doby’s parent or guardian in a form approved by the City Attorney; 4) Alternatively, discuss and take other action related to this item.

F. NEW BUSINESS

9. Consideration and possible action to adopt a resolution establishing insurance requirements for City contracts and delegating authority for insurance determinations to the City Manager, or designee.
   (Fiscal Impact: None)

   Recommendation – 1) Adopt a resolution establishing insurance requirements for City contracts and delegating authority for insurance determinations to the City Manager, or designee; 2) Alternatively, discuss and take other action related to this item.
H. REPORTS – CITY ATTORNEY

I. REPORTS – CITY CLERK

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fellhauer –

Council Member Atkinson –

Council Member Fisher –

Mayor Pro Tem Fuentes –

Mayor Jacobson –

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MEMORIALS –

CLOSED SESSION

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REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)
ADJOURNMENT

POSTED:

DATE: 2-27-13

TIME: 1:20 pm

NAME: Tracy Weaver
Proclamation

City of El Segundo, California

WHEREAS, Our community is deeply concerned about the impacts of climate change and the future health and well-being of our planet and believes energy efficiency, natural resource conservation, and a demand by the public for action are important elements to combating climate change; and

WHEREAS, Earth Hour is both an international and local symbolic event organized by the World Wildlife Fund to raise awareness about climate change issues, to encourage businesses, individuals and government to take action to reduce their carbon emissions and their impact on the environment in their daily lives and operations; and

WHEREAS, Earth Hour asks all citizens, businesses, government agencies, and commercial and non-commercial establishments to turn off all non-essential lighting for one hour beginning at 8:30 p.m. on March 23, 2013, to encourage citizens and businesses to commit to actions they can take in the coming year to reduce their carbon footprints and conserve energy; and

WHEREAS, Earth Hour will be used as a tool to inform local residents and businesses about existing information and tools already available within the community to assist them in increasing energy efficiency and decreasing emissions and use of natural resources; and

WHEREAS, the City encourages all city employees to turn off all non-essential lighting in city government buildings, public schools and public landmarks for the hour between 8:30 p.m. and 9:30 p.m. on March 23, 2013, to conserve energy and raise awareness about global climate change as part of the city-wide energy conservation event.

NOW, THEREFORE, the Mayor and members of the City Council of the City of El Segundo, California, hereby proclaim March 23, 2013 as “Earth Hour” day in El Segundo.

Mayor Carl Jacobson
Mayor Pro Tem Suzanne Fuentes
Council Member Bill Fisher
Council Member Dave Atkinson
Council Member Marie Fellhauer
WHEREAS, Arbor Day was founded by J. Sterling Morton and first celebrated in the United States in 1872 as a special day for the planting of trees. In the State of California, Arbor Day has been observed since 1911 to enhance appreciation and knowledge of the State’s natural wonders; and

WHEREAS, El Segundo Arbor Day celebrations have been presented annually for 26 years by local youth of TREE MUSKETEERS, and as a result of our City’s commitment to its community forest, El Segundo has been named a Tree City USA since 2003; and

WHEREAS, Arbor Day is a time to recognize the value of our community’s trees that clean the air, reduce noise, absorb smells, produce life sustaining oxygen, prevent erosion, help conserve energy and water, increase property values, enhance the economic vitality of business areas, beautify our community, and wherever trees are planted, they are a source of joy and spiritual renewal that bring people together as neighbors; and

WHEREAS, TREE MUSKETEERS and presenting partner Chevron, in partnership with the City of El Segundo, its conscientious business citizens, service clubs and residents tall or small will care for Millennium Trees along West Grand Avenue on March 9, 2013 at 9:30 AM in observance of California Arbor Day; and

WHEREAS, This Arbor Day project further signifies the City of El Segundo’s commitment to the environment and the fight against global warming.

NOW, THEREFORE, the Mayor and members of the City Council of the City of El Segundo, California, join with communities across the State of California in proclaiming March 9, 2013 as California Arbor Day and invite all citizens to participate with TREE MUSKETEERS on its 26th anniversary and to otherwise honor all trees and the young people of our community for the important roles they play in improving our hometown quality of life.
EL SEGUNDO CITY COUNCIL

MEETING DATE: March 5, 2013

AGENDA STATEMENT

AGENDA DESCRIPTION:

Consideration and possible action to amend El Segundo Municipal Code ("ESMC") Title 8 ("Vehicles and Traffic"), Chapter 5, to exempt Council approved carsharing programs from specified parking time limits and approve a resolution and agreement, subject to approval by the City Attorney’s Office, that provides for "car2go" to operate a carsharing program in the City and receive parking permits pursuant to the proposed amendment to ESMC Title 8 if adopted by the Council. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1) Introduce an Ordinance amending ESMC Title 8 to exempt City Council approved carsharing programs from specified parking time limits set forth in Title 8;

2) Adopt a Resolution approving car2go to be eligible for parking permits pursuant to the proposed amendment to ESMC Title 8 if adopted by the City Council;

3) Authorize the City Manager to execute an agreement with car2go in a form approved by the City Attorney; and,

4) Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Ordinance
Resolution

FISCAL IMPACT: None

ORIGINATED BY: Mark D. Hensley, City Attorney

APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

The South Bay Cities Council of Governments (SBCCOG) requests the Council to facilitate car sharing services and participate in the "car2go" car sharing program proposed for nine South Bay cities by entering into an agreement with car2go and adopting an ordinance that exempts vehicles that are part of a carsharing program from certain time parking restrictions. The car2go car sharing program is a non-exclusive program that would not preclude the Council from allowing other services in the future.

The South Bay Cities Council of Governments (SBCCOG) made a presentation to the City Council on this program on November 6, 2012 and has been studying travel patterns in the South Bay for the last five years as part of its programs to address mobility options and land use efficiency, greenhouse gas emissions and air pollution, economics, and the livability of the South Bay. The SBCCOG’s principal finding was that most trips, other than the commute trip, are less
than five miles. The Local Use Vehicle pilot demonstration program funded by the South Coast AQMD has verified that a high proportion of trips are purely local.

The South Bay lacks a transit system that can serve short trips. As a result, South Bay residents face high costs of gasoline and car ownership to support these multiple short trips. The SBCCCOG has been soliciting car sharing programs over the last several years and identified car2go as a potential option. The car2go program operated by car2go N.A., LLC, currently operating in six American cities (San Diego, Portland, Austin, Miami, Washington, D.C. and Seattle) and nine cities in Europe and Canada, sees the potential to roll out their car sharing service in the South Bay to provide a new mobility option for short trips.

Car sharing services are defined in California Vehicle Code Section 22507.1 which authorizes jurisdictions to adopt an ordinance or resolution establishing the criteria for a public or private company or organization to participate in a car sharing program, and may limit the types of motor vehicles that may be included in the program and may contain provisions that are reasonable and necessary to ensure the effectiveness of the program.

Car2go Program:
Car2go is a car sharing service that is a completely personal, flexible mobility option first introduced in Austin, Texas in 2009. It is unique among car sharing programs because it offers point-to-point service where the car can be picked up or left anywhere in the defined operating area. The proposed operating area initially includes nine cities: El Segundo, Gardena, Hawthorne, Hermosa Beach, Lawndale, Lomita, Manhattan Beach, Redondo Beach and Torrance. Members can also use the program in any of the other car2go cities in the United States. In order to make this system work in the South Bay, there is a need for all of the initial nine cities to approve the program’s non-exclusive operation in their city and a permit providing the ability for these cars to be parked in metered or restricted parking spaces with specified exemptions.

The car2go company is therefore requesting a permit to allow their vehicles to park without time limit restrictions. Each car2go vehicle would be issued a separate permit in the form of a South Bay sticker to be prominently displayed in each vehicle. Street sweeping, colored curb time and parking prohibition restrictions, and other City and state law parking restrictions would still apply to the parking of car2go vehicles.

The service provides a complete personal mobility option without the need for a security deposit or the usual fixed and variable costs associated with car ownership. The company will register and insure all of the vehicles and pay all applicable taxes, fees and licenses. As stated in the sample permit, car2go will furnish regular reports to the City on the usage of the vehicles and be subject to audit. Interested persons register online with a one-time membership fee of $35. Drivers must be licensed, have a good driving record, and be over 18 years of age. The user pays for the car by the minute – currently 38 cents per minute. For the hour, it’s approximately $15.00. Whenever a car is needed, a member can use one of the 300 to 350 distinctive blue and white smart-for-two (“smartfortwo”) vehicles that will be located throughout the participating South Bay cities.

\[2\text{ The service operates non-exclusively. Portland, Oregon, for example, has three car sharing operations in the same area.}\]
According to car2go the cars will be modern vehicles and clearly marked as part of the program. Vehicles will be maintained so they will always be clean, fueled and ready to go, spontaneously or with a reservation.

The vehicle can be driven anywhere – within or outside of the operating area. When the member is finished with the vehicle, it must be parked within the operating area in any authorized legal parking place. The vehicle need not be returned to its original pick-up location.

The smartfortwo vehicles themselves are fuel-efficient non hybrid or electric vehicles on the road today. Additionally, the car2go concept improves the area’s overall vehicle utilization ratio since a privately-owned vehicle is generally used only 1 to 2 hours a day and sits idle for the majority of the day, sometimes occupying valuable parking space, while a shared car2go vehicle has been shown to provide, on average, over 4 hours of use per day. The ultra-compact car2go cars also have a lower impact on city infrastructure with low weights and ability to park in subcompact parking spaces when available.

Providing “on-demand” fuel efficient transportation options for individuals, car2go also compliments the South Bay’s public transportation by closing the gaps commonly associated with public transit commuting, and it is a practical and affordable alternative to the rising costs and issues associated with vehicle ownership. The car2go car sharing model can also be expected to substantially reduce vehicle emissions and the number of cars on the road.

Program Issues:
City councils of the nine South Bay cities have all received presentations from car2go and while there were questions, the councils are generally supportive and have scheduled consideration of final approval. There was an understanding of the need for common standards and requirements throughout the South Bay area to make this program work.

The SBCCOG also held a telephone conference with interested staff from South Bay cities and City of San Diego staff regarding their car2go program which has operated over the past 2.5 years, encompassing a 32 square mile area including a preferential residential parking district with 8,000 members. Some of the issues addressed included the following.

- As proposed car2go vehicles must comply with loading, disabled, stopping, street sweeping, and similarly restricted zone requirements. They could otherwise park in time restricted zones, in residential preferential parking districts.
- Since car2go customers can leave the vehicles in any legal parking space when they are done using them, there is a concern that these vehicles may occupy valuable parking spaces for extended lengths of time. Car2go indicates the typical pattern is movement of vehicles in the morning from residential to commercial areas and back. The program operator states that other cities have initially had these concerns but find those fears do not materialize. Car2go likewise does not want vehicles sitting unused and monitors vehicle movement using GPS. Where vehicles are not being used or there are specific problem areas identified, car2go will come and move the vehicle.
- Car2go indicates that during the initial months of the program, car2go will guarantee movement of vehicles within 72 hours, with a reduced time frame after the initial membership drive. In some places the program has been set up to allow the Police to move
vehicles if problems occur. San Diego staff indicates car2go has been very responsive in remedying any problems.

- Car2go has not determined where its South Bay office will be located. Mobile fleet management is in the field at all times. Car2go strives for a 4-5 block density so that members do not need to travel more than this distance for a car.

- Security of vehicles is addressed by car2go. Members are screened to ensure they have valid driving license and good driving records. A pin number is required to access the vehicle. Due to GPS, car2go knows who is driving the vehicle at any time. There is a 24/7 call center. If a vehicle is involved in a crime, car2go will cooperate with law enforcement to provide information on to whom the vehicle was checked out to.

The attached ordinance specifies that a carsharing program must have a fleet of at least 300 vehicles in its program and enter into a contract with the City and be approved by the City Council by resolution to qualify for the parking permit. The City Manager shall be responsible for implementation for the permit process.
ORDINANCE NO. ___

AN ORDINANCE ADDING A NEW ARTICLE F TO CHAPTER 8-5 OF THE EL SEGUNDO MUNICIPAL CODE TO REGULATE CAR SHARING PROGRAMS.

The Council of the City of El Segundo does ordain as follows:

SECTION 1: The City Council finds and declares as follows:

A. Carsharing, as defined by this Ordinance, is shown to mitigate environmental and transportation issues commonly affecting urban communities including, without limitation, traffic congestion.

B. It is in the public interest for the City to encourage participation in carsharing programs because such programs offer economic, environmental, and community benefits to City residents, employers, and visitors.

C. Carsharing helps reduce greenhouse gas emissions and sustainability; provides City residents, employers, and visitors with affordable transportation options; and is compatible with the City's existing infrastructure.

D. Carsharing serves to reduce residents' reliance on individually owned automobiles, thereby reducing pressure on already scarce on-street parking spaces and offers a supplement to the limited public transportation options available to City residents.

E. Vehicle Code § 22507.1 authorizes cities to issue permits to facilitate carsharing programs.

F. Based on the foregoing findings, the purpose of this Ordinance is to allow the City to issue permits to allow for the parking of carsharing vehicles in legal parking spaces notwithstanding specified restrictions in order to facilitate and encourage the use of carsharing as an alternative method of transportation.

SECTION 2: A new Article F is added to El Segundo Municipal Code ("ESMC") Chapter 8-5 to read as follows:
"ARTICLE F
CARSHARING PERMITS

8-5F-1 Purpose.
8-5F-2 Definitions.
8-5F-3 Administration.
8-5F-4 Carsharing Parking Permits.
8-5F-5 Application of regulations.
8-5F-6 Parking Permits – Application.
8-5F-7 Fees.
8-5F-8 Issuance.
8-5F-9 Duration.
8-5F-10 Permit denial.
8-5F-11 Permit Form.
8-5F-12 Display.
8-5F-13 Notice.

8-5F-1 Purpose.

This article is adopted pursuant to the city's police powers and California Vehicle Code § 22507.1, and any successor statute or regulation, in order to regulate parking of vehicles participating in a carsharing program within the city's jurisdiction. The regulations enacted by this chapter are intended to protect public health and safety by, among other things, facilitating the public's use of shared vehicles and reducing the impact of greenhouse gases and traffic congestion.

8-5F-2 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this article:

A. "Carshare Business" means a public or private entity owning at least 300 motor vehicles operating a carsharing program.

B. "Carsharing Program" means a service operated by a carshare business that rents carshare vehicles at a hourly or daily rental rate. Vehicles must be allowed to be dropped off and picked up at a minimum of twenty-five different locations in the City. The twenty-five locations must be on separate parcels of property or be comprised of at least twenty-five public parking spaces.

2
C. "Carshare Vehicle" means a vehicle participating in a carsharing program and registered with a carshare business.

8-5F-3 Administration.

A. The police chief, or designee, is authorized to issue carsharing parking permits and permits pursuant to this article.

B. The city manager is authorized to promulgate administrative policies and procedures required to implement the regulations set forth in this chapter.

8-5F-4 Carsharing Parking Permits.

A. Carshare vehicles with a valid permit issued pursuant to this article may be parked in all valid parking areas within the city notwithstanding time restrictions for such areas established by this Code or other applicable law including, without limitation, Section 8-5-6 or Resolution No. 4162, adopted May 16, 2000, as amended.

B. Nothing in this section authorizes carshare vehicles to park in areas where standing or parking is prohibited for some or certain times as identified by this Code or other applicable law including, without limitation, Section 8-5-3 or Resolution No. 4162, adopted May 16, 2000, as amended.

8-5F-5 Application of regulations.

The permissions for standing or parking carshare vehicles in this article do not relieve any person from the duty to observe other and more restrictive provisions of the California Vehicle Code or this code prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

8-5F-6 Parking Permits – Application.

Every person desiring a carsharing parking permit must file an application with the Police Chief, or designee, containing the following:

A. The name, address and phone number of the carshare business;

B. The license number, make and model of designated carshare vehicles;

C. Additional information the police chief, or designee, may reasonably require;

D. The applicant must sign an application under penalty of perjury.
8-5F-7 Fees.

Unless otherwise provided by city council resolution, applications for a carsharing permits may be submitted without charge.

8-5F-8 Issuance.

A. The police chief will issue a permit if:

1. The application was complete in accordance with this article;
2. There are no grounds for denying the permit; and
3. The applicant accepts the permit in writing.

B. Use of any permit issued pursuant to this article will conform to the general permit conditions of this article.

8-5F-9 Duration.

Carsharing parking permits are valid for a period of twelve (12) months, and may be renewed, if the applicant continues to meet the qualifications therefor.

8-5F-10 Permit denial.

A permit must be denied if the police chief finds that:

A. An applicant is not qualified to obtain a permit pursuant to this article; or
B. Information submitted by the applicant is materially false.

8-5F-11 Permit Form.

Permits issued pursuant to this article will be in a form prescribed by the police chief and will include the license plate number of the carsharing to which it relates, and the date of issuance and the day of expiration.

8-5F-12 Display.

All permits will be placed at the lower driver's side of the windshield of the carshare vehicle to which it relates so that it is clearly visible from the exterior of the carshare vehicle.
8-5F-13  Notice.

If required by law, signs giving reasonable notice of the provisions of this section will be erected within the city as required by the California Vehicle Code.”

SECTION 3: The City Council determines that this Ordinance is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, et seq.; “CEQA”) and CEQA regulations (Cal. Code Regs. tit. 14, §§ 15000, et seq.) because the only potential physical effect on the environment that could foreseeably result from its implementation is a reduction in environmental impacts associated with vehicle traffic including, without limitation, traffic congestion and greenhouse gas emissions. Such a reduction in the use or operation of an existing City street is categorically exempt from further CEQA review under Cal. Code Regs. tit 14, § 15301. This Ordinance, therefore, is an action that does not have the potential to cause significant effects on the environment.

SECTION 4: Repeal or amendment of any provision of the ESMC will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 5: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 6: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 7: This Ordinance will become effective thirty days following its passage and adoption.
PASSED AND ADOPTED this _____ day of __________, 2013.

__________________________
Carl Jacobson, Mayor

ATTEST:

__________________________
Tracy Weaver, City Clerk

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By: _______________________
Karl H. Berger, Assistant City Attorney
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF EL SEGUNDO

I, Tracy Weaver, CMC, City Clerk of the City of El Segundo, do hereby certify that the foregoing Ordinance No. _____ was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the _____ day of _________, 20___. That thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council on the _____ day of _________, 20__, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

CITY CLERK
RESOLUTION NO._____

A RESOLUTION AUTHORIZING CAR2GO AS A CARSHARING BUSINESS OPERATING A CARSHARING PROGRAM PURSUANT TO ORDINANCE NO.______

The City Council of the City of El Segundo does hereby resolve as follows:

SECTION 1: The City Council finds as follows:

A. The South Bay Cities Council of Governments (SBCCOG) Board of Directors approved the South Bay Sustainable Strategy (SBSS) in September, 2010;

B. The SBSS calls for the need to identify and implement mobility alternatives to address congestion reduction and lifestyle enhancement goals and car sharing is one of several initiatives in the SBSS;

C. A car sharing service can reduce the need for second or third vehicles per household and the South Bay is relatively transit poor, with more than 260,000 secondary vehicles in South Bay households often making parking difficult to find and adding to personal expense;

D. Car2go is prepared to invest in excess of $4 million to bring its car sharing service to nine of the South Bay cities and no other car sharing service to date has proposed making the necessary investment;

E. Car2go has identified an initial operating area in the Cities of El Segundo, Gardena, Hawthorne, Hermosa Beach, Lawndale, Lomita, Manhattan Beach, Redondo Beach, Torrance and has expressed an interest in expanding the operating area to other cities in the South Bay in the future;

F. Car2go made a presentation to the SBCCCOG Board on September 27, 2012 at which it was stated that car2go is prepared to begin operations by the middle of 2013, but all nine cities in the identified operating area would need to approve a permit process to exempt certain parking restrictions;

G. Vehicle Code § 22507.1 authorizes cities to issue permits to facilitate carsharing programs;

H. Car2go made a presentation to the City Council of the City of El Segundo on November 6, 2012 demonstrating the program and its advantages;

I. Car2go will have an initial vehicle fleet of 300 vehicles, have a minimum of 25 drop off and pick up locations in the City, rent vehicles by the minute and enter into an agreement with the City of El Segundo in a form approved by the City Attorney;
J. The City Council introduced Ordinance No. ___ on ___, 2013. If adopted, Ordinance No. ___ will become effective on or about ___, 2013. To ensure that Car2go can operate within the City until the effective date of Ordinance No. ___, the City Council believes it is in the public interest to adopt this Resolution.

SECTION 2: Carsharing Program. This Resolution is authorized pursuant to Vehicle Code § 22507.1. The regulations set forth in Ordinance No. ___ are adopted by reference as if fully set forth. This Resolution, along with its terms and conditions, constitutes a “permit” for purposes of Ordinance No. ___ when it becomes effective.

SECTION 3: Permit Conditions. To ensure that the City’s actions are fiscally neutral and that the public health, welfare, and safety are otherwise protected, the authorizations extended to Car2go by this Resolution are subject to the following:

A. Car2go must enter into an agreement, in a form approved by the City Attorney, to compensate the City for lost parking revenue and sales tax based upon the location of where carsharing vehicles are rented;

B. Car2go must enter into a hold harmless agreement, in a form approved by the City Attorney, to protect the City from liability;

C. Car2go must provide evidence of insurance sufficient to protect the City’s interests; and

D. Car2go must provide such additional information that may be reasonably requested by the Police Chief, or designee, in accordance with Ordinance No. ___ and the carsharing program.

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

PASSED AND ADOPTED this ___ day of ______________, 2004.

________________________________________
Carl Jacobson, Mayor
APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By:  ____________________________
    Karl H. Berger,
    Assistant City Attorney

ATTEST:

STATE OF CALIFORNIA   )
COUNTY OF LOS ANGELES   )   SS
CITY OF _______   )

I, ________, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution No. was duly passed and adopted by said City Council, approved and signed by the Mayor of said City, and attested to by the City Clerk of said City, all at a regular meeting of said Council held on the ______ day of March 2013, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

__________________________
City Clerk
### CITY OF EL SEGUNDO

#### WARRANTS TOTALS BY FUND

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**TOTAL WARRANTS:** $1,160,161.59

---

**STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES**

Information on actual expenditures is available in the Director of Administrative Services office in the City of El Segundo.

I certify as to the accuracy of the Demands and the availability of funds for payment thereof.

For Approval: Regular checks held for City council authorization to release.

**CODES:**

- **R:** Computer generated checks for all non-emergency/urgent payments for materials, supplies and services in support of City Operations

For Ratification:

- **A:** Payroll and Employee Benefit checks

- **B-F:** Computer generated Early Release disbursements and/or adjustments approved by the City Manager. Such includes payments for utility services, petty cash and employee travel expenses, reimbursement, various refunds, contract employee services consistent with current contractual agreements, instances where prompt payment discounts can be obtained or late payment penalties can be avoided or where a situation exists that the City Manager approves.

- **H:** Handwritten Early Release disbursements and/or adjustments approved by the City Manager

**FINANCE DIRECTOR:**

**CITY MANAGER:**

**DATE:** 3/1/13

**DATE:** 2/19/13

---

**VOID CHECKS DUE TO ALIGNMENT:**

N/A

**VOID CHECKS DUE TO INCORRECT CHECK DATE:**

**VOID CHECKS DUE TO COMPUTER SOFTWARE ERROR:**

**NOTES:**

[Signature]

[Signature]
# CITY OF EL SEGUNDO
## PAYMENTS BY WIRE TRANSFER
### 1/31/13 THROUGH 2/14/13

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**TOTAL PAYMENTS BY WIRE:** 3,103,741.57

---

**DATE OF RATIFICATION:** 03/05/13

Certified as to the accuracy of the wire transfers by:

**Deputy City Treasurer**

[Signature]

Date 2/14/13

**Director of Finance**

[Signature]

Date 2/14/13

**City Manager**

[Signature]

Date 2/19/13

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.

---

P:\City Treasurer\Wire Transfers\2013\1st Qtr 2013\Wire Transfers 2-14-13
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, February 19, 2013 – 5:00 PM

5:00 P.M. SESSION

CALL TO ORDER – Mayor Jacobson at 5:00 PM

ROLL CALL

Mayor Jacobson - Present
Mayor Pro Tem Fuentes - Present
Council Member Fisher - Present
Council Member Atkinson - Present
Council Member Fellhauer - Present

PUBLIC COMMUNICATION – (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.

Mayor Jacobson announced that Council would be meeting in closed session pursuant of the items listed on the agenda.

SPECIAL ORDER OF BUSINESS:

CLOSED SESSION:
The City Council moved 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; as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov’t Code §54956.9(d)(1) -1- matter

City of El Segundo vs. City of Los Angeles, et. al. LASC Case No. BS094279

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(d)(2) and (3): -0- matter.

DISCUSSION OF PERSONNEL MATTERS (Gov’t Code §54957): -0- matter

APPOINTMENT OF PUBLIC EMPLOYEE (Gov’t. Code § 54957) -0- matter

CONFERENCE WITH CITY’S LABOR NEGOTIATOR (Gov’t Code §54957.6): -0- matters

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov’t Code §54956.8): -1- matters

1. Property: The Lakes Golf Course (APN Nos. 4138-014-910 and 4138-014-913). Agency Negotiator: City Manager
   Negotiating Parties: Cenntcal Properties, LLC and TopGolf, LLC
   Under Negotiation: Lease Price and Terms of City leasing The Lakes Golf Course to Cenntcal Properties and TopGolf.

Council recessed at 6:50 PM
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, February 19, 2013 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER – Mayor Jacobson at 7:02 PM

INVOCATION – Lee Carlile, Pastor, United Methodist Church

PLEDGE OF ALLEGIANCE – Council Member Fellhauer

PRESENTATIONS

a) Mayor Pro Tem Fuentes presented a Proclamation to the American Red Cross. Julie Thomas, CEO of the Santa Monica Chapter, accepted the Proclamation.
b) Kathy McCune, Metro, gave a Metro Express Lanes Presentation.

ROLL CALL

Mayor Jacobson – Present
Mayor Pro Tem Fuentes – Present
Council Member Fisher – Present
Council Member Atkinson – Present
Council Member Fellhauer – Present

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.

Senior Girl Scout Troop 2505 invited the public to attend the Annual Tasting Bee on Saturday, February 23, 2013 at the Boy Scout House.

John Nisley – spoke concerning Washington Parking Permits - comments were moved to Public Hearing per Mayor Jacobson’s request.
A. PROCEDURAL MOTIONS

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

MOTION by Council Member Fellhauer, SECONDED by Mayor Pro Tem Fuentes to read all ordinances and resolutions on the agenda by title only. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

1. Consideration and possible action to open a public hearing and receive public testimony concerning adopting resolutions approving the reinstatement of a parking permit program on the west curb line of Washington Street (from Maple Avenue to Walnut Avenue) and the south curb line of Walnut Avenue (adjacent to the Washington Plaza Home Owners Association property), and authorizing the Public Works Department to remove a concrete traffic barrier on Walnut Avenue at Washington Street.
   (Fiscal Impact: None)

Mayor Jacobson excused himself from the Public Hearing due to conflict and left the dais.

Mayor Pro Tem Fuentes stated that this was the time and place to conduct a public hearing and receive public testimony and adopt resolutions approving the reinstatement of a parking permit program on the west curb line of Washington Street (from Maple Avenue to Walnut Avenue) and the south curb line of Walnut Avenue (adjacent to the Washington Plaza Home Owners Association property), and authorizing the Public Works Department to remove a concrete traffic barrier on Walnut Avenue at Washington Street.

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

Mitch Tavera, Police Chief, gave a report

John Nisley, representing the Washington Home Owners Association, spoke for the reinstatement of the permit parking program.
Phyllis Langdon, resident, spoke regarding extending the permit parking program to other streets in the area.
Julia Lau, resident, spoke for the reinstatement of the permit parking program.

Council Discussion.

Mark Hensley, City Attorney, read by titles only:
RESOLUTION NO. 4808

A RESOLUTION AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO REMOVE A CONCRETE TRAFFIC BARRIER ON WALNUT AVENUE AT WASHINGTON STREET.

MOTION by Council Member Fellhauer, SECONDED by Council Member Atkinson to adopt Resolution No. 4808 authorizing the Public Works department to remove a concrete traffic barrier on Walnut Avenue at Washington Street. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

RESOLUTION NO. 4809

A RESOLUTION AMENDING RESOLUTION NO. 3333 REGARDING PREFERENTIAL PARKING AREAS WITHIN THE CITY WHERE PARKING PERMITS MAY BE USED IN ACCORDANCE WITH ARTICLE A OF CHAPTER 8-5.

MOTION by Council Member Fellhauer, SECONDED by Council Member Atkinson to adopt Resolution No. 4809 amending Resolution No. 3333 regarding preferential parking areas within the City where parking permits may be used in accordance with Article A of Chapter 8-5. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

C. UNFINISHED BUSINESS

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. Approved Warrant Numbers 2591168 to 2591341 on Register No. 9 in the total amount of $474,588.05 and Wire Transfers from 1/17/2013 through 1/31/2013 in the total amount of $849,161.17. Authorized Staff to release. Ratified Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.


4. Approved a new Class Specification for the at-will position of Residential Sound Insulation Design Coordinator and adopted Resolution No. 4810 establishing the basic monthly salary range for Residential Sound Insulation Design Coordinator and Introduced and waived the first reading of Ordinance No. 1477 amending El Segundo Municipal Code §1-6-4 Regarding Exclusions. (Fiscal Impact: N/A)
5. Approved the withdrawal from the Municipal Area Express (MAX) effective June 30, 2013 and directed the City Manager to give notice of termination to the MAX Policy Steering Committee and other participating agencies as required. (Fiscal Impact: None)

6. Adopted a Resolution No. 4811 approving Plans and Specifications for the installation of sub-meters on the City’s main electricity meter for City Hall, the Police Department and the Fire Station. Project No. PW 13-02. (Fiscal Impact: $0; $15,000.00 grant reimbursement)

7. PULLED FOR DISCUSSION BY COUNCIL MEMBER FELLHAUER

8. Authorized the City Manager to execute a standard Public Works Contract No. 4392, in a form approved by the City Attorney, with Stephen Doreck Equipment Rentals, Inc. for the Pressure Reducing Station Waterline Improvements at 2161 El Segundo Blvd. Project No. 13-01 (Fiscal Impact: $38,000.00)

9. Awarded a 5-year Public Works Contract No., 4393, in a form approved by the City Attorney, to 5 Star Elevator for $38,760.00 for elevator maintenance, and on-call repair services for the City of El Segundo's five elevators and one dumb waiter and authorized the City Manager to approve change orders for additional repair work on an as-needed basis for an annual amount not to exceed $16,148.00 during the 5-year contract period. Project No. PW 13-03. (Fiscal Impact: $119,500.00 over five years, $23,900.00 annually)

MOTION by Mayor Pro Tem Fuentes, SECONDED by Council Member Fellhauer to approve Consent Agenda items 2, 3, 4, 5, 6, 8 and 9. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

7. Consideration and possible action to authorize the City Manager to execute an amendment, in a form approved by the City Attorney, to retroactively approve additional design services with RRM Design Group for the Beach Restroom and Lifeguard Facility. (Fiscal Impact: $12,648.00)

MOTION by Council Member Fellhauer, SECONDED by Mayor Pro Tem Fuentes, to authorize the City Manager to execute Amendment No. 4002A, in a form approved by the City Attorney, to retroactively approve additional design services with RRM Design Group for the Beach Restroom and Lifeguard Facility. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0
NEW BUSINESS

10. Consideration and possible action regarding approval of an extension to the previous design services contract with The Jones Payne Group, approval of a policy to have City staff perform the majority of design services related to the Residential Sound Insulation (RSI) Program and authorize staff to advertise Requests for Qualifications for supplemental design services. (Fiscal Impact: estimated program savings of $1,000,000.00 for every 300 homes treated by the program, to allow for treatment of additional homes)

James O'Neil, Director of RSI, gave a report.

MOTION by Mayor Pro Tem Fuentes, SECONDED by Council Member Fellhauer to authorize the City Manager to execute an amendment, in a form approved by the City Attorney, to the existing Contract No. 3991 with The Jones Payne Group, directed the City Manager, or designee, to cause City staff to perform design services related to the Residential Sound Insulation (RSI) Program to the greatest extent practicable and authorized the City Manager, or designee, to solicit Requests for Qualification (RFQ) for the following supplemental services; acoustical testing and supplemental design services, architectural design services, mechanical design services, electrical design services, structural design services and environmental consulting services. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

REPORTS – CITY MANAGER – Thanked the LAWA for the 9.2 million dollar grant for the RSI program. Thanked both the Public Works department and Police Department on their outstanding efforts on the Washington Street Permit Parking Program.

REPORTS – CITY ATTORNEY - None

REPORTS – CITY CLERK - None

REPORTS – CITY TREASURER – Gave a brief update on the Treasury Department.

REPORTS – CITY COUNCIL MEMBERS

Council Member Fellhauer – Thanked Public Works and the Police Department for all their work on the Permit Parking Program. Reminded the public of the upcoming Arbor Day celebration on March 9, 2013.

Council Member Atkinson – None

Council Member Fisher – None

Mayor Pro Tem Fuentes – Attended the Southwest Defense Alliance Conference in Palmdale.
Mayor Jacobson – None

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.

Jack Axelrod, resident, spoke on concerns of various items.

MEMORIALS – Dr. Jerry Buss

CLOSED SESSION - None

ADJOURNMENT at 8:00 PM.

Tracy Weaver, City Clerk
AGENDA DESCRIPTION:

Consideration and possible action regarding 1) the second reading and adoption of an Ordinance amending El Segundo Municipal Code § 1-6-4 Regarding Exclusions from Civil Service to include the Residential Sound Insulation Design Coordinator and 2) Approval for Staff to initiate recruitment efforts for Residential Sound Insulation Design Coordinator. (Fiscal Impact: N/A)

RECOMMENDED COUNCIL ACTION:

1. Second reading by title only and adoption of Ordinance No. 1477 Regarding Employment Exclusions from Civil Service.
2. Authorize Staff to initiate recruitment efforts for the Residential Sound Insulation Design Coordinator.
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Ordinance No. 1477 amending El Segundo Municipal Code § 1-6-4 Regarding Exclusions

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ORIGINATED BY: Lisa Jenkins, Senior Human Resources Analyst

REVIEWED BY: Deborah Cullen, Director of Finance/Human Resources

APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

At the regular Council Meeting of February 19, 2013, the City Council approved the creation of and salary allocation for a classification specification for Residential Sound Insulation Design Coordinator. As the classification is to be designated “At-Will” status, it is necessary to exclude this position from the classified service in the El Segundo Municipal Code. To this effect, the February 19th staff report included the introduction of an ordinance to amend the municipal code to add Residential Sound Insulation Design Coordinator under exclusions. Staff is now recommending that Council approve the passage and adoption of the Ordinance.

Following the passage and adoption, the Ordinance will become effective after a 30-day waiting period. In order to expedite the start of design work on the Residential Sound Insulation (RSI) Program in response to the recently approved grant from Los Angeles World Airports (LAWA), Staff is recommending approval to proceed with recruitment efforts prior to the Ordinance
becoming effective. If the City Council approves this action, an appointment to the position will not be made until after the amendment to the El Segundo Municipal Code is effective.
ORDINANCE NO. _1477_

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE
§1-6-4 REGARDING EXCLUSIONS.

The City Council of the City of El Segundo does ordain as follows:

SECTION 1: The City Council finds as follows:

A. The El Segundo Municipal Code ("ESMC") provides that the City Council may from time to time by Ordinance designate departments, appointive officers, or employees of the City; and

B. It is in the best interest of the City to list all existing officers and members of departments excluded from the Personnel Merit System; and

SECTION 2: ESMC § 1-6-4 is amended in its entirety to read as follows:

"Sec 1-6-4. EXCLUSIONS

Those officers and members of departments in addition to department heads and elected officers who are expressly excluded from the merit system are:

Assistant City Manager
City Attorney
City Manager
City Engineer
Construction Coordinator
Economic Development Analyst
Economic Development Manager
Residential Sound Insulation Design Coordinator
Property Owner Coordinator
Senior Executive Assistant"

SECTION 3: Repeal of any provision of the ESMC herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 4: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.
 SECTION 5: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances, make a note of the passage and adoption in the records of this meeting, and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

 SECTION 6: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this _5th_ day of _March_, 2013.

_________________________________________________________________
Carl Jacobson, Mayor
CERTIFICATION

STATE OF CALIFORNIA  )
COUNTY OF LOS ANGELES  )  SS
CITY OF EL SEGUNDO  )

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. _____ was duly introduced by said City Council at a regular meeting held on the ____ day of __________, ______, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the ____ day of ______________, ______, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tracy Weaver, City Clerk

APPROVED AS TO FORM:

Mark D. Hensley, City Attorney
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

MEETING DATE: March 5, 2013
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:
Consideration and possible action regarding approval of an amendment to modify insurance requirements from $10,000,000 to $5,000,000 for Agreement No. 4347 between the City of El Segundo and El Segundo Unified School District of Los Angeles County. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Authorize the First Amendment to Agreement No. 4347 in a form approved by the City Attorney with El Segundo Unified School District of Los Angeles County.

2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. First Amendment to Agreement No. 4347.

FISCAL IMPACT: None

Amount Budgeted: $N/A
Additional Appropriation: N/A
Account Number(s): N/A

ORIGINATED BY: Vina Ramos, Administrative Analyst
REVIEWED BY: Bob Cummings, Director of Recreation and Parks
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
On September 18, 2012, City Council approved the Amended and Restated Joint Use Agreement No. 4347 between the City of El Segundo and the El Segundo Unified School District ("District") for ten years. To complete the agreement process, the City and the District must each provide a minimum of $10,000,000 public liability insurance. The City provided the required $10,000,000 insurance; however, the District is requesting that the City accept their liability insurance of $5,000,000 per occurrence. To accept the District’s request, City Council must approve an amendment, in a form approved by the City Attorney, to reduce the District’s insurance requirements to $5,000,000.
FIRST AMENDMENT TO
AGREEMENT NO. 4347 BETWEEN
THE CITY OF EL SEGUNDO AND EL SEGUNDO UNIFIED
SCHOOL DISTRICT OF LOS ANGELES COUNTY

THIS FIRST AMENDMENT ("Amendment") is made and entered into this 5th day of March 2013, by and between the CITY OF EL SEGUNDO, a general law city and municipal corporation existing under the laws of California, and the EL SEGUNDO UNIFIED SCHOOL DISTRICT OF LOS ANGELES COUNTY, a California public school district ("District").

1. Pursuant to Section 25 of Agreement No. 4347, dated September 19, 2012 (the "Agreement"), Section 11A of the Agreement is amended to read as follows:

   "A. District’s Duty to Insure. District must keep in full force and effect during the term of this Agreement public liability insurance, insuring and protecting City and District from and against any and all liability of City for damages arising out of or connected with use by District, its agents, employees, permittees, and students of the City Facilities or any building, facility or equipment located thereon. All public liability insurance required hereunder must be in the minimum of Five Million Dollars ($5,000,000). District’s public liability insurance must be endorsed to include City as an additional insured. A copy of the endorsement and a certificate of such insurance showing City as additional insured must be provided to City. Said certificate must provide that City will receive thirty (30) days notice of cancellation of said policy."

2. This Amendment may be executed in any number or counterparts, each of which will be an original, but all of which together constitute one instrument executed on the same date.

3. Except as modified by this Amendment, all other terms and conditions of Agreement No. 4347 will remain the same.

   IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their officers duly authorized.

EL SEGUNDO UNIFIED SCHOOL DISTRICT

By: __________________________
    Superintendent

CITY OF EL SEGUNDO

By: __________________________
    Carl Jacobson, Mayor
Approved As To Form:

District Counsel
By: ______________________

Attest:

Tracey Weaver, City Clerk

Approved as to Form:

Mark D. Hensley, City Attorney

By: ______________________

Karl H. Berger, Assistant City Attorney
AGENDA DESCRIPTION:

Consideration and possible action regarding authorizing the recording of the Notice of Completion and authorizing the City Manager to accept completion of work for 42 homes related to Project Number RSI 12-03 (the City's Residential Sound Insulation Program's Group 44). (Fiscal Impact: Final Contract Amount $1,491,640.87)

RECOMMENDED COUNCIL ACTION:

1. Authorize the City Clerk to file the City's Planning and Building Safety Director's Notice of Completion in the County Recorder's Office;
2. Authorize the City Manager, or designee, to close out Project No. RSI 12-03; and/or
3. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Planning and Building Safety Director’s Notice of Completion
2. List of homes included in Groups 44

FISCAL IMPACT: Included in Adopted Budget

Amounts Budgeted: $1,662,425.00
Additional Appropriation: N/A
Account Number(s): 116-400-0000-8960

ORIGINATED BY: James S. O'Neill, Program Manager
REVIEWED BY: Sam Lee, Director of Planning and Building Safety
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

This project is part of the City’s Residential Sound Insulation (RSI) Program financed by federal grants from the Federal Aviation Administration (FAA) and the settlement agreement with Los Angeles World Airports (LAWA).

The RSI Program offers modifications to owners of qualifying residential property in the City of El Segundo that reduce interior sound levels of noise generated by air traffic from neighboring Los Angeles International Airport (LAX).

At its meeting on April 3, 2012 the City Council awarded a construction contract to Karabuild Development, Inc. for construction at 42 homes, commonly referred to as Group 44 of the RSI Program.

The work has now been completed and the final contract amount is $1,491,640.87.
City Council is reminded that 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 Los Angeles World Airports (LAWA) are exhausted. Remaining expenses, except for elective “Owner Upgrades” selected by property owners, are paid for by funding received as part of the settlement agreement with LAWA.
NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name: Residential Sound Insulation Program – Group 44

Project No.: RSI 12-03

Notice is hereby given pursuant to State of California Civil Code Section 3093 et seq that:

1. The undersigned is an officer of the owner of interest stated below in the property hereinafter described.

2. The project owner's name is: City of El Segundo

3. The full addresses of the project are: attached as Exhibit A and incorporated by reference

4. The nature of the interest of the owner is:

5. A work of improvement on the property hereinafter described was field reviewed by City representatives on: see attached Exhibit A

6. The work done was: Residential Sound Insulation Program Improvements

7. On March 5, 2013, City Council of the City of El Segundo accepted the work of this contract as being complete and directed the recording of this Notice of Completion in the Office of the County Recorder.

8. The name of the Contractor for such work of improvement was: Karabuild Development, Inc.

9. The property on which said work of improvement was completed is in the City of El Segundo, County of Los Angeles, State of California, and is described as follows: Private Residence(s) listed in Exhibit A

10. The street address of said properties are: set forth in Exhibit A

Dated: ________________________

Sam Lee
Planning and Building Safety Director

VERIFICATION

I, the undersigned, say: I am the Director of Planning and Building Safety of the City El Segundo, the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.

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

Executed on ______________________ at El Segundo, California.

____________________________
Sam Lee
Planning and Building Safety Director

Notice of Completion
### Exhibit A

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<td>862 Virginia St</td>
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<td>44.03</td>
<td>117 W Oak Ave</td>
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<td>44.04</td>
<td>808 Hillcrest</td>
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AGENDA DESCRIPTION:
Consideration and possible action to award a standard Public Works Contract to O'Duffy Bros., Inc. for the construction of Mariposa Avenue Storm Drain System, Project No. PW 12-06 (Fiscal Impact: $120,000.00)

RECOMMENDED COUNCIL ACTION:
1. Authorize the City Manager to execute a standard Public Works Contract in a form as approved by the City Attorney with O'Duffy Bros., Inc. in the amount of $94,935.00
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Location Map

FISCAL IMPACT: Budget Adjustment Required
Amount Budgeted: $0
Additional Appropriation: Yes $120,000
Account Number(s): 110-400-8203-8374 (Measure R, Mariposa Storm Drain)

ORIGINATED BY: Floriza Rivera, Principal Engineer
REVIEWED BY: Stephanie Katsouleas, Public Works Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
On January 15, 2013, the City Council adopted plans and specifications for constructing a Storm Drain System along Mariposa Avenue from Maryland Street to Center Street and authorized staff to advertise for receipt of construction bids. This project includes installation of two catch basins with 18” reinforced concrete pipe (RCP), which will tie into an existing catch basin located on Mariposa Ave. just west of Center Street. As you may recall, Maryland Ave. was recently reconstructed between Palm Ave. and Mariposa Ave. However, during that project, staff encountered design problems due to the extremely flat southern section of Maryland Ave., which made it difficult to achieve a proper street slope while at the same time maintaining curb, gutter, driveway approach and sidewalk elevations. Site conditions warrant the installation of a storm drain on the east side of Maryland Ave near Mariposa Ave. This will ensure that storm water and urban runoff flowing down Maryland Ave. are properly eliminated from the street, thereby eliminating ponding and ensuring better pavement condition over time.
On February 7, 2013, the City Clerk received and opened eight (8) bids as follows:

1. O’Duffy Bros., Inc. $ 94,935.00
2. GRFCO, Inc. $110,950.00
3. Miramontes Construction Co., Inc. $122,625.00
4. Allied Building Contractors, Inc. $159,225.00
5. Ramona, Inc. $163,848.00
6. Bali Construction, Inc. $168,181.00
7. Papac $169,425.00
8. Atlas-Allied, Inc. $237,870.00

The lowest responsible bidder is O’Duffy Bros., Inc. Staff checked the contractor’s references and license status, and received favorable reviews for similar work.

Additionally, staff is evaluating whether two additional catch basins should be installed as part of this project, one on the west side of Maryland St. at Mariposa Ave., and on the east side of Bungalow at Mariposa Ave, where a similar flat street condition exists. Based on the low bid unit rate sheet, staff estimates the two additional storm drains would cost approximately $18,000 to install and tie in to the planned construction. In anticipation of that work, staff recommends that City Council award a standard public works contract to O’Duffy Bros., Inc. in the amount of $94,935.00 and authorize additional expenditures of up to $25,065 for potential change orders and unforeseen conditions. Staff also recommends that City Council approve an appropriation of $120,000 from the Measure R local return fund for the work.
AGENDA DESCRIPTION:

Consideration and possible action to (1) accept donation of materials and labor from El Segundo resident Henry Doby to improve and enhance the grounds and fixtures at Camp Eucalyptus for his Boy Scout Eagle Project; (2) adopt a Resolution to approve the plans for the project; (3) authorize the City Manager to execute a contract with Henry Doby’s parent or guardian in a form approved by the City Attorney. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Approve to accept donation of materials and labor from Henry Doby;
2. Adopt a Resolution that includes approval of the project’s plan;
3. Authorize the City Manager to execute a contract with Henry Doby’s parent or guardian in a form approved by the City Attorney; and/or
4. Alternatively, discuss and take other action related to these items.

ATTACHED SUPPORTING DOCUMENTS:

1. Proposal from Henry Doby;
2. Resolution.

FISCAL IMPACT: None
Amount Budgeted: N/A
Additional Appropriation: N/A
Account Number(s): N/A

ORIGINATED BY: Meredith Petit, Recreation Superintendent
REVIEWED BY: Bob Cummings, Director of Recreation and Parks
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

Henry Doby, a resident Boy Scout and Eagle Scout candidate has submitted a proposal to the Department of Recreation and Parks to improve and enhance the grounds and fixtures at Camp Eucalyptus located at 641 California Street. Henry worked with the local chairperson of the Girl Scouts, Naomi McElvain to make sure that his proposal will be based on the organization’s needs. Henry will work with approximately twenty volunteers to complete the improvements with a budgeted amount of $700 for supplies and materials. The proposal was approved by the Recreation and Parks Commission on February 20, 2013.

The project is to lead youth and adult volunteers to raise funds, design, and purchase materials, and construct outdoor bench seating around the existing fire circle at Camp Eucalyptus, and
improve the Camp Eucalyptus gateway by preparing and pouring a concrete path through the gateway to allow mud-free access to walk or roll carts through the gateway.

Staff recommends accepting the donation of materials and labor to improve and enhance Camp Eucalyptus. Henry and his parent or guardian understands that contract and insurance requirements must be submitted before the project.
### Project Man-Hours

#### Car Wash 1

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#### Wheel Chair and Cart Path

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# Project Budget

**Car Wash 1**
- Raise: $325

**Car Wash 2**
- Raise: $230
- Donations: $100

**Total** $655

## Wheel Chair and Cart Path

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<td>Rake</td>
<td>Concrete 40lb bag</td>
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<td></td>
<td>Hammer</td>
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<tr>
<td></td>
<td>Hose</td>
<td></td>
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<tr>
<td></td>
<td>tape measure</td>
<td></td>
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<td></td>
<td><strong>Total</strong></td>
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<td>$30.10</td>
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**1402 8ft**

## Benches

<table>
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<tr>
<th>Materials</th>
<th>Tools</th>
<th>Cost per Bench</th>
<th>units</th>
<th>$/unit</th>
<th>cost</th>
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<td>redwood 4x6's</td>
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<td>thinner</td>
<td>rags</td>
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|                    | **each**            | **Total**     |        |        | $59.50|

**Benches** $59.50

**Grand Total** $595.55
Bench
Side View

6"  2"  6"

4x6  4x6

4x4  4x4

6x8x8 Pier Block

12"

Steel Bracket

(1 square = 1/2 inch)
CONCRETE PATH

FENCE

6 FT

CONCRETE

5 FT
RESOLUTION NO. _____

A RESOLUTION APPROVING THE DESIGN AND PLANS TO IMPROVE AND ENHANCE GROUNDS AND FIXTURES AT CAMP EUCALYPTUS LOCATED AT 641 CALIFORNIA STREET PURSUANT TO GOVERNMENT CODE § 830.6 AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HENRY DOBY'S PARENT OR GUARDIAN.

The City Council of the City of El Segundo does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

A. On February 12, 2013, the City received a proposal by Henry Doby ("VOLUNTEER") to enhance grounds and fixtures at Camp Eucalyptus (the "Project");

B. The Project consists of constructing outdoor bench seating around the existing fire circle and pouring a concrete path through the gateway.

C. VOLUNTEER proposes to donate all materials and labor for the Project. The City would not incur any cost;

D. Based upon information supplied by the VOLUNTEER and Recreation & Parks staff, the Council understands and believes that the total value of the materials would be $700 and will utilize approximately twenty (20) community volunteers for the labor.

E. Ordinarily, the City would need to comply with the competitive bidding requirements set forth in the California Public Contracts Code for this type of project;

F. The purpose of such bidding requirements is to guard against favoritism, improvidence, extravagance, fraud and corruption, to prevent waste of public funds, and to obtain the best economic result for the public;

G. The facts and circumstances of this Project, however, demonstrate that competitive bids would be unavailing or would not produce an advantage, and the advertisement for competitive bid would thus be undesirable and impractical for the following reasons:

1. There is, at most, only a nominal cost to the public for the reason that VOLUNTEER will donate all materials and labor;

2. VOLUNTEER will not receive any public funds for completing the Project;
3. VOLUNTEER's only motivation in constructing the Project is to accomplish charitable works for the City;

4. It is improbable that any other private contractor can construct the Project for a lesser amount; and

5. To complete the Project, VOLUNTEER will still be required to comply with the City's standard contract requirements.

H. In waiving the competitive bid requirements otherwise required by the SPMC, the City Council takes note of the analysis and decisions set forth in Graydon v. Pasadena Redevelopment Agency (1980) Cal.App.3d 631; Hodgeman v. City of San Diego (1942) 53 Cal. App.2nd 610; Orange County Water Dist. v. Bennett (1958) 156 Cal. App.2nd 745; and Los Angeles G&E Corp. v. City of Los Angeles (1922) 188 Cal. 307;

I. The City Engineer designed the Project and prepared the Project's plans and specifications. The plans are now complete and the Project may be constructed;

J. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 with regard to the plans and construction of the Project; and

K. In accepting VOLUNTEER's donation of the Project, the City notes that Labor Code § 1720.4 specifically exempts work performed by volunteers from payment of prevailing wages. In addition, the Department of Industrial Relations ("DIR") has determined that prevailing wages need not be paid for the Project (see DIR Decision No. 98-004 dated June 10, 1998 [donated pergola on city property]; and DIR Decision No. 99-058 dated January 7, 2000 [volunteer labor]). Accordingly, the Project is not a "public work" under the Labor Code and twenty volunteers need not be paid prevailing wages.

SECTION 2: Design Immunity.

A. The design and plans for the Project are determined to be consistent with the City's standards and are approved.

B. The design approval set forth in this Resolution occurred before actual work on the Project construction commenced.

C. The approval granted by this Resolution conforms with the City's General Plan.

D. The approval and authorization granted by this Resolution is intended to avail the City of the immunities set forth in Government Code § 830.6.

SECTION 3: Authorizations.
A. The City Engineer, or designee, is authorized to act on the City’s behalf in approving any alterations or modifications of the design and plans approved by this Resolution.

B. The City Manager is authorized to execute a contract with VOLUNTEER for construction of the Project in a form approved by the City Attorney.

SECTION 4: The City Clerk is directed to certify the adoption of this Resolution.

SECTION 5: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this 5th day of March, 2013.

ATTEST:

________________________________________
Carl Jacobson, Mayor

Tracy Weaver, City Clerk

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

By

Karl H. Berger, Assistant City Attorney
AGENDA DESCRIPTION:
Consideration and possible action to adopt a resolution establishing insurance requirements for City contracts and delegating authority for insurance determinations to the City Manager, or designee. (Fiscal Impact: none)

RECOMMENDED COUNCIL ACTION:
1. Adopt a resolution establishing insurance requirements for City contracts and delegating authority for insurance determinations to the City Manager, or designee;
2. Alternatively discuss and take other action related to this item

ATTACHED SUPPORTING DOCUMENTS:
1. Resolution establishing insurance requirements for City contracts and delegating authority for insurance determinations to the City Manager or Designee.

FISCAL IMPACT: N/A

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ORIGINATED BY: Angelina Garcia, Fiscal Services Manager
REVIEWED BY: Deborah Cullen, Director of Finance
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
Attached for City Council consideration is a resolution establishing the City’s insurance requirements for contracts and permits. Among other things, the resolution establishes general guidelines for insurance policy limits, forms, and risk categories. In addition, the resolution authorizes the City Manager, or designee (the City’s “Risk Manager”), to implement the resolution and determine insurance requirements in specific circumstances in consultation with the City Attorney. The insurance matrix included in the resolution has been reviewed by the City’s insurance provider -- the Independent Cities Risk Management Authority (“ICRMA”) and the City Attorney.

The proposed resolution would memorialize the City's ongoing insurance policies regarding risk transfer. It has been the City’s policy to provide fair and consistent policies to protect the City’s interests. There are instances, however, where the City’s ability to efficiently process contracts and permits (for ease of reference, this staff report refers to both contracts and permits as “contracts”) is hampered by the lack of City Council guidance as to insurance. If adopted, this
resolution would give such direction and allow the City to fairly allocate risk while also timely processing contracts and permits.

**Overview**

This staff report is not intended to provide a comprehensive review of all insurance policies. It simply provides a summary of the most common types of insurance identified in the proposed resolution. As may be seen, the proposed resolution provides more comprehensive instruction, establishes risk categories, and identifies the types of insurance forms generally required for City contracts.

For purposes of this staff report, “risk” means the chance of financial loss where there is uncertainty as to whether the loss will take place and the extent of such loss. The risk of loss is always present. To manage risk, the City seeks to identify and evaluate it both in terms of frequency and severity before entering into a contract. Proper allocation of risk is important for many reasons including:

- Keeping risk within control;
- Lowering the City’s exposure;
- Protecting City own insurance coverage limits; and
- Controlling legal costs.

To help protect the City, the City Attorney’s office drafted standard templates for most agreements. These include standard indemnity requirements and insurance requirements that are used by the City for various services. This keeps the responsibility for most loss with the contractor.

The proposed resolution will help the Risk Manager assess the level of insurance needed to protect the City from risk and back-up indemnification provisions within the City’s standard contracts.

**General Liability Insurance**

General liability insurance is also referred to as “GL,” “CGL “ (for “commercial general liability”) and “primary liability.” GL covers bodily injury, property damage liability, personal injury, and advertising injury. Most GL policies are written for a limit of $1 million or less. GL does not cover some important liability risks, such as automobile usage and many forms of “professional liability.”

General liability coverage is somewhat “standardized” in that an insurance industry organization called the “Insurance Services Office” or ISO developed a standard GL form commonly referred to as ISO form number CG 00 01. The form number usually includes an edition date that becomes part of the form number. For example, CG 00 01 11 85, which means it is a CGL form with an edition date of November 1985.
As set forth in the proposed resolution, the recommended City insurance standard for GL is the most recent ISO Form. However, there are some circumstances – the most notable is for public works contracts – where the GL Form should from 1985, 1988, or 1990. This ensures that the City obtains insurance coverage for products completed hazards (like street repair, sewer repair, etc.) that may have long time periods within which the City could be potentially liable for damage (e.g., there is a 10 year statute of limitation for latent defects in property).

Some insurers use their own forms instead of the ISO-CGL forms. The proposed resolution specifies that ISO-CGL forms should be used in most circumstances. However, the Risk Manager is also authorized to accept alternate forms that are substantially similar as the ISO-CGL forms.

**Workers’ Compensation**

Workers’ compensation insurance covers employee on-the-job injuries. Statutes specify that under some circumstances the City must verify that the contractor has this coverage if the contractor is to perform work for the City and has employees. Workers’ compensation benefits are set by statute.

**Auto Insurance**

Auto liability (“AL”) policies cover physical damage to the insured autos (in addition to liability), that generally is the contractor’s concern. As set forth in the proposed resolution, the City’s insurance requirements generally require AL insurance. Like GL, AL covers property damage and bodily injury, but only where autos are involved.

If the contractor firm owns no vehicles (for example a small professional service firm in which the principals use their own cars), AL coverage is sometimes obtained as part of the GL policy through what is called a “non-owned auto” endorsement to the GL policy. This protects the insured firm (excess of any available primary coverage such as the employee’s policy) against claims arising out of the operation of vehicles not owned by, but operated on behalf of the firm, such as rental cars and employee vehicles. The proposed resolution allows the Risk Manager to adjust the AL insurance requirements under some circumstances.

**Professional Liability Insurance**

Usually professional or “E&O” liability coverage is required only of service providers in certain professions or who provide a service more likely to be involved in purely economic damages rather than bodily injury or property damage. Common examples of contracts in which these types of coverage might be required include architectural, engineering, law, medicine, management consulting, financial management or advising, property management, surveying and others. Usually this coverage is required of these service providers in addition to GL, workers’ compensation and AL (as appropriate).
Categories of Risk & the Insurance Matrix

The proposed resolution establishes various categories of risk and provides an insurance matrix for the Risk Manager to utilize when determining insurance requirements for particular contracts. As noted, it is impractical to establish a “bright line” policy for every contract: the City utilizes all types of services from individuals using a City room for a seminar to multi-million dollar construction products. For this reason, the resolution delegates authority to the Risk Manager to exercise discretion when determining insurance requirements while using the objective criteria established by the City Council.

Under all circumstances where insurance is needed, however, the proposed resolution requires the following:

- A Certificate of Insurance;
- An original endorsement naming City, its elected and appointed officials, employees, and volunteers as additional insureds;
- A.M. Best Company Rating equivalent to at least “A:VII.”
- Insurance must provide that the policy is in effect as of the project start date and cannot be canceled nor reduced in coverage or limits for the duration of the project. In case the insurer seeks to cancel, it must notify the City not less than thirty days before cancellation, except for non-payment of the insurance premium where cancellation may occur following a ten day notification.
- The City must be named as loss payee and the insurer must waive all rights of subrogation against the City.
- Coverage must be per occurrence; and
- The contractor’s insurance must be primary.

These are standard insurance requirements that are recommended by the City’s insurance provider – the Independent Cities Risk Management Authority (“ICRMA”) – and other, similar, insurance pools for municipalities (e.g., the California Joint Powers Insurance Authority).
RESOLUTION NO. _____

A RESOLUTION ESTABLISHING INSURANCE REQUIREMENTS FOR CITY CONTRACTS AND DELEGATING AUTHORITY FOR INSURANCE DETERMINATIONS TO THE CITY MANAGER OR DESIGNEE.

The City Council of the City of El Segundo does resolve as follows:

SECTION 1: Findings. The City Council finds and declares that:

A. Persons or entities conducting business or other activities within the City should assume the inherent risks involved for services or functions performed by them in the City, on City property, or on behalf of the City;

B. Consequently, the City Council wishes to establish certain requirements relating to liability insurance;

C. It is in the public interest for the City Council to provide fair and consistent policies for establishing insurance limits; requiring certain coverage documents; and taking additional actions to ensure that the City and its residents are adequately protected; and

D. The City Council recognizes that it cannot legislate a “bright line” for all circumstances requiring insurance. Accordingly, it is in the public interest to delegate authority to the Risk Manager to determine – based upon the criteria set forth in this Resolution – the level, type, and extent of any insurance required by the City for its contracts including, without limitation, permits issued in accordance with the El Segundo Municipal Code (“ESMC”).

SECTION 2: Definitions. Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter:

A. “Contracts” means both a contract as defined by applicable law (e.g., ESMC § 1-7-2) and permits issued in accordance with the ESMC for particular activities including, without limitation, special events and filming.

B. “El Segundo Insurance Policies” means this Resolution.


D. “Public Works Contracts” means a contract issued in accordance with the Public Contracts Code or ESMC Chapter 1-7C.
E. "Risk Manager" means the City Manager, or designee.

SECTION 3: Authority. The Risk Manager is authorized to implement this Resolution; make insurance coverage determinations for contracts in consultation with the City Attorney; and promulgate administrative policies and procedures that may be desirable to implement this Resolution.

SECTION 4: Waiver Authority. Waiving insurance is strongly discouraged. However, there may be certain instances where the Risk Manager may determine that the public benefit provided by a person or entity outweighs any potential risk to the City of liability. To waive insurance, the Risk Manager must:

A. Consult with the City Attorney for a full assessment of the City's risk;

B. If the City Attorney concurs that the risk is low (using this Resolution as a reference), then the Risk Manager may waive the City's insurance requirements;

C. If the City Attorney opines that the City may have a medium risk of liability, then the Risk Manager must obtain the City Manager's approval for an insurance waiver;

D. If the City Attorney opines that the City may have a high risk of liability, then the Risk Manager must obtain the City Council's approval for an insurance waiver.

SECTION 5: Insurance Matrix. The Insurance Matrix sets forth the City's general requirements as to insurance coverage and limits. It also generally identifies the City's standard contracts that should be used for each category of activity. The Risk Manager should first utilize the City's Insurance Matrix in all instances where the City requires insurance.

SECTION 6: General Requirements.

A. The following guidelines are set forth for purposes of determining liability coverage for the City of El Segundo. However, the City may require more or less in the way of insurance coverage, or other requirements, as needed for a particular contract.

B. For all contracts, the El Segundo Insurance Policies require

1. A Certificate of Insurance;

2. An original endorsement naming City, its elected and appointed officials, employees, and volunteers as additional insureds;
3. A.M. Best Company Rating equivalent to at least “A:VII.”

4. Insurance must provide that the policy is in effect as of the project start date and cannot be canceled nor reduced in coverage or limits for the duration of the project. In case the insurer seeks to cancel, it must notify the City not less than thirty days before cancellation, except for non-payment of the insurance premium where cancellation may occur following a ten day notification.

5. The City must be named as loss payee and the insurer must waive all rights of subrogation against the City.

6. Coverage to be per occurrence; and

7. The contractor’s insurance must be primary.

C. Where auto insurance is required, primary coverage must be written on ISO Business Auto Coverage form CA 00 01 06 92 including symbol 1 (Any Auto). If the contractor does not own autos, a non-owned auto endorsement to the General Liability policy is acceptable.

D. Workers’ Compensation/Employer’s Liability must be written on a policy form providing workers’ compensation statutory benefits as required by law. Employer’s liability limits cannot be less than one million dollars per accident or disease. Employer’s liability coverage must be scheduled under any umbrella policy described above. Unless otherwise agreed, the policy must be endorsed to waive any right of subrogation as to the City, its employees or agents.

E. Copies of acceptable forms for insurance certificates and endorsements are collectively attached as Exhibit “B,” to this Resolution and incorporated by reference.

SECTION 7: Low risk. Contracts that are “low risk” are characterized by:

A. Controlled setting.

B. Little or no public exposure to bodily injury or property damage.

C. No highly hazardous materials.

D. No significant excavation or confined spaces.

E. No significant activity in the public street.

F. No overhead hazards.
G. No alcohol consumption

SECTION 8: *Medium risk.* Contracts that are “medium risk” are characterized by:

A. Limited public exposure to bodily injury or property damage;
B. Project of less than 1 month in duration and under 114 mile area;
C. Excavation, construction, confined spaces or overhead hazard;
D. Special events;
E. In-street activities -Consumption of alcohol;
F. Filming activities;
G. Commercial leaseholds of City property;
H. Project cost of $500,000 or less; and/or
I. Professional Services with high exposure to result and/or unique construction or design.

SECTION 9: *High risk.* Contracts that are “high risk” are characterized by:

A. High public exposure;
B. Projects of more than one month in duration;
C. Projects of more than 1/4 mile in area;
D. Hazardous materials involved;
E. Excavation, construction, confined spaces, overhead hazard;
F. Carnivals; and/or
G. Special events.

SECTION 10:  *Public Works Contracts.* In addition to the general requirements for all contracts, Public Works Contracts must adhere to the following:

A. Commercial general liability insurance must be provided on ISO Form No. GL 00 02 01 85 or 88.
B. Endorsements must be supplied on ISO Form No. CG 20 10 11 85, or equivalent

C. All subcontractors must meet the same insurance requirements as the general contractor.

SECTION 11: Environmental Determination. This Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.; "CEQA Guidelines") in that it is not a "project" for purposes of CEQA, as that term is defined by CEQA Guidelines § 15378. Specifically, this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment (CEQA Guidelines § 15378(b)(5)). Further, even if this Resolution was deemed a "project," and therefore subject to CEQA, the Resolution would be exempt as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines § 15061(b)(3)).

SECTION 12: Effective Date of this Resolution. This resolution will become effective immediately upon adoption.

SECTION 13: City Clerk. The City Clerk will certify the passage and adoption of this Resolution; will enter the same in the book of original Resolutions of said City; and will make a minute of the passage and adoption thereof in the record of proceedings of the City Council of said City, in the minutes of the meeting at which the same is passed and adopted.

PASSED AND ADOPTED this ___ day of February 2013.

____________________________
Carl Jacobson, Mayor
ATTEST:

STATE OF CALIFORNIA  )
COUNTY OF LOS ANGELES  )   SS
CITY OF EL SEGUNDO  )

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution No. _____ was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the ___ day of February 2013, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

________________________
Tracy Weaver, City Clerk

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

By:

________________________
Karl H. Berger, Assistant City Attorney
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<tr>
<td>Group Performers/Live Bands; Amusement Vendor</td>
<td></td>
<td>WKCOMP - Statutory</td>
<td></td>
</tr>
<tr>
<td>[Service Agreement with Terms and Conditions]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vendors Offsite services including auto maintenance</td>
<td>Low</td>
<td>Garage/Gener</td>
<td></td>
</tr>
<tr>
<td>and</td>
<td></td>
<td>$1 Million to $2 Million</td>
<td></td>
</tr>
</tbody>
</table>
Exhibit A

<table>
<thead>
<tr>
<th>Vendors: Delivery Services</th>
<th>Liability Insurance</th>
<th>Waiver subject to review if City maintains care, custody &amp; control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>No Ins Required</td>
<td>NONE REQUIRED</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Special: Examples: fireworks display, parades, large assemblies on public property.</th>
<th>Liability Insurance</th>
<th>Range Limits may vary based on event.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Med - High</td>
<td>REQUIRES GEN LIABILITY</td>
<td>GL - $2 Million - $5 Million</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Training-Sedentary Social Services Grantees</th>
<th>Liability Insurance</th>
<th>Consultant lectures/Student Sit, No specific performance requirement by City, No installation or performance on City property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>No Ins Required</td>
<td>NONE REQUIRED</td>
</tr>
<tr>
<td>Low</td>
<td>Low</td>
<td></td>
</tr>
</tbody>
</table>

*IF COMPANY HAS ANY EMPLOYEES, WORKERS’ COMPENSATION INSURANCE COVERAGE IS REQUIRED TO THE STATUTORY LIMIT.
*IF SOLE PROPRIETOR – WORKERS’ COMPENSATION INSURANCE COVERAGE IS NOT REQUIRED. STATEMENT OF SOLE PROPRIETOR STATUS SHOULD BE INCLUDED IN SCOPE OF WORK
# ACORD CERTIFICATE OF LIABILITY

**PRODUCER**

This certificate is issued as a matter of information only and confers no rights upon the certificate holder, this certificate does not amend, extend or alter the coverage afforded by the policies below.

**INSURED**

Insurer A:  
Insurer B:  
Insurer C:  
Insurer D:  
Insurer E:  

**COVERAGES**

The policies of insurance listed below have been issued to the insured named above for the policy period indicated not withstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain. The insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Aggregate limits shown may have been reduced by paid claims.

<table>
<thead>
<tr>
<th>INSUR LTR</th>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE DATE (MM/DD/YY)</th>
<th>POLICY EXPIRATION DATE (MM/DD/YY)</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>GENERAL LIABILITY</td>
<td></td>
<td></td>
<td></td>
<td>EACH OCCURRENCE $</td>
</tr>
<tr>
<td></td>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td></td>
<td></td>
<td></td>
<td>PER OCCURANCE @ I.A. $</td>
</tr>
<tr>
<td></td>
<td>CLAIMS MADE</td>
<td>OCCUR</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AGGREGATE LIMIT APPLIES PER:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>POLICY</td>
<td>PROJECT</td>
<td>LOC</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AUTOMOBILE LIABILITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>NON-OWNED AUTOS</td>
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</tr>
<tr>
<td></td>
<td>ANY AUTO</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>ALL OWNED AUTOS</td>
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<tr>
<td></td>
<td>SCHEDULED AUTOS</td>
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<tr>
<td></td>
<td>HIRED AUTOS</td>
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<tr>
<td></td>
<td>DAMAGE LIABILITY</td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>ANY AUTO</td>
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</tr>
<tr>
<td></td>
<td>EXCESS LIABILITY</td>
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</tr>
<tr>
<td></td>
<td>OCCUR</td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>DEDUCTIBLE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>RETENTION $</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>WC STATUTORY LIMIT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>EL EACH ACCIDENT</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>EL DISABILITY</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>EL DISABILITY LIMIT</td>
<td></td>
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<tr>
<td></td>
<td>OTHER</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**DESCRIPTION OF OPERATIONS, LOCATIONS, VEHICLES, EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS**

**CERTIFICATE HOLDER**  
Adendum Insured, Insurer Letter:  
Cancellation

Certificate Holder:  
City of El Segundo  
Public Works Department  
350 Main Street  
El Segundo, CA 90245  

Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail Notice to the certificate holder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.
POLICY NUMBER: AUTO

BUSINESS

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

ADDITIONAL INSURED
This endorsement modifies insurance provided under the following:

THE CITY OF EL SEGUNDO, IT'S OFFICERS, OFFICIALS, EMPLOYEES, AGENTS AND VOLUNTEERS

BUSINESS AUTO COVERAGE FORM

It is agreed that the "Who Is An Insured" provision is amended to include as an Insured the person or organization designated below as an additional insured, subject to the following provisions:

1. This insurance applies only with respect to any Liability arising out of the operation of covered autos on the additional insured premises described below;

2. The Named Insured is authorized to act for such additional insured in all matters pertaining to this insurance, including receipt of notice of cancellation;

3. Return premium, if any, shall be paid to Named Insured;

4. Nothing contained herein shall affect any right of recovery as a claimant which the additional Insured would have if not designated as such.

CITY OF EL SEGUNDO
350 MAIN STREET
EL SEGUNDO, CA 90245
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - OWNERS, LESSEES or CONTRACTORS [Form B]
This endorsement modifies insurance provided under the following:

THE CITY OF EL SEGUNDO, IT'S OFFICERS, OFFICIALS, EMPLOYEES, AGENTS AND VOLUNTEERS

COMMERCIAL GENERAL LIABILITY COVERAGE PART SCHEDULE

Name of Person or Organization:

CITY OF EL SEGUNDO
350 MAIN STREET
EL SEGUNDO, CA 90245

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the Person or organization shown in the schedule, but only with respect to liability arising out of “your work” for that insured by or for you.

Reproduction of Insurance Services Office, Inc. Form

INSURER: ISO FORM CG 20 10 22 85 : (MODIFIED)
POLICY NUMBER: COMMERCIAL GENERAL LIABILITY
ENDORSEMENT No.: EXHIBIT 1-A
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - OWNERS, LESSEES OR CONTRACTORS (FORM B)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

Name of Organization

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of "your work" for that insured by or for you.

---

Modifications to ISO form CG 20 10 11 85:

1. The insured scheduled above includes the Insured's officers, officials, employees, agents & volunteers.

2. This insurance must be PRIMARY as respects the insured shown in the schedule above, or if excess, must stand in an unbroken chain of coverage excess of the Named Insured's Scheduled underlying primary coverage. In either event, any other insurance maintained by the Insured scheduled above is in excess of this insurance and cannot be called upon to contribute with it.

3. The insurance afforded by this policy cannot be cancelled except after thirty (30) days prior written notice by certified mail return receipt requested has been given to the Entity.

4. Coverage cannot extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Civil Code § 2782(b).

---

Signature-Authorized Representative

_________________________

Address

CG 20 10 11 85 Insurance Services Office, Inc. Form (Modified)