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.

Unless otherwise noted in the Agenda, the Public can only comment on City-related business that is within the jurisdiction of the City Council and/or items listed on the Agenda during the Public Communications portions of the Meeting. Additionally, the Public can comment on any Public Hearing item on the Agenda during the Public Hearing portion of such item. The time limit for comments is five (5) minutes per person.

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, May 21, 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) -0- matter

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): -1- 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

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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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, May 21, 2013 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Eric Jay, Pastor, St. John’s Lutheran Church

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Fuentes
PRESENTATIONS

a. Proclamation – Elaine Allen, 2013 El Segundo Older American of the Year
b. Proclamation – SUPER CPR SATURDAY June 1, 2013
d. Presentation – Ellen Cunningham, Senior Librarian, Author Fair at the El Segundo Library Sunday, June 2, 2013 from 11:30 AM – 4:30 PM.
e. Presentation – Ron Melton, Resident, Residential Sound Insulation (RSI) Program

ROLL CALL

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.

A. PROCEDURAL MOTIONS

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

Recommendation – Approval.

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

C. UNFINISHED BUSINESS

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.
1. Warrant Numbers 2592490 to 2592670 on register No. 15 in the total amount of $1,058,106.95 and Wire Transfers from 4/26/13 through 5/09/13 in the total amount of $1,193,429.69.
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.

2. Special City Council Meeting Minutes of April 23, 2013, Special City Council Meeting Minutes of April 30, 2013 and Regular City Council Meeting Minutes of May 7, 2013.
Recommendation – Approval.

3. Consideration and possible action regarding approval of an agreement regarding the exchange of Federal Surface Transportation Program (STP-L) funds for Los Angeles County Metropolitan Transportation Authority. (LACMTA) local funds.
(Fiscal Impact: $243,458.00 receipt of grant funding)
Recommendation – 1) Authorize the City Manager to sign an agreement, in a form approved by the City Attorney, between El Segundo and the Metropolitan Transportation Authority, for the exchange of Federal STP-L funds for LACMTA local funds; 2) Alternatively, discuss and take other possible action related to this item.

4. Consideration and possible action to award a standard Public Works Contract to West Coast Netting for Installation of Soccer Field Netting at Campus El Segundo Athletic Field. Project No.: PW 13-06
(Fiscal Impact: $17,375.00)
Recommendation – 1) Authorize the City Manager to execute a standard Public Works Contract in a form approved by the City Attorney with West Coast Netting in the amount of $13,900.00; 2) Alternatively, discuss and take other possible action related to this item.

5. Consideration and possible action to vacate an existing sewer easement currently located at 1916 East Imperial Highway within the City of El Segundo.
(Fiscal Impact: $0)
Recommendation – 1) Adopt a resolution vacating a sewer easement on real property owned by the Boeing Company; 2) Alternatively, discuss and take other possible action related to this item.
6. Consideration and possible action to authorize the City Manager to execute a fifth amendment extending Agreement No. 3484, in a form approved by the City Attorney, between El Segundo and Fireworks & Stage FX America Inc. to provide a public fireworks show for the 2013 Fourth of July Community Celebration.  
(Fiscal Impact: Not-to-Exceed $23,000.00 from Special Events Trust Account and Special Events Contractual Services) 
Recommendation – 1) Authorize the City Manager to execute a fifth amendment extending Agreement No. 3484, in a form approved by the City Attorney; 2) Alternatively, discuss and take other possible action related to this item.

7. Consideration and possible action to award a standard Public Works Contract to J. Cab & Sons for City Hall Roof Replacement and to reject all bids for the Park Vista Senior Housing Facility Roof Replacement.  Project No.: PW 13-05  
(Fiscal Impact: $378,350.00)  
Recommendation – 1) Authorize the City Manager to execute a standard Public Works Contract, in a form approved by the City Attorney, with J. Cab & Sons Roofing in the amount of $329,000.00; 2) Reject all bids for the Park Vista Senior Housing Roof Replacement; 3) Alternatively, discuss and take other possible action related to this item.

8. Consideration and possible regarding a request for an Administrative Use Permit to expand the on-site sale and consumption of beer, wine and alcohol (Type 47 State of California Alcoholic Beverage Control License) at an existing restaurant. The restaurant, The Tavern on Main will expand into approximately 800 square-foot vacant portion of 119 Main Street located at 121-123 Main Street.  Applicant: Kristian Krieger  
(Fiscal Impact: N/A)  
Recommendation – 1) Receive and file this report without objecting to the approval to allow the on-site sale and consumption of beer, wine and alcohol at an existing restaurant; 2) Alternatively, discuss and take other possible action related to this item.

9. Consideration and possible regarding a request for an Alcoholic Beverage Control (ABC) License to allow the on-site sale and consumption of beer and wine (Type 41 State of California Alcoholic Beverage Control License) at a new restaurant (PizzaRev) at 460 North Sepulveda Boulevard, Suite C.  Applicant: Rodney Eckerman  
(Fiscal Impact: N/A)  
Recommendation – 1) Receive and file this report without objecting to the issuance of an alcohol license for on-site sale and consumption of beer and wine at a new restaurant at 460 North Sepulveda Boulevard, Suite C; 2) Alternatively, discuss and take other possible action related to this item.
10. Consideration and possible action regarding the acceptance of $36,940.00 in grant funding from the U.S. Department of Homeland Security, through the Grant Programs Directorate within the Federal Emergency Management Agency (FEMA), under the Fiscal Year 2012 Urban Areas Security Initiative (UASI 2012), to procure the $39,547.17 purchase of gas masks and class III protective suits for the Police Department. (Fiscal Impact: $39,547.17)

Recommendation – 1) Authorize the acceptance of $36,940.00 in grand funds from the UASI 2012 grant program which will be used toward the $39,547.17 purchase of police protective gear; 2) Pursuant to El Segundo Municipal Code § 1-7-10, waive the bidding process and purchase of gas masks (the Avon C50), their corresponding filters, and class III protective suits (the Blauer XRT) in accordance with an existing contract with U.S. Communities (Contract Number 4400001839) and Mallory Safety and Supply, LLC using equipment replacement and Urban Areas Security Initiative (UASI) grant funds; 3) Authorize the City Manager to execute an agreement, in a form approved by the City Attorney, to purchase sixty-five (65) gas masks (the Avon C50), their corresponding filters, and class III protective suits (the Blauer XRT) from Mallory Safety and Supply, LLC, using equipment replacement and Urban Areas Security Initiative (UASI) grant funds; 4) Alternatively, discuss and take other possible action related to this item.

11. Consideration and possible action to authorize the City Manager to execute an agreement with AC Martin Partners, Inc. for Interior Architectural services for City Permit Center and Finance Office Tenant Improvements. (Fiscal Impact: $36,000.00)

Recommendation – 1) Authorize the City Manager to execute an agreement with AC Martin Partners, Inc., as approved to form by the City Attorney, for Interior Architectural services not to exceed $36,000.00; 2) Alternatively, discuss and take other possible action related to this item.

12. Consideration and possible action to award a standard Public Works Contract to GMC Engineering, Inc. for construction of Maple Avenue Street Improvements project, and to award a Public Works Professional Services Agreement to AKM Consulting Engineers for construction inspection services for the project. Project No.: PW 12-09 (Fiscal Impact: $2,035,500.00)

Recommendation – 1) Authorize the City Manager to execute a standard Public Works Contract, in a form approved by the City Attorney, with GMC Engineering, Inc. in the amount of $1,677,637.70; 2) Authorize the City Manager to execute a standard Public Works Professional Services Agreement in a form approved by the City Attorney with AKM Consulting Engineers in the amount of $92,694.00; 3) Alternatively, discuss and take other possible action related to this item.
13. Consideration and possible action to receive this report regarding the emergency repair of the wet well level monitoring sensor line in Pump Station #1.  
(Fiscal Impact: $2,906.63)  
Recommendation – 1) Receive and file this report regarding the emergency repair of the wet well level monitoring sensor in Pump #1; 2) Alternatively, discuss and take other possible action related to this item.

14. Consideration and possible action to receive and file this report regarding the emergency repair of Recreation Park field lighting.  
(Fiscal Impact: $10,525.00)  
Recommendation – 1) Receive and file this report regarding the emergency repair to the 480 Volt, 800 amp main breaker at Recreation Park; 2) Alternatively, discuss and take other possible action related to this item.

F. NEW BUSINESS

15. Consideration and possible action to update the El Segundo Municipal Code regulating general penalties and administrative citations. These changes are desirable to ensure effective code enforcement by the El Segundo Police, Fire, Public Works, and Planning and Building Safety Departments.  
(Fiscal Impact: None)  
Recommendation – 1) Introduce and waive first reading of an Ordinance amending Chapter 1-2 of the El Segundo Municipal Code regarding procedures for issuing infraction citations; 2) Introduce and waive the first reading of an Ordinance amending Sections 1-2A-1, 1-2A-2, 1-2A-3 1-2A9 and 1-2A10 of the El Segundo Municipal Code regarding administrative citations; 3) Schedule a second reading and adoption for both ordinances; 4) Alternatively, discuss and take other possible action related to this item.

G. REPORTS – CITY MANAGER

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 –

16. Consideration and possible action to change the current practice of electing a Mayor and Mayor Pro Tem for two-year terms and instead have these positions elected by Council on an annual basis.  
(Fiscal Impact: None)
Recommendation – 1) Change the current City Council policy to conduct an annual election for Mayor and Mayor Pro Tem, direct staff to make any necessary changes to the Municipal Code and conduct Council election for Mayor and Mayor Pro Tem; 2) Alternatively, discuss and take other possible action related to this item.

17. Consideration and possible action to fill two vacant positions on the Economic Development Advisory Council (EDAC) with current City Council Members Bill Fisher and Dave Atkinson to provide a direct conduit to the entire City Council on economic development issues including funding recommendations and a long range economic development strategic plan.  
(Fiscal Impact: None)
Recommendation – 1) Approve the appointments of Council Member’s Dave Atkinson and Bill Fisher to the Economic Development Advisory Council; 2) Alternatively, discuss and take other possible action related to this item.

Mayor Pro Tem Fuentes –

Mayor Jacobson –

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MEMORIALS –
CLOSED SESSION

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

REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)

ADJOURNMENT

POSTED:

DATE: 5-15-13

TIME: 1:35 pm

NAME: [Signature]

10
WHEREAS, May is National Older Americans Month, a time to celebrate and pay tribute to the citizens ages 60 and older in the City of El Segundo; and

WHEREAS, the older adults in the City of El Segundo play an important role by continuing to contribute experience, knowledge, wisdom, and accomplishments; and

WHEREAS, recognizing the successes of community elders encourages their ongoing participation and further accomplishments; and

WHEREAS, Elaine Allen was elected by her peers as the El Segundo 2013 Older American of the Year, a recognition which inspires, promotes and garnishes community spirit by giving back through volunteerism

NOW, THEREFORE, on this 21st day of May, 2013, the Mayor and Members of the City Council of the City of El Segundo, California, do hereby proclaim the month of May, 2013, OLDER AMERICANS MONTH

and

Elaine Allen

the

2013 El Segundo Older American of the Year

And hereby recognize the Elderfest Celebration last Saturday, May 11, 2013, from 11:00 a.m. to 2:00 p.m., at the Hacienda Hotel was to recognize ELAINE ALLEN and other senior citizens of the community.

Mayor Carl Jacobson

Mayor Pro Tem Suzanne Fuentes Council Member Bill Fisher

Council Member Dave Atkinson Council Member Marie Fellhauer
Proclamation

City of El Segundo, California

WHEREAS, Over 70 percent of Americans may feel helpless to act during a cardiac emergency because they either do not know how to administer CPR or their training has significantly lapsed; and

WHEREAS, Eighty-eight percent of cardiac emergencies happen in the home; and

WHEREAS, Nearly 383,000 out-of-hospital sudden cardiac arrests occur annually; and

WHEREAS, Sudden cardiac arrest is not the same as a heart attack and can happen to anyone at any time; and

WHEREAS, The El Segundo Fire Department and the American Red Cross have historically provided exemplary emergency medical care and training, and continue this tradition with SUPER CPR SATURDAY; and

WHEREAS, The El Segundo Community Emergency Response Association and other volunteers provide much needed support for the event; and

WHEREAS, El Segundo High School provides a critical element for Super CPR Saturday by allowing use of the school’s facilities that accommodates the training of approximately 300 people;

WHEREAS, Super CPR Saturday receives generous financial and in-kind support from our corporate sponsors (Chevron, NRG, Embassy Suites, Continental Development Corporation, Teledyne Controls, Raytheon, Rinaldi’s, McDonalds and Doubletree Hotel) that enables this valuable community event to be held.

NOW, THEREFORE, the Mayor and the Members of the City Council of the City of El Segundo, California hereby proclaim June 1, 2013 as SUPER CPR SATURDAY and encourage participation in CPR training.

Mayor Carl Jacobson
Mayor Pro Tem Susanne Fuentes
Council Member Bill Fisher
Council Member Dave Atkinson
Council Member Marie Fellhauer

12
Proclamation

WHEREAS, Public works services provided in our community are an integral part of our citizens’ everyday lives; and

WHEREAS, The support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewer, streets and highways, public buildings, and solid waste collection; and

WHEREAS, The health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, The quality and effectiveness of these facilities, as well as their planning design, and construction, are vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, The efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people’s attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, the Mayor and Members of the City Council do hereby proclaim the week of May 19 – 25, 2013, as “National Public Works Week” in El Segundo and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

Mayor Carl Jacobson
Presentation
Ellen Cunningham, Senior Librarian
Author Fair at the El Segundo Library Sunday, June 2, 2013
PRESENTATION
RON MELTON, RESIDENT
RESIDENTIAL SOUND INSULATION (RSI) PROGRAM

RELATED DOCUMENTS ATTACHED

Separate PDF File Titled
“Council Meeting Agenda Packet 05-21-13 Correspondence”

MR. MELTON HAS REMOVED HIS REQUEST TO PRESENT TO COUNCIL
**CITY OF EL SEGUNDO**

**WARRANTS TOTALS BY FUND**

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<td>104</td>
<td>TRAFFIC SAFETY FUND</td>
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<td>108</td>
<td>STATE GAS TAX FUND</td>
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**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 fund 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 Certification:

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

- **B - F** = Computer generated Early Release disbursements and/or adjustments approved by the City Manager. Such as; payments for utility services, petty cash and employee travel expense reimbursements, 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 when a situation arises that the City Manager approves.

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

**FINANCE DIRECTOR**

**CITY MANAGER**

**DATE:** 5/13/13

**DATE:** 5-14-113

**VOID CHECKS DUE TO ALIGNMENT:**

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

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

**NOTES**
### CITY OF EL SEGUNDO
### PAYMENTS BY WIRE TRANSFER
### 4/26/13 THROUGH 5/09/13

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<td>SCRMA checks issued</td>
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**DATE OF RATIFICATION:** 05/21/13

**TOTAL PAYMENTS BY WIRE:** 1,193,429.69

Certified as to the accuracy of the wire transfers by:

**City Treasurer**  
**Date:** 5/19/13

**Director of Finance**  
**Date:** 5/13/13

**City Manager**  
**Date:** 5/14/13

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.
SPECIAL MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, APRIL 23, 2013 – 7:30 PM

CALL TO ORDER – Mayor Jacobson at 7:30 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 stated that Council would be meeting in Closed Session pursuant to the items listed on the agenda.

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: None

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

Willmore vs. City of El Segundo, et al., LASC Case No. BC485025

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): - 1 - 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- matter

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov’t Code §54956.8): -0- matter

REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)

Council moved to Open Session.

OPEN SESSION –

COMMENCED AT 8:08 PM.

No reportable business per Mark Hensley, City Attorney.

SPECIAL MATTERS (UNFINISHED BUSINESS)

1. Approval of a Tax Resolution Agreement (TRA) and approval of an Amendment to Administrative Agreement regarding Gas Tax collection with Chevron USA (Fiscal Impact: Estimated - $128 million net new revenue over the next 15 years ($104 million estimated General Fund revenue and $24 million estimated Water Fund revenue))

Recommendation – 1) Approve the Tax Resolution Agreement and Amendment to the Administrative Agreement regarding Gas Tax collection with Chevron USA; Alternatively, discuss and take other action related to this item.

Greg Carpenter, City Manager, gave a report.

Mr. Semancik, Chevron El Segundo General Manager, spoke in favor of supporting the Proposal presented tonight. Mr. Semancik also thanked the staff and City leadership for working with Chevron El Segundo on this matter.

Council discussion.

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

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

MOTION by Mayor Pro Tem Fuentes, SECONDED by Council Member Fellhauer to approve the Tax Resolution Agreement No. 4417 and Amendment to the Administrative Agreement No. 2323A regarding Gas Tax collection with Chevron USA. MOTION PASSED BY VOICE VOTE. 4/1 Mayor Jacobson, Mayor Pro Tem Fuentes, Council
Member Fisher and Council Member Fellhauer voted Yes and Council Member Atkinson voted No on the motion.

CLOSED SESSION – None

ADJOURNMENT at 8:19 PM

______________________________
Tracy Weaver, City Clerk
SPECIAL MEETING OF THE EL SEGUNDO CITY COUNCIL
THURSDAY, APRIL 30, 2013
El Segundo Public Library
111 W. Mariposa Avenue, El Segundo, CA 90245
7:30 a.m.

7:30 A.M. SESSION

CALL TO ORDER – Mayor Jacobson at 7:32 a.m.

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 fine of $250.

Dr. Geoff Yantz spoke on the state of Education in California, the Wiseburn parcel tax, and encouraged the Council to work in collaboration with the district in continuing with the districts outstanding educational record.

SPECIAL ORDERS OF BUSINESS:

1. Consideration and possible action regarding a strategic planning workshop resulting in City Council guidance to staff for preparing the Fiscal Year 2013-2014 Preliminary Budget. Staff will present a brief overview of policy issues, challenges/limitations, goals and strategies associated with preparation and planning of the fiscal year budget including, without limitation, the following matters:

   a. Introduction – Greg Carpenter, City Manager, gave a brief overview of the process for today’s meeting.
   c. Midyear FY 2012-2013 – Deborah Cullen, Finance Director, presented the Midyear report.
   d. Guiding Principles – Greg Carpenter, City Manager gave an overview of the Guiding Principles. Each Department head spoke on the principles and how it pertains to their departments.
      i. Focus on Community and Customer Service
      ii. Excellent Public Safety
      iii. Quality Workforce – Greg Carpenter, City Manager, gave a brief overview of the challenges for FY 2013-2014 for the City’s workforce.
iv. Financial Stability – Deborah Cullen, Finance Manager gave a presentation concerning the City’s Financial Stability.

v. Economic Development

Council recessed at 8:45 AM

Resumed meeting at 9:00 AM – All Council Members present

e. Assumptions for Preliminary Budget – Deborah Cullen, Finance Manager, gave a presentation on Revenue Assumptions Compared to FY 2013 Yearend Estimates.
f. Three year forecast – Deborah Cullen, Finance Director, gave a presentation.
g. Recommendations/Priorities – Council discussion.
h. Next Meeting Date – tentative date June 27, 2013.

Council provided preliminary direction to staff regarding recommended Strategic Plan for the FY 2013-2014 Budget. Council asked Finance to prepare a cost of doing business analysis, refine the Action Items at the one (1) year level, fund immediately the Fire Station Bay Doors repair, City Hall and Senior Housing roofing and the installation of the Seismic Early Warning System and lastly, Council would like an analysis of proposed Personnel changes.

ADJOURNMENT at 10:22 AM

__________________________
Tracy Weaver, City Clerk
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, May 7, 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(a) -4- matter

1. City of El Segundo vs. City of Los Angeles, et. al. LASC Case No. BS094279
2. Carson vs. City of El Segundo, WCAB Case Nos. 6821502
3. O’Connor vs. City of El Segundo, WCAB No. 8611649
4. City of Los Angeles vs. Pacific Bell Telephone Company, et al., LASC Case No. BC414272

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): -1- matter.

DISCUSSION OF PERSONNEL MATTERS (Gov't Code §54957): -2- matter

1. Public Employee Performance Evaluation
   Title: City Manager

2. Public Employee Performance Evaluation
   Title: City Attorney

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. Lease of City Owned Property (Price and Terms):
   Real Property: City owned Golf Course ("The Lakes") located on Sepulveda Boulevard (Assessor Parcel Number: 4138-014-913).
   City's Negotiator: Greg Carpenter, City Manager
   Potential Lessee/Negotiating Party: Centercal Properties, Inc.

Recessed at 6:55 PM
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, May 7, 2013 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER – Mayor Jacobson at 7:01 PM

INVOCATION – John Svendsen, Pastor, First Baptist Church

PLEDGE OF ALLEGIANCE – Council Member Fisher

PRESENTATIONS

Proclamation read by Council Member Fellhauer and received by Fire Chief Kevin Smith proclaiming Saturday, May 11, 2013, as EL SEGUNDO FIRE SERVICE DAY and inviting the community to participate in the Open House from 10:00 a.m. to 2:00 p.m.

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.

Mr. Tony Mendez, resident, spoke on behalf of El Segundo’s Farmer Market and the need for more advertising. Mr. Mendez is concerned that the City was caught unaware that Raytheon was downsizing. Mr. Mendez is also concerned about the DAZ Company.

A. PROCEDURAL MOTIONS

Consideration of a motion to read all ordinances and resolutions on the Agenda by title only.
MOTION by Mayor Pro Tem Fuentes, SECONDED by Council Member Fellhauer 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)

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.

1. Approved Warrant Numbers 2592112 - 2592489 on register No. 14 in the total amount of $3,656,380.02 and Wire Transfers from 3/29/13 through 4/25/13 in the total amount of $3,686,369.00. 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.


3. Accepted as complete the Rehabilitation of Aviation Blvd. from 116th Street to Rosecrans Avenue and authorized the City Clerk to file a Notice of Completion in the County Recorder's Office. Project No.: PW 12-02.
   (Fiscal Impact: $959,109.00)

4. Authorized the transfer of $6,500.00 from the Economic Uncertainty Fund to pay for additional contract costs and accepted as complete the Masonry Building for the Water Department's Telemetry System located at 2161 E. El Segundo Blvd., and authorized the Public Works Director, or designee, to record a Notice of Completion. Project No.: PW 12-04
   (Fiscal Impact: $117,686.00)

5. Authorized the City Manager to enter Agreement No. 4418, in a form approved by the City Attorney, to join the California Water/Wastewater Agency Response Network (CalWARN).
   (Fiscal Impact: $0)

MOTION by Council Member Fisher, SECONDED by Council Member Atkinson to approve the Consent Agenda items 1, 2, 3, 4 and 5. MOTION PASSED BY A UNANIMOUS VOICE VOTE. 5/0
F. NEW BUSINESS

G. REPORTS – CITY MANAGER - None

H REPORTS – CITY ATTORNEY - None

I. REPORTS – CITY CLERK - None

J. REPORTS – CITY TREASURER - None

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fellhauer - None

Council Member Atkinson – Attended the Delta Water Trip through West Basin Water Municipal Water District.

Council Member Fisher – None

Mayor Pro Tem Fuentes –

6. Consideration and possible action to urge the Senate Budget Sub Committee to prevent the inadvertent and complete elimination of funding for Southern California Regional Occupational Center (SCROC) and Metropolitan Education District (MetroED).

(Fiscal Impact: None)

Dr. Christina Hoffman spoke on behalf of the Southern California Regional Occupational Center (SCROC).

Robert Pullen-Miles, District Representative with State Senator Ted Lieu’s office, spoke on behalf of SCROC.

Mayor Pro Tem Fuentes read a letter from Dr. Bill Watkins with the El Segundo Board of Education in favor of SCROC.

MOTION by Mayor Pro Tem Fuentes, SECONDED by Council Member Fellhauer to authorize the Mayor to submit a letter from the City Council to the California State Senate in support of continued funding for career technical education. MOTION PASSED BY A UNANIMOUS VOICE VOTE. 5/0

Mayor Pro Tem Fuentes reminded everyone to attend Elderfest and thanked the Recreation and Parks department for a new and improved Hometown Fair. Ms. Fuentes welcomed her nephew, Brandon Fuentes as a special guest, who is joining the US Navy and leaving for the Great Lakes Naval Center on Wednesday, May 8, 2013.
Mayor Jacobson –

7. Consideration and possible action to assign Council Member Atkinson to the Golf Subcommittee replacing Mayor Jacobson.  
(Fiscal Impact: None)

MOTION by Mayor Jacobson, SECONDED by Council Member Fisher to approve the replacement of Council Member Atkinson on the Golf Subcommittee.  MOTION PASSED BY A UNANIMOUS VOICE VOTE. 5/0

Mr. Jacobson reminded everyone to sign up for SUPER CPR SATURDAY on the City’s web site beginning Monday, May 13, 2013.  Mr. Jacobson encouraged everyone to attend the ED! Gala on Friday, May 17, 2013.

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.

MEMORIALS – None

CLOSED SESSION – None

ADJOURNMENT at 7:32 PM

__________________________
Tracy Weaver, City Clerk
AGENDA DESCRIPTION:
Consideration and possible action regarding approval of an agreement regarding the exchange of Federal Surface Transportation Program (STP-L) funds for Los Angeles County Metropolitan Transportation Authority (LACMTA) local funds. (Fiscal Impact: $243,458.00 receipt of grant funding)

RECOMMENDED COUNCIL ACTION:
1. Authorize the City Manager to sign an agreement, in a form approved by the City Attorney, between El Segundo and the Metropolitan Transportation Authority, for the exchange of Federal STP-L funds for LACMTA local funds.
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None

FISCAL IMPACT: Budget Adjustment Required
Amount Budgeted: $0
Additional Appropriation: N/A
Account Number(s):

ORIGINATED BY: Stephanie Katsouleas, Public Works Director
REVIEWED BY: Stephanie Katsouleas, Public Works Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
Each year, the City of El Segundo receives an allocation of Surface Transportation Program (STP-L) funds from the federal government, which is provided to municipalities nationwide, base on population, for surface transportation projects. The City’s current unobligated balance is $248, 427. However, these funds can only be used for qualifying transportation projects and must meet strict federal requirements.

The Los Angeles County Metropolitan Transportation Authority (LACMTA) has offered to exchange federal STP-L funds for flexible LACMTA funds, which do not have the same restrictive requirements. Because LACMTA charges a 2% fee for exchange of federal funds, the actual LACMTA balance available to El Segundo would be $243,458.00 under the exchange agreement. These unrestricted funds would be available immediately to El Segundo for street restoration projects. The City would have three years to expend the funds and would be able to implement projects without complying with complex federal requirements and a lengthy federal obligation process. Staff is therefore requesting that City Council approve the exchange of federal STP-L funds for local LACMTA funds. The unrestricted funds would be encumbered and utilized on priority street projects as identified in the recent Pavement Management Program report toward our goal of reaching a pavement management index of 73.
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

MEETING DATE: May 21, 2013
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:
Consideration and possible action to award a standard Public Works Contract to West Coast Netting for Installation of Soccer Field Netting at Campus El Segundo Athletic Field, Project No. PW 13-06. (Fiscal Impact: $17,375.00)

RECOMMENDED COUNCIL ACTION:
1. Authorize the City Manager to execute a standard Public Works Contract in a form approved by the City Attorney with West Coast Netting in the amount of $13,900.00
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Location map

FISCAL IMPACT: Additional Appropriation Needed

Amount Budgeted: $17,375
Additional Appropriation: No
Account Number(s): 001-400-5102-6206 (Parks Operation, Contractual Services)

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

BACKGROUND AND DISCUSSION:
On April 2, 2013, the City Council adopted plans and specifications for Project No. PW 13-06, Installation of Soccer Field Netting at Campus El Segundo Athletic Field, and authorized staff to advertise for receipt of construction bids. Recall that the additional netting is needed on the west side of the field, along Nash Ave., to prevent balls from entering the street now that the field is also being used for new, east-west oriented programs (e.g., Adult 7v7 Coed Soccer). On April 23, 2013, the City Clerk received and opened three (3) bids as follows:

1. West Coast Netting $13,900.00
2. A-1 Fence Company $15,300.00
3. Judge Netting $29,500.00

The lowest responsible bidder was West Coast Netting. Staff has checked this contractor’s references and contract documents and West Coast Netting has satisfactorily completed similar netting installation projects for other public agencies. Staff recommends that City Council award a standard public works contract to West Coast Netting in the amount of $13,900 and authorize an additional $3,475.00 for contingency.
SITE MAP

PW 13-06 INSTALLATION OF SOCCER FIELD NETTING
AT CAMPUS EL SEGUNDO ATHLETIC FIELD

POLES TO BE INSTALLED
WEST OF SECURITY FENCE

NETTING TO BE
CONSTRUCTED ALONG
WEST PORTION OF
EXIST. SECURITY FENCE

YELLOW LINES
NORTHWEST FIELD
YELLOW LINES

YELLOW LINES
SOUTHWEST FIELD
YELLOW LINES

SECURITY FENCE

MARIPOSA AVE.

NASH ST.

SOCCER FIELDS
2201 E. MARIPOSA AVE.
EL SEGUNDO, CA 90245

DULEY RD.

CAMPUSS SQUARE W

PARKVIEW DR. S

X = LOCATION OF PRE-BID JOB WALK
APRIL 16, 2013 AT 10:00 AM

NOT TO SCALE
AGENDA DESCRIPTION:

Consideration and possible action to vacate an existing sewer easement currently located at 1916 East Imperial Highway within the City of El Segundo. (Fiscal Impact: $0)

RECOMMENDED COUNCIL ACTION:

1. Adopt a resolution vacating a sewer easement on real property owned by the Boeing Company;
2. Alternatively, discuss and take other possible action related to this item

ATTACHED SUPPORTING DOCUMENTS:

Resolution
Boeing Request and Property Description
Vesting Deed
Preliminary Title Report

FISCAL IMPACT: None.

Amount Requested: $0
Additional Appropriation: No
Account Number(s): N/A

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

BACKGROUND AND DISCUSSION:

On April 16, 2013, City Council adopted a Resolution of Intention to schedule a hearing for determining whether to vacate an existing sewer easement located at 1916 East Imperial Highway, a property owned by Boeing Company. Boeing has future plans to expand their building footprint over the easement area, and relocate its sewer connection facilities to a more desirable location.

Notices of the proposed easement vacation were advertised in the El Segundo Herald on April 25 and May 2, 2013. Notices were also posted along the property line at the easement location and sent to all utility agencies with known facilities in the City, inquiring if their agencies had any facilities within the same easement. Only a few utilities responded to the survey. The Planning Commission reviewed the proposed abandonment at its April 25, 2013 meeting and determined that it is in conformance with the General Plan. A public hearing must now take place to determine whether to adopt a resolution to abandon the sewer easement. The Boeing Company
would assume ownership and maintenance of the existing sewer facilities by operation of law if the City Council decides to adopt the proposed resolution.

An unidentified amount of future savings would occur due to the elimination of repair and maintenance activities for approximately 305 ft of sewer lateral pipe in the easement and in public right-of-way up to the existing manhole on Selby Street. The sewer lateral only serves the Boeing Company and can easily be transferred to Boeing without impacting other adjacent properties that connect to the nearby sewer main. Staff therefore supports this action and recommends that Council adopt the attached Resolution to abandon the easement.
Recording Requested by and Returned to:

Tracy Weaver
City Clerk
City of El Segundo
350 Main Street
El Segundo, CA

Request recording without fee for the benefit of the
City of El Segundo pursuant to Streets and Highways Code § 8336.

APN 4138-005-072,
APN 4138-005-057, and
APN 4138-005-042

RESOLUTION NO. ________

A RESOLUTION ADOPTED BY THE CITY COUNCIL FOR THE CITY
OF EL SEGUNDO VACATING SEWER EASEMENTS WITHIN
PORTIONS OF PARCEL NO. 5, IN THE CITY OF EL SEGUNDO,
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON
RECORD OF SURVEY MAP OF A PORTION OF THE NORTH HALF OF
SECTION 7, TOWNSHIP 3 SOUTH, RANGE 14 WEST, IN THE RANCHO
SAUSAL REDONDO.

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

SECTION 1: The City Council finds as follows:

A. On or about November 14, 1956, the Santa Fe Land Improvement Company
conveyed easements, each being a strip 10 feet in width, situated in the City of El
Segundo (“City”), County of Los Angeles, State of California, being portions of
Parcels 2, 4 and 5 as said parcels are shown on Record of Survey Map of a portion
of the North Half of Section 7, Township 3 South, Range 14 West, in the Rancho
Sausal Redondo, which Map was filed with the Los Angeles County Recorder’s
Office in Records of Survey Book 66, Page 5 (“Final Map”).

B. The conveyed gave three separate sanitary sewer lines, together with an easement
to the City of El Segundo for public utility services (“Easement”) over, under and
across three parcels of real property for the maintenance of said sewer lines.

C. On or about March 12, 2013, the Boeing Company (“Boeing”), through its
representatives at Southland Civil Engineering and Stephen Woolley & Associates, stated that Boeing is now the owner of the property located at 1916 East Imperial Highway as well as the remainder of the Selby block. Boeing requested the easements described in Items A and B be abandoned (“Project”). The vesting deed and preliminary title report are attached to this resolution to confirm Boeing’s ownership.

D. The Project would, by law, transfer all responsibility of maintenance for City Manhole CS-001 on Boeing property, the sewer main between City Manhole CS-001 and CS-002 located on Selby Street, and all related sewer appurtenances between the manholes to the Boeing Company.

E. A review of applicable documents shows there are sewer utility facilities located within the Easement.

F. If the Easement is relinquished, the present maintenance by the City of El Segundo for Manhole CS-001 and for the sewer line and its appurtenances from Manhole CS-001 west to Manhole CS0002 will no longer be required. Manhole CS-002 and all sewer facilities downstream of it will continue to be maintained by the City.

G. The Easement, in its current location, is not necessary for present or prospective public use.

H. On or about April 11, 2013, the City informed all utility agencies with facilities in the City in writing about the Project. Surveys to be returned by the agencies were included with the City letter. Several agencies responded to the letter. Those that responded confirmed that the easement relinquishment would not be an issue for them.

H. On or about April 16, 2013, the City adopted a Resolution of Intention to schedule a public hearing regarding the abandonment of this easement and sewer facility. Notices for the hearing were published in the El Segundo Herald on April 25 and May 2. Notices were also displayed in four locations on the Boeing property line on Imperial Highway and Selby Street near the easement.

I. On or about April 25, 2013, the City Planning Commission determined that vacating the Easement is consistent with the City’s General Plan.

J. Following a public hearing held on May XX, 2013, the City Council finds that abandoning the Easement is in the public interest.
SECTION 2: In accordance with the City Council’s findings, the City of El Segundo summarily vacates the Easement. Ownership and maintenance of Manhole CS-001 and the sewer line and its appurtenances from Manhole CS-001 up to Manhole CS-002 will be assumed by the Boeing Company by operation of law.

SECTION 3: The City Clerk, or designee, is directed to record this Resolution within ten (10) days of its adoption.

SECTION 4: From and after the date this Resolution is recorded, the Easement vacated by this Resolution will no longer constitute a public service easement, and the sewer utilities vacated by this Resolution will no longer constitute a City responsibility to maintain.

SECTION 5: This Resolution will become effective immediately upon adoption and will remain effective unless superseded or repealed.

PASSED AND ADOPTED this ___ day of ______________, 2013.

__________________________________________
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 VENTURA  )  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 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 ____ 2013, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________
Tracy Weaver, City Clerk
March 12, 2013

Ms. Floriza Rivera  
Principal Civil Engineer  
City of El Segundo  
Dept. of Public Works  
350 Main Street  
El Segundo, CA 90245

Re: Sewer easement quitclaim request  
Project No.: 20-12020

We are sending you herewith via Stephen Woolley & Associates:

- One (1) original legal description and exhibit of proposed abandonment of sewer easement
- One (1) copy of sewer easement deed in Book 53041, Page 48
- One (1) copy of sewer easement deed in Book D274, Page 827

___ in compliance with your request  
___ for your information  
X for your approval  
___ for your review and comment  
___ for your signature and return

Remarks:

Boeing is now the owner of the property located at 1916 East Imperial Highway, as well as the remainder of the Selby block. The easement is no longer required and therefore requested to be abandoned. The sewer line will be privately maintained. Thanks.

By: Larry L. Mar, P.E., PLS  
Partner

EXHIBIT "B" (SHEETS 2 AND 3 OF 3 SHEETS) ATTACHED HERETO, IS MADE A PART HEREOF.

LARRY L. MAR, PLS

DATE

5/9/13
LINE AND CURVE DATA FOR SHEET 2

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<td>89'59'43&quot;</td>
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<td>L3</td>
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EASEMENT LEGEND

A CENTERLINE OF AN EXISTING 10.00' WIDE EASEMENT OF THE CITY OF EL SEGUNDO FOR SANITARY SEWER PURPOSES DESCRIBED AS PARCEL "A" IN DOCUMENTRecorded in Book 53041, Page 48, OF OFFICIAL RECORDS.

B EXISTING 10.00' WIDE EASEMENT OF THE CITY OF EL SEGUNDO FOR SANITARY SEWER PURPOSES PER DOCUMENTRecorded in D274, Page 827, OF OFFICIAL RECORDS.
Southland Civil Engineering & Survey LLP
87 N Raymond Ave., Suite 500
Pasadena, CA 91103

Attn: Larry L. Mar, P.E. PLS

Your Reference No: 11024 S20

Property Address: 1916 East Imperial Highway, El Segundo, California

PRELIMINARY REPORT (V6)

Dated as of March 5, 2013 at 7:30 a.m.

In response to the application for a policy of title insurance referenced herein, Lawyers Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitation on Covered Risks applicable to the CLTA and ALTA Homeowner’s Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Commonwealth Land Title Insurance Company.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered. It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.
SCHEDULE A

The form of policy of title insurance contemplated by this report is:

Preliminary Report

The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

Title to said estate or interest at the date hereof is vested in:

The Boeing Company, a Delaware corporation, as to Parcels 1 and 2; and

Boeing Satellite Systems Inc., formerly known as Hughes Space and Communications Company, a Delaware Corporation, as to Parcel 3.

The land referred to herein is situated in the County of Los Angeles, State of California, and is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF
EXHIBIT “A”

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

Parcel 1: (4138-005-042)

An irregular-shaped parcel of land in the City of EL Segundo, County of Los Angeles, State of California, being a portion of that certain 20.057 acre Parcel No. 5, as shown on Record of Survey map of a portion of the North half of Section 7, Township 3 South, Range 14 West, in the Rancho Sausal Redondo which map filed in Book 66 Page 5 of Record of Surveys of said County being more particularly described as follows:

Commencing at that certain angle point in the Westerly boundary of said Parcel No. 5, as shown on said survey map distant North 0°20’ West 417.22 feet along said Westerly boundary from the Southwest corner of said Parcel No 5; thence North 89°59’20” East parallel with the Southerly boundary of said Parcel No. 5, a distance of 346.60 feet to a point in a line that is parallel with and distant 510 feet Westerly measured at right angles, from the Westerly line of the land described in Deed of Nashkelvinator Corporation, recorded in Book 29478 Page 241, Official Records, in the Office of the County Recorder of said County, said Westerly line being also the Easterly line of said Parcel No. 5; thence along last said parallel line, being also the Easterly line of the Southerly prolongation thereof of that certain 0.2733 of an acre Parcel “B” as described in Deed recorded February 15, 1957 from Santa Fe Land Improvement Company to the Atchison, Topeka and Santa Fe Railway Company, recorded in Book 53662 Page 127, Official Records of said County, North 0°00’23” West, a distance of 353.00 feet to the True Point of Beginning for this description; thence along said last parallel line, being along the Easterly line of said 0.2733 of an acre parcel, North 0°00’23” West 267.28 feet to a point in the Northerly line of said Parcel No. 5; thence Northerly 89°59’20” East along the Northerly line of said Parcel 5; a distance of 210.00 feet to the Northwesterly corner of that certain 0.8201 of an acre Parcel “B” as described in Deed recorded January 18, 1957, from Santa Fe Land Improvement Company to the City of EL Segundo, recorded in Book 53409 Page 217, Official Records of said County; thence Easterly and Southerly along the boundary line of last said Parcel “B” the following courses; along the arc of a curve tangent to the last described course, concave Southwesterly and having a radius of 20.00 feet through a central angle of 90°00’17” a distance of 31.42 feet to point of tangency in a line that is parallel with and distant Westerly 280.00 feet measured at right angles from the Easterly boundary of said parcel No. 5; thence South 0°00’23” East along said last parallel line, a distance of 197.28 feet to a point in a line parallel with and distant Southerly 217.28 feet, measured at right angles from the Northerly boundary of said Parcel No. 5; thence leaving the boundary

CLTA Preliminary Report Form – Modified (11-17-06)

Page 3
of last said Parcel “B”; South 89°59’20” West along last said parallel line 225.00 feet; thence South 5°41’59” West, a distance of 50.25 feet, more or less, to the True Point of Beginning.

Except therefrom that portion of said land described in deed recorded August 22, 1985 as Instrument No. 85-969409 of Official Records.

Also except all natural gas and all oil, hydrocarbon and mineral substances in or under that may be produced from said land but with out the right of surface entry for the purpose of discovering or extracting said substances, as granted to Standard Oil Company of California, a Corporation, by Deed recorded July 27, 1943 in Book 20145 Page 298, Official Records, and to Chanslor-Canfield Midway Oil Company, a Corporation, by Deed recorded September 7, 1945 in Book 22243, Page 336, Official Records.

Parcel 2: (4138-005-057)

That portion of that certain 20.057 acre Parcel No. 5 as shown on Record of Survey Map of a portion of the North half of Section 7 Township 3 South, Range 14 West, in the Rancho Sausal Redondo, in the City of El Segundo, County of Los Angeles, State of California, which map is filed in Book 66, Page 5 of Record of Surveys of said County, described as follows:

A strip of land 20.00 feet in width lying 10.00 feet on each side of the following described center line:

Beginning at the intersection of a line that is parallel with and distant Northerly 442.22 feet at right angles from the Southerly line of said Parcel 5 with a line that is parallel with and distant Westerly 520.00 feet at right angles form the Easterly line of said Parcel 5; thence along last said parallel line North 0°00’23” West 595.28 feet, more or less, to point of ending in the Northerly line of said Parcel 5.

Excepting therefrom that portion of said land described in Quitclaim Deed recorded November 23, 1998 as instrument No. 98-2140032, of Official Records.

Also excepting therefrom all oil, gas and other hydrocarbon and mineral substances as conveyed (A) to Standard Oil Company of California by Deed dated December 21, 1942, recorded July 27, 1943 in Book 20145, Page 298 of Official Records, in the Office of the County Recorder of said County, and (B) To Chanslor-Canfield Midway Oil Company by Deed dated August 23, 1945, recorded September 7, 1945 in Book 22243, Page 336 of Official Records, in the Office of the County Recorder of said County.
Above said Parcels 1 and 2 are also being described and shown in Record of Survey filed in Book 252 Page 26 of Record of Survey, records of said County.

Parcel 3: (4138-005-072)

That portion of Parcel No. 5, in the City of El Segundo, County of Los Angeles, State of California, as shown on record of survey map of a portion of the North half of Section 7, Township 3 South, Range 14 West, in the Rancho Sausal Redondo, filed in Book 66, Page 5 of record of surveys, in the Office of the County recorder of said County, more particularly described as follows:

Beginning at a point in the Southerly right-of-way of Imperial Highway, 90.00 feet wide, as shown on said record of survey, said point being on a line that is parallel with and distant 530.00 feet Westerly, measured at right angle, from the Easterly line of said Parcel No. 5; thence along said right-of-way, South 89°59'20" West, 206.29 feet to the beginning of a tangent curve concave Southeasterly and having a radius of 40.00 feet, said point being the most Easterly corner of deed recorded July 19, 1973 as Instrument No. 280, of Official Records; thence along the Easterly boundary of said deed and of documents recorded January 22, 1973 as Instrument Nos. 3137 and 3138, both of Official Records, the following courses:

1. Westerly and Southerly along said last mentioned curve through a central angle of 85°40'02" an arc distance of 59.81;
2. South 04°19'18" West, 52.94 feet, to the beginning of a tangent curve concave Westerly and having a radius of 135.00 feet;
3. Southerly along said curve though a central angle of 17°03'33" an arc distance of 40.19 feet to the beginning of a reverse curve concave Easterly and having a radius of 115.00 feet;
4. Southerly along said curve through a central of 17°03'33" an arc distance of 34.24 feet;
5. South 04°19'18" West, 351.91 feet to the beginning of a tangent curve concave Easterly and having a radius of 2925.00 feet;
6. Southerly along said curve through a central angel of 01°12'06" an arc distance of 61.35 feet to the beginning of a compound curve concave Northeasterly and having a radius of 20.00 feet;
7. Southerly and arc distance of 32.51 feet to a point in the Northerly of 93°07' 52" an arc distance of 32.51 feet to a point in the Northerly line of Walnut Avenue, 60.00 feet wide, as described in a street deed recorded January 18, 1957 as Document No. 3121, of Official Records;

Thence along said Northerly line, North 89°59'20" East, 507.24 feet to the beginning of a tangent curve concave Northwesterly and having a radius of 20.00 feet; thence Easterly and Northerly along said curve through a central angle of 89°59' 43" an arc distance of
31.41 feet to a point of tangency in the Westerly line of Selby Street, 60.00 feet wide, as described in said street deed; thence along said Westerly line, North 00°00'23" West, 350.00 feet to the Northeasterly corner of deed recorded June 12, 2009 as Instrument No. 09-885855, in Official Records; thence along the boundary of said deed the following courses:

1. South 89°59'20" West, 225.00 feet to an angle point;
2. South 05°41'59" West, 50.25 feet to an angle point;
3. South 89°59'20" West, 20.00 feet to an angle point;
4. North 00°00'23" West, 167.28 feet to the Southeasterly corner of deed recorded June 12, 2009 as Instrument No. 09-885857, in Official Records;

Thence along the Easterly line of said deed, North 00°00'23" West, 100.00 feet to the Point of Beginning.

Said land is also described and shown as Parcel 1 in a Certificate of Compliance recorded May 13, 2010 as Instrument No. 20100653177, of Official Records.
SCHEDULE B – Section A

The following exceptions will appear in policies when providing standard coverage as outlined below:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.

2. Any facts, rights, interests or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.

3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.

4. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records.

6. Any lien or right to a lien for services, labor of material not shown by the Public Records.
SCHEDULE B – Section B

At the date hereof Exceptions to coverage in addition to the printed exceptions and exclusions in said policy form would be as follows:

A. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2013-2014

B. Property taxes, including any personal property taxes and any assessments collected with taxes, are as follows:

Tax Identification No.: 4138-005-042
Fiscal Year: 2012-2013
1st Installment: $15,225.61 Paid
2nd Installment: $15,225.60, unpaid (Delinquent after April 10)
Penalty and Cost: $1,532.56
Homeowners Exemption: $none
Code Area: 9851
Affects: Parcel 1

C. Property taxes, including any personal property taxes and any assessments collected with taxes, are as follows:

Tax Identification No.: 4138-005-057
Fiscal Year: 2012-2013
1st Installment: $521.06 Paid
2nd Installment: $521.06, unpaid (Delinquent after April 10)
Penalty and Cost: $26.20
Homeowners Exemption: $none
Code Area: 9851
Affects: Parcel 2

D. Property taxes, including any personal property taxes and any assessments collected with taxes, are as follows:

Tax Identification No.: 4138-005-072
Fiscal Year: 2012-2013
1st Installment: $116,388.73 Paid
2nd Installment: $116,388.72, unpaid (Delinquent after April 10)
Penalty and Cost: $11,648.87
Homeowners Exemption: $none
Code Area: 9851
Affects: Parcel 3

E. Any liens or other assessments, bonds, or special district liens including without limitation, Community Facility Districts, that arise by reason of any local, City, Municipal or County Project or Special District.
THE FOLLOWING MATTERS AFFECT PARCELS 1 AND 2:

1. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
   Purpose: Pipes and pipe lines
   Recording No: In Book 6089, Page 349, Official Records
   Affects: That portion of said land as described therein.

2. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
   Purpose: Exclusive right to drill and produce such natural gas from said land
   Recording Date: July 27, 1943
   Recording No: In Book 20145, Page 298, Official Records
   Affects: That portion of said land as described therein.

3. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
   Purpose: Pipe lines
   Recording Date: June 11, 1956
   Recording No: In Book 51424, Page 445, Official Records
   Affects: That portion of said land as described therein.

4. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
   Purpose: Gas pipe line
   Recording Date: June 11, 1956
   Recording No: as Instrument No. 2219, Official Records
   Affects: That portion of said land as described therein.

5. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
   Purpose: Sanitary sewers
   Recording Date: December 5, 1956
   Recording No: In Book 53041, Page 48, Official Records
   Affects: That portion of said land as described therein.

6. Intentionally Deleted.

7. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
   Purpose: Underground electrical supply systems and communication systems
   Recording Date: September 18, 1979
   Recording No: as Instrument No. 79-1039002, Official Records
   Affects: That portion of said land as described therein.
8. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Purpose: Construction, reconstruction, inspection, maintenance, operation and repair of a catch basin
Recording Date: October 7, 1986
Recording No: as Instrument No. 86-1347842, Official Records
Affects: That portion of said land as described therein.

A document subject to all the terms, provisions and conditions therein contained.

Entitled: Indemnification Agreement
Recording Date: November 17, 1986
Recording No: as Instrument No. 86-1586302, Official Records

9. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Purpose: Storm drain
Recording Date: August 19, 1986
Recording No: as Instrument No. 86-1077507, Official Records
Affects: That portion of said land as described therein.

10. The effect of a Resolution of the Planning Commission of the City of El Segundo, California, approving Environmental Assessment No. EA241 and Subdivision No. 90-9, recorded October 23, 1990, as Instrument No. 90-1794236, Official Records. Said document may affect the property in question but we cannot be sure because it lacks a sufficient legal description.

11. Water rights, claims or title to water, whether or not disclosed by the public records.

12. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

13. Any rights of the parties in possession of a portion of, or all of, said Land, which rights are not disclosed by the public records.

14. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other matters which a correct survey would disclose and which are not shown by the public records.

15. Any easements not disclosed by the public records as to matters affecting title to real property, whether or not said easements are visible and apparent.

THE FOLLOWING MATTERS AFFECT PARCEL 3:

16. An easement for the purpose shown below and rights incidental thereto as set forth in a document

Granted to: Standard Oil Company of California
Purpose: Construct and maintain 2 pipe lines for the transportation of oil, petroleum, gas or water, and to erect and maintain telegraph or telephone lines upon a single line of poles, if the same shall be desired

Recorded: In Book 4244, Page 230, Official Records
Affects: A portion of said land

In Book 12216, Page 14, Official Records, appears the record of an instrument executed by Santa Fe Land Improvements Company, a Corporation, and Standard Oil Company of California, a corporation, whereby they agree that the easement above mentioned is amended.
17. An easement for the purpose shown below and rights incidental thereto as set forth in a document
   Granted to: Shell Company of California
   Purpose: Construct and maintain pipes and pipe lines for the transportation of oil, petroleum, gas, water and other substances or any thereof
   Recorded: In Book 6089, Page 349, Official Records
   Affects: A portion of said land

   The exact location and/or extent of said easement is not disclosed in the public records.

18. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein.
   Lessor: Santa Fe Land Improvement Company, a Corporation
   Lessee: Standard Oil Company of California, a corporation
   Disclosed by: Notice of Lease
   Recorded: July 8, 1940, in Book 17577, Page 335, Official Records

   The present ownership of the leasehold created by said lease and other matters affecting the interest of the lessee are not shown herein.

19. An easement for the purpose shown below and rights incidental thereto as set forth in a document
   Granted to: The City of El Segundo, a Municipal Corporation
   Purpose: An underground storm drain
   Recorded: August 22, 1942, in Book 19474, Page 282, Official Records
   Affects: A portion of said land

20. An easement for the purpose shown below and rights incidental thereto as set forth in a document
   Granted to: Southern California Gas Company, a Corporation
   Purpose: Gas pipe line and appurtenant equipment or facilities
   Recorded: July 11, 1956, in Book 51424, Page 445, Official Records
   Affects: A portion of said land

21. The effect of a Grant Deed
   Dated: July 13, 1956
   Executed by: Santa Fe Land Improvement Company, a California Corporation
   In favor of: Damien M. O'Brien and Marianne J. O'Brien
   Recorded: August 28, 1956, in Book 52141, Page 192, Official Records

   Reference is made to said document for full particulars.

22. Covenerants, conditions and restrictions as set forth in the document referred to in the numbered item last above shown. This exception omits any restrictions based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

   By deed recorded October 27, 1961, in Book D-1401, Page 631, Official Records, Santa Fe Land Improvement Company relinquished all rights in and to said land by reason of the right of first refusal recited in the above mentioned covenants, conditions and restrictions.
23. An easement for the purpose shown below and rights incidental thereto as set forth in a document 
   Granted to: City of El Segundo, a Municipal Corporation 
   Purpose: Sanitary sewers 
   Recorded: December 5, 1956, in Book 53041, Page 48, Official Records 
   Affects: A portion of said land 

   Said above mentioned easement was extended 10 feet by an instrument executed by B.F.S. 
   Corporation, a Corporation, in favor of the City of El Segundo, by deed recorded in Book D-274, 
   Page 827, Official Records. 

24. Covenants, conditions and restrictions as set forth in the document 
   Recorded: June 24, 1957, as Instrument No. 1804, in Book 54869, Page 168, 
            Official Records 

   This exception omits any covenant, condition or restriction based on race, color, religion, sex, 
   handicap, familial status or national origin, unless and only to the extent that the covenant, 
   condition or restriction (a) is not in violation of state or federal law, (b) is exempt under 42 
   U.S.C. Section 3507 or (c) relates to a handicap but does not discriminate against handicapped 
   people. 

   Said covenants, conditions and restrictions provide that a violation thereof shall not defeat the 
   lien of any mortgage or deed of trust made in good faith and for value. 

   Modification(s) of said covenants, conditions and restrictions 
   Recorded: February 13, 1959, as Instrument No. 2832, in Book D-364, Page 
            198, Official Records 

25. An easement for the purpose shown below and rights incidental thereto as set forth in a document 
   Granted to: The City of El Segundo, a Municipal Corporation 
   Purpose: water meter vault 
   Recorded: November 13, 1958, in Book D274, Page 825, Official Records 
   Affects: A portion of said land 

   The exact location and/or extent of said easement is not disclosed in the public records. 

26. An easement for the purpose shown below and rights incidental thereto as set forth in a document 
   Granted to: Southern California Edison Company, a Corporation 
   Purpose: Poles and lines 
   Affects: A portion of said land 

27. A deed of trust to secure an indebtedness in the amount shown below, and any other 
    obligations secured thereby. 
   Amount: $375,000.00 
   Dated: July 29, 1976 
   Trustor: Esal Company, a Corporation 
   Trustee: Title Insurance and Trust Company, a California Corporation 
   Beneficiary: Betty C. Samuels, a married woman as her separate property 
   Recorded: July 29, 1976, as Instrument No. 552, Official Records 
   Loan No.: Not Set Out
An assignment of the beneficial interest under said deed of trust which names
As Assignee: Betty C. Samuels, Trustee of the Betty C. Samuels Living Trust
Dated December 3, 1979
Recorded: January 29, 1980, as Instrument No. 80-105353, Official Records

If the above-mentioned deed of trust has been paid, or will be paid prior to or at close of
escrow, this Company will require the original note, deed of trust and signed request for
reconveyance, or the executed full reconveyance for said deed of trust, prior to closing. Any
demand(s) for payoff and/or request(s) for full/partial reconveyance, must be executed by all
beneficiaries or their successors in interest and their spouses, if married. In the event said
beneficiaries/assignees are represented by an agent, proof of agency must be submitted along
with the demand(s) and/or request(s) for full/partial reconveyance. To avoid delays please
submit all documents to the Company at least one week prior to closing. If you cannot obtain
these documents, please contact us.

28. An easement for the purpose shown below and rights incidental thereto as set forth in a
document
Granted to: Southern California Edison Company, a Corporation
Purpose: Underground conduits
Recorded: July 15, 1992, as Instrument No. 92-1282859, Official Records
Affects: Portions of the herein described land, the exact location of which
can be determined by examination of the above-mentioned
instrument which contains a complete legal description of the
affected portions of said land.

The exact location and/or extent of said easement is not disclosed in the public records.

29. A lien for unsecured property taxes filed by the tax collector of the county shown, for the
amount set forth, and any other amounts due.

   County: Los Angeles
   Fiscal Year: 2001-2002
   Taxpayer: Hughes Space and Communications
   County ID No.: 01/49920362
   Amount: $5,568.98, plus penalty and costs
   Recorded: October 31, 2002, as Instrument No. 20022604091, Official
             Records

30. A lien for unsecured property taxes filed by the tax collector of the county shown, for the
amount set forth, and any other amounts due.

   County: Los Angeles
   Fiscal Year: 2004-2005
   Taxpayer: Hughes Space and Communications
   County ID No.: 04/49952514
   Amount: $1,933.89, plus penalty and costs
   Recorded: January 19, 2005, as Instrument No. 20050131852, Official
             Records

31. A lien for unsecured property taxes filed by the tax collector of the county shown, for the
amount set forth, and any other amounts due.

   County: Los Angeles
   Fiscal Year: 2004-2005
   Taxpayer: Hughes Space/Com
   County ID No.: 04/3650/977459/P
   Amount: $1,324.75, plus penalty and costs
   Recorded: May 2, 2005, as Instrument No. 05-1024999, Official Records

CLTA Preliminary Report Form – Modified (11-17-06)
32. A lien for unsecured property taxes filed by the tax collector of the county shown, for the amount set forth, and any other amounts due.

County: Los Angeles
Fiscal Year: 2005-2006
Taxpayer: Hughes Space/Com
County ID No.: 05/3650/977459/P
Amount: $1,389.75, plus penalty and costs
Recorded: April 26, 2006, as Instrument No. 06-918075, Official Records

33. An irrevocable offer to dedicate a portion of said land for the purposes stated herein.
In favor of: The City of El Segundo, a general law city and municipal corporation
For: Public right of way purposes
Recorded: February 11, 2011, as Instrument No. 20110230942, Official Records
Affects: Said land
Reference is made to said document for full particulars.

34. Any easements not disclosed by those public records which impart constructive notice and which are not visible and apparent from an inspection of the surface of said land.

35. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.

END OF SCHEDULE B EXCEPTIONS

PLEASE REFER TO THE "NOTES AND REQUIREMENTS SECTION" WHICH follows for information necessary to complete this transaction
File No: 09512737

REQUIREMENTS SECTION:

NONE
INFORMATIONAL NOTES SECTION

NOTE NO. 1: The information on the attached plat is provided for your convenience as a guide to the general location of the subject property. The accuracy of this plat is not guaranteed, nor is it a part of any policy, report or guarantee to which it may be attached.

NOTE NO. 2: California insurance code section 12413.1 regulates the disbursement of escrow and sub-escrow funds by title companies. The law requires that funds be deposited in the title company escrow account and available for withdrawal prior to disbursement. Funds deposited with the company by wire transfer may be disbursed upon receipt. Funds deposited with the company via cashier’s check or teller’s check drawn on a California based bank may be disbursed on the next business day after the day of deposit. If funds are deposited with the company by other methods, recording and/or disbursement may be delayed. All escrow and sub-escrow funds received by the company will be deposited with other escrow funds in one or more non-interest bearing escrow accounts of the company in a financial institution selected by the company. The company may receive certain direct or indirect benefits from the financial institution by reason of the deposit of such funds or the maintenance of such accounts with such financial institution, and the company shall have no obligation to account to the depositing party in any manner for the value of, or to pay to such party, any benefit received by the company. Those benefits may include, without limitation, credits allowed by such financial institution on loans to the company or its parent company and earnings on investments made with the proceeds of such loans, accounting, reporting and other services and products of such financial institution. Such benefits shall be deemed additional compensation of the company for its services in connection with the escrow or sub-escrow.

WIRING INSTRUCTIONS FOR THIS OFFICE ARE:

Wells Fargo Bank, NA
420 Montgomery St
San Francisco, CA 94104
ABA# 121000248
Credit to: Lawyers Title Company
Account #4122109614

RE: 09512737-ICF-905

PLEASE INDICATE COMMONWEALTH LAND TITLE COMPANY ESCROW OR TITLE ORDER NUMBER

NOTE NO. 3: Lawyers Title is a division of Commonwealth Land Title Insurance Company. The insurer in policies of title insurance, when issued in this transaction, will be Commonwealth Land Title Insurance Company.
NOTE NO. 4: The Company requires current beneficiary demands prior to closing. If the demand is expired and a current demand cannot be obtained, our requirements will be as follows:

a) If the Company accepts a verbal update on the demand, we may hold an amount equal to one monthly mortgage payment. This hold will be in addition to the verbal hold the lender may have stipulated.

b) If the Company cannot obtain a verbal update on the demand, we will either pay off the expired demand or wait for the amended demand, at our discretion.

c) All payoff figures are verified at closing. If the customer's last payment was made within 15 days of closing, our Payoff Department may hold one month's payment to insure the check has cleared the bank (unless a copy of the cancelled check is provided, in which case there will be no hold).

NOTE NO. 5: Intentionally deleted.

NOTE NO. 6: Intentionally deleted.

NOTE NO. 7: Intentionally deleted.

Typist: nb0
Date Typed: August 2, 2012; September 7, 2012; September 20, 2012; September 25, 2012; December 18, 2012; March 11, 2013
ATTACHMENT ONE

CALIFORNIA LAND TITLE ASSOCIATION

STANDARD COVERAGE POLICY – 1990

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of those laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

   (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.

3. Defects, liens, encumbrances, adverse claims or other matters:
   (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
   (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
   (c) resulting in no loss or damage to the insured claimant;
   (d) attaching or created subsequent to Date of Policy; or
   (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.

4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.

5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.

6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

   Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be ascertained by persons in possession thereof.

3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.

4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

6. Any lien or right to a lien for services, labor or material not shown by the public records.
CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (02-03-10)
ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE

EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
   a. building;
   b. zoning;
   c. land use;
   d. improvements on the Land;
   e. land division; and
   f. environmental protection.
   This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.

2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.

3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.

4. Risks:
   a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
   b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
   c. that result in no loss to You; or
   d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.

5. Failure to pay value for Your Title.

6. Lack of a right:
   a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
   b. in streets, alleys, or waterways that touch the Land.
   This Exclusion does not limit the coverage described in Covered Risk 11 or 21.

7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

<table>
<thead>
<tr>
<th>Covered Risk</th>
<th>Your Deductible Amount</th>
<th>Our Maximum Dollar Limit of Liability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cover Risk 16</td>
<td>100% of Policy Amount Shown in Schedule A or $2,500.00 (whichever is less)</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Cover Risk 18</td>
<td>100% of Policy Amount Shown in Schedule A or $5,000.00 (whichever is less)</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Cover Risk 19</td>
<td>100% of Policy Amount Shown in Schedule A or $5,000.00 (whichever is less)</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Cover Risk 21</td>
<td>100% of Policy Amount Shown in Schedule A or $2,500.00 (whichever is less)</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>
AMERICAN LAND TITLE ASSOCIATION
RESIDENTIAL TITLE INSURANCE POLICY (6-1-87)

EXCLUSIONS

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
   - land use
   - improvements on the land
   - land division
   - environmental protection

This exclusion does not apply to violations of or the enforcement of these matters which appear in the public records at Policy Date.

This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.

2. The right to take the land by condemning it, unless:
   - a notice of exercising the right appears in the public records
   - on the Policy Date
   - the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking

3. Title Risks:
   - that are created, allowed, or agreed to by you
   - that are known to you, but not to us, on the Policy Date – unless they appeared in the public records
   - that result in loss to you
   - that first affect your title after the Policy Date – this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks

4. Failure to pay value for your title.

5. Lack of a right:
   - to any land outside the area specifically described and referred to in Item 3 of Schedule A
   OR
   - in streets, alleys, or waterways that touch your land

This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

2006 ALTA LOAN POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land;
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.

   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.

2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.

3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an insured under this policy;
   (c) resulting in loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13 or 14); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.

4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.

5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.

6. Any claims, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors’ rights laws, that the transaction creating the lien of the Insured Mortgage is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.

7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE
This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be ascertained by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

2006 ALTA OWNER'S POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
   (a) a fraudulent conveyance or fraudulent transfer; or
   (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests the Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown in the Public Records but that could be ascertained by an inspection of the Land or that may be ascertained by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and that are not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (07-26-10)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.

Attachment One (Revised 06-03-11)
CA, NV, HI and Guam
(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.

2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.

3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.

4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.

5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.

6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.

7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.

8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.

9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.
Notice of Available Discounts

Pursuant to Section 2355.3 in Title 10 of the California Code of Regulations Fidelity National Financial, Inc. and its subsidiaries ("FNF") must deliver a notice of each discount available under our current rate filing along with the delivery of escrow instructions, a preliminary report or commitment. Please be aware that the provision of this notice does not constitute a waiver of the consumer’s right to be charged the filed rate. As such, your transaction may not qualify for the below discounts.

You are encouraged to discuss the applicability of one or more of the below discounts with a Company representative. These discounts are generally described below; consult the rate manual for a full description of the terms, conditions and requirements for such discount. These discounts only apply to transactions involving services rendered by the FNF Family of Companies. This notice only applies to transactions involving property improved with a one-to-four family residential dwelling.

FNF Underwritten Title Company
LTC – Lawyers Title Company

FNF Underwriter
CLTIC – Commonwealth Land Title Insurance Co.

Available Discounts

DISASTER LOANS (CLTIC)
The charge for a Lender's Policy (Standard or Extended coverage) covering the financing or refinancing by an owner of record, within 24 months of the date of a declaration of a disaster area by the government of the United States or the State of California on any land located in said area, which was partially or totally destroyed in the disaster, will be 50% of the appropriate title insurance rate.

EMPLOYEE RATE (LTC and CLTIC)
No charge shall be made to employees (including employees on approved retirement) of the Company or its underwritten, subsidiary or affiliated title companies for policies or escrow services in connection with financing, refinancing, sale or purchase of the employees' bona fide home property. Waiver of such charges is authorized only in connection with those costs which the employee would be obligated to pay, by established custom, as a party to the transaction.
COUNTY OF LOS ANGELES
CALIFORNIA

20121886630

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California
12/07/12 AT 08:00AM

FEES: 58.00
TAXES: NFR
OTHER: 0.00
PAID: NFR

PCOR SURCHARGE $20.00

LEADSHEET

201212070160021

00006890219

004487001

SEQ:
17

DAR - Title Company (Hard Copy)

THIS FORM IS NOT TO BE DUPLICATED
RECORDING REQUESTED BY
Chicago Title Company

AND WHEN RECORDED MAIL TO:
The Boeing Company
2201 Seal Beach Blvd., 7th Floor
Seal Beach, CA 90740
Attn: Gary Rafferty

ORDER NO. 116747166-X59
ESCROW NO. 12470049-002-CD2
PARCEL NO. 4138-005-042 & 4138-005-057

GRANT DEED

Statement of Tax Due and Request that Transfer Tax not be Made Part of the Permanent Record to be filed separate from the Grant Deed

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Satco, Inc., a California corporation

hereby GRANT(s) to

The Boeing Company, a Delaware corporation

the following real property in the County of Los Angeles, State of California:

see legal description attached hereto and made a part hereof.

Dated: December 4, 2012

GRANTOR:
Satco, Inc.,
a California corporation

By: Peter Looker, President

Mail tax statement to: The Boeing Company, P.O. Box 3707, M/C 6A1-01, Seattle, Washington, 98124-2207, Attn: Nancy Guyman, Puget Sound Tax
STATE OF CALIFORNIA
COUNTY OF Los Angeles } SS:

On December 30, 2012 before me, Jocelyne B. Aubin who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she they executed the same in his/their authorized capacity(ies) and that by his/her their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jocelyne B. Aubin

Jocelyne B. Aubin
Commission # 1965502
Notary Public - California
Los Angeles County
LEGAL DESCRIPTION EXHIBIT

PARCEL 1: (4138-005-042)

AN IRREGULAR-SHAPED PARCEL OF LAND IN THE CITY OF EL SEGUNDO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THAT CERTAIN 20.057 ACRE PARCEL NO. 5, AS SHOWN ON RECORD OF SURVEY MAP OF A PORTION OF THE NORTH HALF OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 14 WEST, IN THE RANCHO SAUSAL REDONDO WHICH MAP FILED IN BOOK 66 PAGE 5 OF RECORD OF SURVEYS OF SAID COUNTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THAT CERTAIN ANGLE POINT IN THE WESTERLY BOUNDARY OF SAID PARCEL NO. 5, AS SHOWN ON SAID SURVEY MAP DISTANT NORTH 0° 20' WEST 417.22 FEET ALONG SAID WESTERLY BOUNDARY FROM THE SOUTHWEST CORNER OF SAID PARCEL NO 5; THENCE NORTH 89° 59' 20" EAST PARALLEL WITH THE SOUTHERLY BOUNDARY OF SAID PARCEL NO. 5, A DISTANCE OF 346.60 FEET TO A POINT IN A LINE THAT IS PARALLEL WITH AND DISTANT 510 FEET WESTERLY MEASURED AT RIGHT ANGLES, FROM THE WESTERLY LINE OF THE LAND DESCRIBED IN DEED OF NASH-KELVINATOR CORPORATION,Recorded in Book 29478 Page 241, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID WESTERLY LINE BEING ALSO THE EASTERLY LINE OF SAID PARCEL NO. 5; THENCE ALONG LAST SAID PARALLEL LINE, BEING ALSO THE EASTERLY LINE OF THE SOUTHERLY PROLONGATION THEREOF OF THAT CERTAIN 0.2733 OF AN ACRE PARCEL "B" AS DESCRIBED IN DEED RECORDED FEBRUARY 15, 1957 FROM SANTA FE LAND IMPROVEMENT COMPANY TO THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, RECORDED IN BOOK 53662 PAGE 127, OFFICIAL RECORDS OF SAID COUNTY, NORTH 0° 00' 23" WEST, A DISTANCE OF 353.00 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE ALONG SAID LAST PARALLEL LINE, BEING ALONG THE EASTERLY LINE OF SAID 0.2733 OF AN ACRE PARCEL, NORTH 0° 00' 23" WEST 267.28 FEET TO A POINT IN THE NORTHERLY LINE OF SAID PARCEL NO. 5; THENCE NORTHERLY 89° 59' 20" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 5; A DISTANCE OF 210.00 FEET TO THE NORTHWESTERLY CORNER OF THAT CERTAIN 0.8201 OF AN ACRE PARCEL "B" AS DESCRIBED IN DEED RECORDED JANUARY 18, 1957, FROM SANTA FE LAND IMPROVEMENT COMPANY TO THE CITY OF EL SEGUNDO, RECORDED IN BOOK 53409 PAGE 217, OFFICIAL RECORDS OF SAID COUNTY; THENCE EASTERLY AND SOUTHERLY ALONG THE BOUNDARY LINE OF LAST SAID PARCEL "B" THE FOLLOWING COURSES; ALONG THE ARC OF A CURVE TANGENT TO THE LAST DESCRIBED COURSE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 90° 00' 17" A DISTANCE OF 31.42 FEET TO POINT OF TANGENCY IN A LINE THAT IS PARALLEL WITH AND DISTANT WESTERLY 280.00 FEET MEASURED AT RIGHT ANGLES FROM THE EASTERLY BOUNDARY OF SAID PARCEL NO. 5; THENCE SOUTH 0° 00' 23" EAST ALONG SAID LAST PARALLEL LINE, A DISTANCE OF 197.28 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT SOUTHERLY 217.28 FEET, MEASURED AT RIGHT ANGLES FROM THE NORTHERLY BOUNDARY OF SAID PARCEL NO. 5; THENCE LEAVING THE BOUNDARY OF LAST SAID PARCEL "B"; SOUTH 89° 59' 20" WEST ALONG LAST SAID PARALLEL LINE 225.00 FEET; THENCE SOUTH 5° 41' 59" WEST, A DISTANCE OF 50.25 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.
EXCEPT ALL NATURAL GAS AND ALL OIL, HYDROCARBON AND MINERAL SUBSTANCES IN OR UNDER THAT MAY BE PRODUCED FROM SAID LAND BUT WITH OUT THE RIGHT OF SURFACE ENTRY FOR THE PURPOSE OF DISCOVERING OR EXTRACTING SAID SUBSTANCES, AS GRANTED TO STANDARD OIL COMPANY OF CALIFORNIA, A CORPORATION, BY DEED RECORDED JULY 27, 1943 IN BOOK 20145, PAGE 298, OFFICIAL RECORDS, AND TO CHANSIOR-CANFIELD MIDWAY OIL COMPANY, A CORPORATION, BY DEED RECORDED SEPTEMBER 7, 1945 IN BOOK 22243, PAGE 336, OFFICIAL RECORDS.

PARCEL 2: (4138-005-057)

THAT PORTION OF THAT CERTAIN 20.057 ACRE PARCEL NO. 5 AS SHOWN ON RECORD OF SURVEY MAP OF A PORTION OF THE NORTH HALF OF SECTION 7 TOWNSHIP 3 SOUTH, RANGE 14 WEST, IN THE RANCHO SAUSAL REDONDO, WHICH MAP IS FILED IN BOOK 66, PAGE 5 OF RECORD OF SURVEYS OF SAID COUNTY, DESCRIBED AS follows:

A STRIP OF LAND 20.00 FEET IN WIDTH LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT THE INTERSECTION OF A LINE THAT IS PARALLEL WITH AND DISTANT NORTHERLY 442.22 FEET AT RIGHT ANGLES FROM THE SOUTHERLY LINE OF SAID PARCEL 5 WITH A LINE THAT IS PARALLEL WITH AND DISTANT WESTERLY 520.00 FEET AT RIGHT ANGLES FORM THE EASTERLY LINE OF SAID PARCEL 5; THENCE ALONG LAST SAID PARALLEL LINE NORTH 0° 00' 23" WEST 595.28 FEET, MORE OR LESS, TO POINT OF ENDING IN THE NORTHERLY LINE OF SAID PARCEL 5.

EXCEPTING THEREFROM THAT PORTION OF SAID LAND DESCRIBED IN QUITCLAIM DEED RECORDED NOVEMBER 23, 1998 AS INSTRUMENT NO. 98-2140032, OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES AS CONVEYED (A) TO STANDARD OIL COMPANY OF CALIFORNIA BY DEED DATED DECEMBER 21, 1942, RECORDED JULY 27, 1943 IN BOOK 20145, PAGE 298 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND (B) TO CHANSIOR-CANFIELD MIDWAY OIL COMPANY BY DEED DATED AUGUST 23, 1945, RECORDED SEPTEMBER 7, 1945 IN BOOK 22243, PAGE 336 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

END OF LEGAL DESCRIPTION
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

AGENDA DESCRIPTION:
Consideration and possible action to authorize the City Manager to execute a fifth amendment extending Agreement No. 3484, in a form approved by the City Attorney, between the City of El Segundo and Fireworks & Stage FX America Inc. to provide a public fireworks show for the 2013 Fourth of July Community Celebration. (Fiscal Impact: Not-To-Exceed $23,000 from Special Events Trust Account and Special Events Contractual Services)

RECOMMENDED COUNCIL ACTION:
1) Authorize the City Manager to execute a fifth amendment extending Agreement No. 3484, in a form approved by the City Attorney;
2) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1) Fifth Amendment to Agreement No. 3484.

FISCAL IMPACT: Not-To-Exceed $23,000 from Special Events Trust Account and Special Events Contractual Services Account

| Amount Budgeted: | Not-To-Exceed $23,000 |
| Additional Appropriation: | No |
| Account Number(s): | 702-200-5101-2606 (Special Events Trust) 001-400-5210-6206 (Special Events, Contractual Services) |

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

BACKGROUND AND DISCUSSION:
Staff requested proposals from several companies to provide a public fireworks show for the City's 2013 Fourth of July Community Celebration. To incorporate feedback from the 2012 fireworks show, staff requested that proposals include only fireworks designed to function at an altitude of over 150 feet.

By April 17, 2013, the City received three proposals for the amount of $20,000. After reviewing the show concepts and the ability for companies to meet the City's contract and insurance requirements, staff recommends that City Council approve an amendment extending the contract with Fireworks & Stage FX America for $20,000 and $3,000 for contingencies.
FIFTH AMENDMENT TO
AGREEMENT NO.3484 BETWEEN
THE CITY OF EL SEGUNDO AND
FIREWORKS & STAGE FX AMERICA, INC.

THIS FIFTH AMENDMENT ("Amendment") is made and entered into this 21st day of May 2013,
by and between the CITY OF EL SEGUNDO, a general law city and municipal corporation
existing under the laws of California ("CITY"), and FIREWORKS & STAGE FX AMERICA,
INC, a for-profit California Corporation ("CONTRACTOR").

1. Pursuant to Section 24 of Agreement No. 3484 ("Agreement"), Section 3A of the Agreement is
amended to read as follows:

"CONTRACTOR agrees to perform additional services as outlined in attached Exhibit "A",
which is incorporated by reference, for an additional $20,000.

2. Pursuant to Section 24 of Agreement No. 3484 ("Agreement"), the term of this Agreement is
retroactively extended from July 4, 2012 to May 31, 2014 for the services set forth in attached
Exhibit “A” to this Amendment, and incorporated by reference.

3. Pursuant to Section 9 of the Agreement, CONTRACTOR has a valid Public Display
Pyrotechnic Operator License number GPD-0528 that expires on 6/30/2014.

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

5. Except as modified by this Amendment, all other terms and conditions of Agreement No. 3484
remain the same.

SIGNATURES ON NEXT PAGE
IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first herein above written.

CITY OF EL SEGUNDO, 
a general law city.

Greg Carpenter,  
City Manager

ATTEST:

__________________________
Tracy Weaver,  
City Clerk

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

By:  
__________________________
Karl H. Berger,  
Assistant City Attorney
City of El Segundo

Presents

Red, & Boom

7/4/2013

Produced by

Fireworks & Stage FX America
The Difference is Quality
City of El Segundo
Show Concept, Services List, and Miscellaneous Details

Services List:

Fireworks America to Provide:

1) Permit Filings as Required
2) Storage and Delivery of fireworks
3) All Equipment to produce the display
4) Insurance Aggregate amount of $5 Million
5) Worker's Compensation Insurance
   (Statutory amount with Waiver of Subrogation to the City of El Segundo)
6) Auto Insurance amount of $1 Million
7) Music CD
8) Choreography

City of El Segundo to Provide:

1) A Suitable Firing Site
2) Adequate Security for Firing Site
3) Sand & Sand Removal, if req'd
4) Permit Fees
5) Standby Firefighter Fees, if req'd
6) Sound System and Playback

Operators and Assistants:

Fireworks America will provide the services of a State Licensed Pyrotechnic Operator and experienced crew to fire your display. The entire crew will be covered under Fireworks America's Worker's Compensation Insurance.

Payment Terms:

50% Deposit on Contract Execution, Balance Net 10 Days

Method of Discharge:

The show will be fired electrically. Each fireworks event will have its own ignitor for precise timing. Fireworks America will provide the firing panel, cable, distribution system and power for the show.

Altitude of Fireworks

Fireworks designed to function at an altitude of less than 150' shall not be used in this display.
**City of El Segundo**
*Red, White & Boom*
*4-Jul-13*

**Announcement Barrage**

**Program A**

- **Aerial Titanium Flash Salutes**
  - 3" 10

- **Color & Multi-Color Finale Shells**
  - 2.5" 10

**Aerial Show Presentation**

- **Aerial Titanium Flash Salutes**
  - 3" 10

- **Color and Multi-Color Aerial Shells**
  - 2.5" 30
  - 3" 50
  - 4" 68

- **Flitter, Glitter, Electric Color and Color Changing Shells**
  - 2.5" 30
  - 3" 50
  - 4" 68

- **Distinctive & Unique Aerial Shells**
  - 2.5" 30
  - 3" 50
  - 4" 68

- **Streaking Comets & Tiger Tails**
  - 3" 20

- **Premium Aerial Shells**
  - 3" 20
  - 4" 20

---

**Fireworks & Stage FX**
*America*
*The Difference is Quality*

**Aerial Grand Finale**

**Program A**

- **Color & Multi-Color Finale Shells**
  - 2.5" 80
  - 3" 100
  - 4" 48

- **Aerial Flash Salutes**
  - 3" 100

**Grand Totals**

- **Aerial Shells**
  - 2.5" 180
  - 3" 440
  - 4" 284

- **Total Aerial Shells**
  - 904

**Program Price**

- **Total Program Price Inclusive of Insurance, Operator and Transportation**
  - **Cost** $20,000
Fireworks America Products
The Quality Difference

Fireworks America has sought to affiliate itself with world renown-award winning, manufacturers, both foreign and domestic. In every show you will find only the highest quality products and variety which will far surpass those of our competitors.

Product Definitions Are:

Color and Multi-Color:
Includes standard one color products and multiple colors such as Chrysanthemums, Peonies and Hearts, Red, Green and Blue, Variegated, etc. Our variety is unmatched and as such we can guarantee over 40 varieties in this category.

Compare to our competitors "Color", "Fancy", some "Extra Fancy", "Standard" or "Japanese Style Deluxe" Shells.

Classic:
Includes Flitter, Glitter, Electric Color and Color Changing Transformation Penny Glitter, Glitter & Color, Magnesium Red Electric, Red to Blue, Comets, etc. Our variety is unmatched and as such we can guarantee over 50 varieties in this category.

Compare to our competitors "Extra Fancy", "Floral", "Classic" or "Japanese Style Super Effect" Shells

Select:
Shells feature Distinctive and Unique Aerial Shells including, Spiders, Multiple Reports, Strobes, Multiple Effect Shells, Domestic Glittering Comets, Cracking Effects, Double Ring Shells, Saturn Shells, Tourbillion Shells, Special Pattern Shells, Weeping Willow Shells, Shell of Shells and Serpentine Shells, etc.

Compare to our competitors "Special", "Special Effect", or "Japanese Style Special Effect" Shells.

Premium:
Aerial Shells include Crossettes, Serpents, Whistles, Whistles and Reports, Serpents and Strobes, Fish and Whistles, Tourbillions to Reports, Thunder and Rainbow, Serpents and Stars, Nishiki Karmuros and many other American Made Specialty Shells.

Our competitors cannot compare with our Domestically-Made Superstars.

Fireworks & Stage FX
America
The Difference is Quality
AGENDA DESCRIPTION:

Consideration and possible action to award a standard Public Works Contract to J. Cab & Sons for City Hall Roof Replacement and to reject all bids for the Park Vista Senior Housing Facility Roof Replacement. Project No. PW 13-05 (Fiscal Impact: $378,350.00)

RECOMMENDED COUNCIL ACTION:

1. Authorize the City Manager to execute a standard Public Works Contract in a form approved by the City Attorney with J. Cab & Sons Roofing in the amount of $329,000.00.
2. Reject all bids for the Park Vista Senior Housing Roof Replacement.
3. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Location map

FISCAL IMPACT: Additional Appropriation Needed

Amount Budgeted: $0
Additional Appropriation: $378,350.00
Account Number(s): Capital Improvement Fund (to be assigned)

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

BACKGROUND AND DISCUSSION:

The majority of the City Hall roof is more than 30 years old and in very poor condition. When it rains, significant leaks occur throughout the building, often resulting in collapsed ceiling panels and pools of water on desks and floors. The need to replace the roof was also discussed with City Council at the Strategic Planning session held on April 30, 2013.

On April 2, 2013, the City Council adopted plans and specifications for Project No. PW 13-05, Park Vista Senior Housing and City Hall Roof Replacement, and authorized staff to advertise for receipt of construction bids. The specifications called for a Tremco roof system, which staff felt was the best approach for a variety of reasons, most notably for the quality assurance of materials and installation. Tremco requires that contractors become certified installers of Tremco roofing systems, meet eligibility requirements and arrange for Tremco inspection services during construction. Tremco issues Installer Certificates, Manufacturer Certificates and Product Test Reports during installation as verification that the system is installed to the manufacturer's specifications. The Tremco cold-applied, built-up roofing system also includes superior
membrane plies, which help preserve the base plywood foundation for future roof replacements. Lastly, the Tremco roofing system has a longer warranty period of 20 years rather than the traditional 10 year warranty.

Although the two projects were bid at the same time, each roofing project must be awarded individually due to their separate funding sources and the prior approval needed from the Park Vista Senior Citizen Housing Corporation Board for Park Vista. On April 23, 2013, the City Clerk received and opened three (3) bids as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>City Hall</th>
<th>Park Vista</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. Cab &amp; Sons Roofing</td>
<td>$329,000</td>
<td>$398,000</td>
</tr>
<tr>
<td>Best Contracting Services</td>
<td>$362,106</td>
<td>$422,124</td>
</tr>
<tr>
<td>Courtney, Inc.</td>
<td>$461,000</td>
<td>$754,000</td>
</tr>
</tbody>
</table>

**City Hall**
The lowest responsible bidder for City Hall was J. Cab & Sons Roofing. Staff has checked the contractor’s references and contract documents and determined that J. Cab & Sons Roofing has satisfactorily completed similar roofing projects for school district, college, university, and private sector clients. J. Cab & Sons is also a certified Tremco installer. Staff recommends that City Council award the project to J. Cab & Sons in the amount of $329,000.00 for replacement of the City Hall roof, approve $49,350.00 (15%) in contingency for unforeseen conditions, and authorize a transfer from Fund Balance Reserves to the Capital Improvement Program to cover the cost of construction and related contingencies.

**Park Vista Senior Housing Facility**
Prior to releasing bid documents for the roof replacement project, the Senior Housing Board had established a budget threshold of $300,000 and authorized staff to solicit bids for a Tremco system roof replacement. Because the lowest responsible bid for the Park Vista Senior Housing Facility was $398,000, which exceeded the $300,000 threshold, the Senior Housing Board made a motion on May 9, 2013 to reject all bids and redirect staff to prepare and release bid documents for an alternative roof system replacement. Therefore, staff recommends that City Council reject all bids for the Park Vista Senior Housing Board. Staff will prepare new roofing bid documents and come back to City Council to adopt plans and specs and authorizing bidding in June.
SITE MAP
PW 13-05 PARK VISTA SENIOR HOUSING AND CITY HALL ROOF REPAIRS
PROJECT SITE B- CITY HALL

HOLLY AVE.

CITY HALL
350 MAIN ST.
EL SEGUNDO, CA 90245

APPROX. ROOF SQUARE FOOTAGE
= 23,741 SF

X = LOCATION OF PRE-BID JOB WALK AT
CITY COUNCIL CHAMBERS APRIL 15, 2013 AT 10:00AM
*
= FIRE DEPARTMENT VEHICLE ENTRANCE
#
= POLICE DEPARTMENT VEHICLE ENTRANCE
AGENDA DESCRIPTION:
Consideration and possible action regarding a request for an Administrative Use Permit to expand the on-site sale and consumption of beer, wine and alcohol (Type 47 State of California Alcoholic Beverage Control License) at an existing restaurant. The restaurant, the Tavern on Main, will expand into an approximately 800 square-foot vacant portion of 119 Main Street) located at 121-123 Main Street. Applicant: Kristian Krieger (Fiscal Impact: N/A)

RECOMMENDED COUNCIL ACTION:
1. Receive and file this report without objecting to the approval to allow the on-site sale and consumption of beer, wine and alcohol at an existing restaurant; and/or
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Crime and Arrest Statistics by Reporting Districts (RD)
2. Police Reporting Districts Map
3. Planning Commission Staff Report, dated May 9, 2013

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

ORIGINATED BY: Kimberly Christensen, AICP, Planning Manager
REVIEWED BY: Sam Lee, Planning and Building Safety Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

I. Background

In 1995, the City Council directed staff to bring all future ABC licenses to it for review. For alcohol sales at retail establishments, California regulations require a 30-day review and comment period after notifying local police and planning departments. The grounds of a protest, if any, should relate to public health, safety or welfare concerns. Based upon previous Council direction, staff is providing background information regarding this application.

II. Analysis

According to the most recent Crime and Arrest statistics report prepared by the Police
Department, the existing restaurant is located in Reporting District (RD) 112. Based on the June – December 2012 reported data prepared by the Police Department, the district had a total of 10 Part I crimes (criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson). The Reporting District is considered a high crime area but the Police Department and the Planning and Building Safety Department do not object to the issuance of the license.

The existing restaurant is expanding into an approximately 800 square-foot vacant tenant space located in the same building and property as the existing restaurant at 123 Main Street. On January 25, 2007, the Planning Commission approved the on-site sale and consumption of beer, wine and alcohol (a Type 47 California ABC license) for the restaurant. The hours of operations will not change and will remain Mondays through Fridays 10 AM to 2 AM and Saturdays and Sundays 9 AM to 2 AM. The resulting square footage of the restaurant after expansion is approximately 3,229 square feet. The expansion will not affect the approximately 183 square feet of existing outdoor dining area. The Zoning for the site is Main Street Transitional District (MSTD) within the Downtown Specific Plan (DSP). The proposed use requires an Administrative Use Permit (AUP) in accordance with DSP Section VI.B(4)(a).

On April 29, 2013, the Director of Planning and Building Safety approved an Administrative Use Permit application (EA-1019, AUP 13-03) for 121-123 Main Street. The Director’s decision was forwarded to the Commission on May 9, 2013. On May 9, 2013, the Planning Commission chose to Receive and File the Administrative Use Permit for the alcohol license with conditions of approval.

The Department of Alcoholic Beverage Control (ABC) is responsible for running a complete background check on all alcohol license applicants, as well as conducting site inspections, before issuing any type of alcohol license.

III. Conclusion

Planning staff recommends that the Council receive and file this report without objecting to serve beer, wine and alcohol for a Type 47 ABC license for the expansion of an existing restaurant at 121-123 Main Street.
<table>
<thead>
<tr>
<th>REPORTING DISTRICT</th>
<th>PART I CRIMES</th>
<th>FELONY/MISD ARRESTS</th>
<th>TOTAL</th>
<th>AVERAGE BY RD PERCENTAGE +/-</th>
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Number of Reporting Districts = 53
Average # of Part I Crimes per Reporting District = 6
Average # of Felony/Misdemeanor Part I Crime Arrests per Reporting District = 2
Average # of Crimes and Arrests per Reporting District = 9
(Results from 07/01/2012 through 12/31/2012)

High Crime Area per B&P Code Section 23958.4 = >20%
I. INTRODUCTION

The Director of Planning and Building Safety issued the following decision:

1) Approved - Environmental Assessment No. EA-1019, and Administrative Use Permit No. AUP 13-03
Administrative Use Permit by the Director of Planning and Building Safety regarding a Type 47 (Department of Alcoholic Beverage Control) License at an existing restaurant

Address: 119-123 Main Street
Applicant: Kristian Krieger
Property Owner: George Renfro III

The proposed project is to modify a previously approved application to an Administrative Use Permit to sell beer, wine, and alcohol in a restaurant for on-site consumption. The restaurant, the Tavern on Main, will expand into an approximately 800 square-foot vacant portion of 119 Main Street. The restaurant currently occupies 123 Main Street and a portion of 119 Main Street. The outdoor dining area will not be expanded. The proposed hours of operation to sell alcohol will be Mondays through Fridays from 10 AM to 2 AM and Saturdays and Sundays from 9 AM to 2 AM consistent with the existing restaurant hours of operation. If the expansion is approved, the total area of the restaurant will be approximately 3,229 square feet. The project site is located in the Main Street Transitional District (MSTD) Zone within the
Downtown Specific Plan (DSP) on the block bounded by El Segundo Boulevard to the south, Main Street to the north, Richmond Street to the east, and Standard Street to the west.

II. RECOMMENDATION

Receive and File.

III. EXHIBITS

A. EA-1019 and AUP No. 13-03 Director Decision Letter dated April 29, 2013 for the property at 119-123 Main Street.

Kimberly Christensen, AICP, Planning Manager
Department of Planning & Building Safety

Sam Lee, Director
Department of Planning & Building Safety

P:\Planning & Building Safety\0 Planning - Old\PROJECTS (Planning)\1001-1025\EA-1019\Receipt and File Staff Report 05.9.2013.Administrative Use Permits.doc
April 29, 2013

Kristian Krieger
123 Main Street
El Segundo, CA 90245

RE: Environmental Assessment No. EA-1019 and
Administrative Use Permit (AUP) No. 13-03
Request to serve beer, wine and alcohol for on-site sale and
consumption (Type 47 California Alcohol Beverage License)
at an existing restaurant.
Address: 119-123 Main Street

Dear Mr. Krieger:

This letter is to inform you that, in accordance with El Segundo Municipal Code ("ESMC") Chapter 15-22, the Planning Division reviewed your application for the above-referenced project and the Director of Planning and Building Safety APPROVED Environmental Assessment No. EA-1019 and Administrative Use Permit No. 13-03 to modify a previously approved application to an Administrative Use Permit to sell beer, wine, and alcohol in a restaurant for on-site sale and consumption. The following are the findings and facts in support of each finding for this decision:

FINDINGS AND FACTS IN SUPPORT OF FINDINGS:

Environmental Assessment No. 1019

Finding 1

- The proposed project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities).
Facts in Support of Finding 1

1. The project is a request to modify an existing approval to serve beer, wine, and alcohol in an existing restaurant (Tavern on Main). The modification is to allow an expansion of the alcohol use into the newly expanded restaurant area. The existing restaurant is expanding into an approximately 800 square foot vacant tenant space located in the same building and property as the existing restaurant at 123 Main Street. On January 25, 2007, the Planning Commission approved the on-site sale and consumption of beer, wine and alcohol (a Type 47 California ABC license) for the restaurant. The hours of operations will not change and will remain Mondays through Fridays 10 AM to 2 AM and Saturdays and Sundays 9 AM to 2 AM. The resulting square footage of the restaurant after expansion is approximately 3,229 square feet. The expansion will not affect the approximately 183 square feet of existing outdoor dining area. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. Moreover, there is no new construction proposed for this project. There are adequate utilities and public services to serve the project. The property is in an urbanized area where it has adequate access and all public services and facilities are available. The site is currently developed and is not in an area that is environmentally sensitive. Therefore, the project is not anticipated to have any significant impacts with regard to traffic, noise, air quality or water quality.

Administrative Use Permit 13-03

Finding 1

- There is compatibility of the particular use on the particular site in relationship to other existing and potential uses within the general area in which the use is proposed to be located.

Facts in Support of Finding 1

1. The applicant proposes sell beer, wine, and alcohol at an existing restaurant. The existing restaurant is approximately 2,400 square feet and is located on three lots and two buildings. A Covenant to Hold Property as One Parcel was recorded in 1969 for the lots addressed as 121 and 123 Main Street (APN Nos. 4136-026-029 and 4136-026-030). The surrounding area is comprised of downtown commercial businesses including restaurants to the north, south, west and east.

2. The proposed hours of operation for alcohol sales will be Mondays through Fridays 10 AM to 2 AM and Saturdays and Sundays 9 AM to 2 AM concurrent with the existing restaurant's hours of operation.
3. Ten existing parking spaces are provided on-site.

4. The existing restaurant is compatible with the surrounding area which is comprised of downtown businesses, restaurants, and businesses that serve alcohol.

5. The General Plan land use designation for the site is Downtown Specific Plan.

6. The Zoning for the site is Main Street Transitional District (MSTD) within the Downtown Specific Plan (DSP). The proposed use requires an Administrative Use Permit (AUP) in accordance with DSP Section VI.B.4(a).

7. The restaurant must maintain a California Alcohol and Beverage Control (ABC) license for on-site sale and consumption of beer, wine, and alcohol for restaurants (Type 47).

8. On May 9, 2013, the El Segundo Planning Commission is scheduled to Receive and File the Administrative Use Permit request.

Finding 2

- The proposed use is consistent and compatible with the purpose of the Zone in which the site is located.

Facts in Support of Finding 2

1. The Zoning for the site is Downtown Specific Plan (DSP) and is located within the Main Street Transitional District. Restaurants are a permitted use in the zone in accordance with Section VI.B.2.a of the Downtown Specific Plan. The proposed use requires an Administrative Use Permit (AUP) in accordance with Section VI.B.4(a) of the Downtown Specific Plan for the on-site sale and consumption of alcohol at restaurants.

2. There are ten existing parking spaces on-site. Per DSP Section VII.10, permitted uses are not required to provide additional parking spaces for any permitted uses within the Downtown Specific Plan that do not involve the construction of new floor area. The property satisfies the number of parking spaces provided. Since no additional square footage is proposed, no additional parking is required.

3. The General Plan land use designation for the site is Downtown Specific Plan.

4. The proposed use is consistent with Downtown Specific Plan Objective LU4-2 in that it contributes to creating an integrated, complimentary, attractive multi-use Downtown to serve as the focal point for the civic, business, educational and social environment of the community.
5. The proposed use is consistent with Downtown Specific Plan Goal LU4 in that it contributes to providing a stable tax base for the city of new commercial uses primarily within a mixed-use environment, without adversely affecting the viability of Downtown.

6. The surrounding land uses include: neighborhood-serving commercial, office, retail, restaurants and residential uses. The expansion of the existing restaurant which will serve alcohol will be compatible with the surrounding uses.

7. The purpose of the Downtown Specific Plan – Main Street Transitional District is to provide consistency with and implement policies related to those locations which are designated Downtown Specific Plan on the General Plan land use map and in the General Plan text. The Main Street Transitional District is intended to serve as a transition and gateway to the Downtown Core and Main Street District. Retail and service uses should serve the residents, local employees, and visitors to the City. The on-site sale of beer, wine, and alcohol at restaurants is permitted subject to an Administrative Use Permit.

8. The restaurant must maintain a California Alcohol and Beverage Control (ABC) license for on-site sale and consumption of beer, wine, and alcohol for restaurants (Type 47).

Finding 3

• The proposed location and use and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Facts in Support of Finding 3

1. The existing restaurant will continue to meet the needs of the surrounding community and provide additional service with the sale of beer, wine, and alcohol for on-site sale and consumption in a restaurant.

2. The surrounding area is comprised of neighborhood-serving commercial, office, retail, restaurants, and residential uses. The expansion of the existing restaurant which will serve alcohol will be compatible with the surrounding uses.

9. The proposed hours of operation for alcohol sales is unchanged from the previous approval and it remain Mondays through Fridays 10 AM to 2 AM and Saturdays and Sundays 9 AM to 2 AM concurrent with the existing restaurant's hours of operation.
Finding 4

- Potential impacts that could be generated by the proposed use, such as noise, smoke, dust, fumes, vibration, odors, traffic, and hazards have been recognized and mitigated.

Facts in Support of Finding 4

1. The sale of alcohol will not create any new impacts that would not be normally associated with the operation of a restaurant. Any additional traffic trips associated with the sale of alcohol will be accommodated with the existing six (6) off-street parking spaces available on the site.

2. The parking lot is currently paved with asphalt and is not expected to generate dust or smoke. The proposed use will not increase noise, fumes, vibration, odors, traffic or hazards.

3. The proposed hours of operation for alcohol sales and the location of the restaurant is similar to other alcohol-serving establishments within the vicinity which will help to minimize impacts on surrounding uses.

4. The proposed hours of operation for alcohol sales is unchanged from the previous approval and it remain Mondays through Fridays 10 AM to 2 AM and Saturdays and Sundays 9 AM to 2 AM concurrent with the existing restaurant's hours of operation. The sale of food is required in the restaurant during the hours of operation. In addition, the subject site is accessible to pedestrians from the surrounding area.

5. In addition to complying with the City of El Segundo and the State of California Department of Alcoholic Beverage Control, the restaurant is subject to County Health Department regulations that address and monitor impacts of fumes and odors.

Finding 5

- The State Department of Alcoholic Beverage Control has issued or will issue a license to sell alcohol to the applicant.

Facts in Support of Finding 5

1. The applicant must maintain a license from the State of California Department of Alcoholic Beverage Control (Type No. 47).
DIRECTOR OF PLANNING AND BUILDING SAFETY ACTION

Based on these findings and facts in support of these findings, the Director of Planning and Building Safety APPROVES the proposed project, subject to the following conditions:

1. The on-site sale and consumption of beer and wine will be limited to the same hours as the existing restaurant as follows: Monday through Friday, 11 AM to 2 AM and Saturday and Sunday 9 AM to 2 AM. Food must be available for sale and served during the hours of operation that beer, wine, and alcohol is served. Any change to the hours of operation or the hours that beer, wine and alcohol may be sold is subject to review and approval by the Director of Planning and Building Safety or designee.

2. Any subsequent modification to the project as approved, including the floor plan and areas where alcohol will be sold, and/or the conditions of approval must be referred to the Director of Planning and Building Safety or designee for approval and a determination regarding the need for Planning Commission review of the proposed modification.

3. The applicant must obtain and maintain all licenses required by the Alcoholic Beverage Control Act (Business & Professions Code §§ 23300 et seq.). The applicant must obtain and maintain a Type 47 license.

4. The Entertainment Permit for the property must be updated to reflect the increased area where entertainment will be provided.

5. The Planning and Building Safety Department and the Police Department must be notified of any change of ownership of the approved use in writing within 10 days of the completion of the change of ownership. A change in project ownership may be cause to schedule a hearing before the Planning Commission regarding the status of the administrative use permit.

6. The applicant must comply with all regulations of the Alcoholic Beverage Control Act and the regulations promulgated by the Alcoholic Beverage Control Board including, without limitation, the regulations set forth in 4 Cal. Code of Regs. §§ 55, et seq.

7. There must be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to the exterior must constitute a violation of this condition.

8. A Covenant and Agreement to Hold the Property as One Parcel must be maintained for the restaurant to allow an opening in the property line wall
between the two buildings located at 121 and 123 Main Street (APN Nos 4136-026-029 and 4136-026-030).

9. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) for the responsible sales of alcohol. The training must be offered to new employees on not less than a quarterly basis.

10. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:

a. Completed training from the California Department of Alcoholic Beverage Control (ABC), Lakewood District Office administered Leadership and Education in Alcohol and Drugs (LEAD) Program in the form of an ABC-issued certificate; or,

b. Completed an accepted equivalent by the ABC, Inglewood District Office to ensure proper distribution of beer, wine and distilled spirits to adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then;

c. The ABC-licensed proprietors must have confirmed with the Planning and Building Safety Department within fifteen (15) days of the Director's decision, or by final project approval, that a date certain has been scheduled within the local ABC Office to complete the LEAD course.

d. Within thirty (30) days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Police Department.

11. The licensee must have readily identifiable personnel to monitor and control the behavior of customers inside the building premises. Staff must monitor activity outside in the parking lot and any adjacent property under the establishment's control to ensure the areas are generally free of people and are cleared of patrons and their vehicles one-half hour after closing.

12. If complaints are received regarding excessive noise, parking availability, lighting, building access, and the like associated with the restaurant, the city may, in its discretion, take action to review the Administrative Use Permit, including without limitation, adding conditions or revoking the permit.

13. The building cannot be occupied by more persons than allowed by the California Building Code (CBC), as adopted by the ESMC.
14. The project must comply with the CBC Chapter 11B, as adopted by the ESMC, for disabled access regulation. This includes disabled access seating at the dining bar, the bar counter and the table with seats.

15. The building must comply with the CBC and California Fire Code, as adopted by the ESMC.

16. The existing surveillance video system must be expanded to the satisfaction of the Police Chief of the El Segundo Police Department to include coverage of office and safe, coverage of bar from all angles, coverage of exit and entrances (front and back), and all cameras must be positioned so that images of the face, height and build of person(s) are clearly captured.

17. The building must comply with Los Angeles County Health Department requirements for toilet facilities.

18. The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Environmental Assessment No. 1019 and Administrative Use Permit No. 13-03. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of EA-1019 or AUP No. 13-03, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of El Segundo's elected officials, appointed officials, officers, and employees.

**PLANNING COMMISSION**

Please be advised that this does not conclude the review process. This determination will be transmitted to the Planning Commission at its May 9, 2013 meeting with the recommendation that the Planning Commission Receive and File the determination. The City Council will determine whether or not to protest the issuance of the Type 47 alcohol license at a future meeting. If you have any questions regarding this project, please contact Assistant Planner Bryan Fernandez at (310) 524-2343.

Sincerely,

Sam Lee, Director
Department of Planning and Building Safety
AGENDA DESCRIPTION:
Consideration and possible action regarding a request for a new Alcoholic Beverage Control (ABC) License to allow the on-site sale and consumption of beer and wine (Type 41 State of California Alcoholic Beverage Control License) at a new restaurant (PizzaRev) at 460 North Sepulveda Boulevard, Suite C. Applicant: Rodney Eckerman (Fiscal Impact: N/A)

RECOMMENDED COUNCIL ACTION:
1. Receive and file this report without objecting to the issuance of an alcohol license for on-site sale and consumption of beer and wine at a new restaurant at 460 North Sepulveda Boulevard, Suite C; and/or
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Crime and Arrest Statistics by Reporting Districts (RD)
2. Police Reporting Districts Map
3. Planning Commission Staff Report, dated May 9, 2013

FISCAL IMPACT: None

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ORIGINATED BY: Kimberly Christensen, AICP, Planning Manager
REVIEWED BY: Sam Lee, Planning and Building Safety Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

I. Background

In 1995, the City Council directed staff to bring all future ABC licenses to it for review. For alcohol sales at retail establishments, California regulations require a 30-day review and comment period after notifying local police and planning departments. The grounds of a protest, if any, should relate to public health, safety or welfare concerns. Based upon previous Council direction, staff is providing background information regarding this application.

II. Analysis

According to the most recent Crime and Arrest statistics report prepared by the Police
Department, the proposed restaurant is located in Reporting District (RD) 308. Based on the July – December 2012 reported data prepared by the Police Department, the district had a total of 13 Part I crimes (criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson) and five felony and misdemeanor arrests. The Reporting District is considered a high crime area, however the Police Department and the Planning and Building Safety Department do not object to ABC issuing a Type 41 alcohol license for the restaurant.

The license request would allow the on-site sale and consumption of beer and wine in conjunction with a new restaurant. A request for a new license is required since no previous alcohol license existed at the proposed location. The proposed restaurant will be approximately 2,102 square feet in net floor area and have an additional outdoor dining area of 600 square feet. The proposed hours of operation for the restaurant and outdoor dining area, including the hours of alcohol service, are from 11:00 A.M. to 10:00 P.M. Monday through Sunday. The project site is located in the Corporate Office (CO) Zone which requires the approval of an Administrative Use Permit (AUP) for on-site sale and consumption of alcohol at restaurants in accordance with ESMC § 15-5D-4(B).

On May 2, 2013, the Director of Planning and Building Safety approved an AUP application (EA No. 1015, AUP No. 13-02) for a new restaurant at 460 North Sepulveda Boulevard, Suite C. The Director’s decision was forwarded to the Commission on May 9, 2013. On May 9, 2013, the Planning Commission chose to Receive and File the AUP for the alcohol license with conditions of approval.

ABC license review requires mandatory findings that are regulated by the Department of Alcoholic Beverage Control. The City’s AUP process is separate. The Department of Alcoholic Beverage Control (ABC) is responsible for running a complete background check on all alcohol license applicants, as well as conducting site inspections, before issuing any type of alcohol license.

III. Conclusion

Planning staff recommends that the Council Receive and File this report without objecting to a new Type 41 ABC license for the on-site sale and consumption of beer and wine at a new restaurant located at 460 North Sepulveda Boulevard, Suite C, or alternatively discuss and take another action related to this item.
# RECORDED PERIOD: JULY – DECEMBER, 2012
## PART I CRIMES AND ARRESTS BY REPORTING DISTRICT (RD)

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<td>319</td>
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<td>28</td>
<td>+211%</td>
</tr>
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<td>320</td>
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<td>2</td>
<td>8</td>
<td>-11%</td>
</tr>
<tr>
<td>321</td>
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<td>0%</td>
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<td>-89%</td>
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<td>323</td>
<td>5</td>
<td>2</td>
<td>7</td>
<td>-22%</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>338</strong></td>
<td><strong>114</strong></td>
<td><strong>452</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Number of Reporting Districts = 53**

**Average # of Part I Crimes per Reporting District = 6**

**Average # of Felony/Misdemeanor Part I Crime Arrests per Reporting District = 2**

**Average # of Crimes and Arrests per Reporting District = 9**

(Results from 07/01/2012 through 12/31/2012)

**High Crime Area per B&P Code Section 23958.4 = >20%**
LOCATION:
BY REPORTING DISTRICT

REPORTED PERIOD:
JUL 1, 2012 - DEC 31, 2012

CATEGORY:
PART I CRIMES & ARRESTS (UCR)

HIGH CRIME AREA
REPORTING DISTRICT

LESS THAN 20%
CRIME AREA
CITY OF EL SEGUNDO

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: May 9, 2013

SUBJECT: Environmental Assessment No. EA-1015, Conditional Use Permit No. 13-03 and Administrative Use Permit No. 13-02

APPLICANT: PizzaRev c/o Rodney Eckerman

PROPERTY OWNER: 300 N. Sepulveda Associates, LLC

REQUEST: A request for a Conditional Use Permit for the construction of an outdoor dining area and a request for an Administrative Use Permit to allow the on-site sale and consumption of alcohol (Type 41 Alcoholic Beverage Control License for beer and wine) at a new restaurant

PROPERTY INVOLVED: 460 N. Sepulveda Boulevard, Suite C

I. Introduction

The proposed project is a request for a Conditional Use Permit to construct a new 600 square-foot outdoor patio area and an Administrative Use Permit to allow the sale and consumption of alcohol at a new restaurant located at 460 North Sepulveda Boulevard, Suite C, in the Corporate Office (CO) Zone. The applicant is requesting a Type 41 license for the on-site sale and consumption of beer and wine from the California Department of Alcoholic Beverage Control; this is the first request for such a license at this location. The Director made the necessary findings to grant an Administrative Use Permit for the on-site sale and consumption of alcohol and approved Administrative Use Permit on May 2, 2013 (see Exhibit E).

II. Recommendation

Planning Staff recommends that the Planning Commission: 1) review the facts and findings contained within this report; 2) adopt Resolution No. 2733 approving Environmental Assessment No. EA-1015 and Conditional Use Permit No. 13-03,
with conditions; and 3) receive and file Administrative Use Permit No. 13-02.

III. **Background**

The 12.3 acre project site is comprised of three parcels and is developed with three existing three-story office buildings (at 300-390 North Sepulveda Boulevard) totaling 305,876 square feet in net floor area and two new commercial retail buildings (400 and 460 North Sepulveda Boulevard). The new PizzaRev restaurant will be located on the north side of the retail building at 460 North Sepulveda Boulevard and it will replace the Exceed Credit Union.

The PizzaRev restaurant will be 2,102 square feet in area and it will be located approximately 25 feet from the front property line along Sepulveda Boulevard. The proposed outdoor dining area is approximately 600 square feet. The combined total area of the restaurant will be 2,702 square feet. The interior dining area will contain 48 seats and the outdoor dining area will contain 43 seats. The proposed hours of operation are from 11:00 a.m. to 10:00 p.m. Monday through Sunday.

The 600 square-foot outdoor patio is proposed along the north side of the restaurant and set back approximately 33 feet from Sepulveda Boulevard and 52 feet from the property to the north. The patio area will be enclosed by a three-foot tall metal fence and a 1.5-foot landscaped planter with shrubs.

**Surrounding Land Uses**

The subject site is surrounded by other commercial office, retail, and restaurant uses. The surrounding land uses are as follows:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Market</td>
<td>General Commercial (C-3)</td>
</tr>
<tr>
<td>East</td>
<td>Office</td>
<td>Corporate Office (CO)</td>
</tr>
<tr>
<td>South</td>
<td>Office</td>
<td>Corporate Office (CO)</td>
</tr>
<tr>
<td>West</td>
<td>Pharmacy, Retail and Restaurant</td>
<td>General Commercial (C-3)</td>
</tr>
</tbody>
</table>
IV. **ANALYSIS**

**CONDITIONAL USE PERMIT**

The proposed project is a request to allow construction of a new 600 square-foot outdoor dining area that exceeds 200 square feet and to allow the on-site sale and consumption of alcohol at a new restaurant. ESMC §15-23-5 sets forth the purpose of a conditional use permit, which is to: 1) assure the compatibility of the particular use on the particular site in relationship to other existing and potential uses within the general area in which the use is proposed to be located; 2) assure the proposed use is consistent and compatible with the purpose of the zone in which the site is located; and 3) recognize and compensate for potential impacts that could be generated by the proposed use, such as noise, smoke, dust, fumes, vibration, odors, traffic and hazards.

1) **Compatibility:**

Restaurants are a permitted use in the Corporate Office (CO) Zone. On-site sale and consumption of beer and wine at a new restaurant requires an Administrative Use Permit (AUP) and an outdoor patio area greater than 200 square feet (600 square feet proposed), requires a Conditional Use Permit (CUP) in accordance with the development standards contained in ESMC Chapter 15-5, Article D. Restaurants, such as the subject restaurant, typically provide a choice of indoor or outdoor dining for their patrons. The proposed outdoor dining area will be compatible with the retail, restaurant and office uses on site and in the surrounding area. These uses are customarily located to serve the dining needs of corporate office employees.

2) **Zoning Consistency:**

The proposed 600 square-foot outdoor dining area is a permitted use within the Corporate Office (CO) Zone subject to a conditional use permit. The following chart contains the development standards for the Corporate Office Zone. The proposed new outdoor patio complies with the following requirements:
<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>CORPORATE/OFFICE (CO) ZONE STANDARDS</th>
<th>PROPOSED PROJECT STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
<td>ESMC §15-5D-4(B): On site sale and consumption of alcohol at restaurants, subject to an administrative use permit</td>
<td>On site sale and consumption of beer and wine (Type 41 ABC License).</td>
</tr>
<tr>
<td></td>
<td>ESMC §15-5D-5(D): Outdoor dining area exceeding 200 square feet in area or 20% of the indoor dining area whichever is less subject to a conditional use permit.</td>
<td>600 square-foot outdoor dining area.</td>
</tr>
<tr>
<td><strong>Height</strong></td>
<td>ESMC §15-5D-7(C): 200 feet maximum permitted height for buildings east of Sepulveda Boulevard</td>
<td>Existing 22-foot high commercial retail building. (Complies)</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>ESMC §15-5D-7(D): Front: 25 feet minimum. Side: 15 feet minimum. Rear: 10 feet minimum.</td>
<td>Front: 25 feet Side: 52 feet Rear: 40 feet (Complies)</td>
</tr>
<tr>
<td>Parking</td>
<td>ESMC §15-15-3(B):</td>
<td>Office:</td>
</tr>
<tr>
<td>---------</td>
<td>------------------</td>
<td>--------</td>
</tr>
<tr>
<td></td>
<td>1/300 first 25,000 square feet</td>
<td>Required: 934</td>
</tr>
<tr>
<td></td>
<td>1/350 second 25,000 square feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1/400 area over 50,000 square feet</td>
<td></td>
</tr>
<tr>
<td>Medical Office:</td>
<td>1/200 square feet</td>
<td>Medical Office: 20,447 square feet</td>
</tr>
<tr>
<td></td>
<td>Call Center (Pinnacle Travel)</td>
<td>Required: 102</td>
</tr>
<tr>
<td></td>
<td>1/150 square feet</td>
<td></td>
</tr>
<tr>
<td>Restaurant:</td>
<td>1 parking space for every 75 square feet</td>
<td>Call Center: 21,178 square feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Required: 141</td>
</tr>
<tr>
<td>Outdoor Dining:</td>
<td>1 parking space for every 75 square feet</td>
<td>Restaurant: 10,292 square feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Required: 137</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Outdoor Dining: 1,285 square feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Required: 17*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total Required: 1,088 spaces and 1,145 spaces provided (Complies)</td>
</tr>
</tbody>
</table>

* The first 200 square feet of outdoor dining per restaurant are exempt from parking requirements.

Parking:
The proposed new outdoor patio expansion was included in the analysis and complies with the minimum required parking. The new restaurant, including the proposed patio has a combined net floor area of 2,702 square feet which requires 33 parking spaces. A sufficient number of parking spaces is provided on the subject parcel and on the adjacent parcels via covenant to accommodate the restaurant use. The table on the following page (Table 1) provides a parking analysis for all the commercial uses on the subject parcel. Other restaurants contain outdoor dining areas and have been included in the analysis to ensure that
adequate parking is provided for the development.

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>Area</th>
<th>Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLDG 1, Suite A (Restaurant)</td>
<td>1,328 square feet and a 200 square-foot outdoor dining area</td>
<td>18 spaces</td>
</tr>
<tr>
<td>Sabra</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLDG 1, Suite B (Restaurant)</td>
<td>1,258 square feet and a 600 square-foot outdoor dining area</td>
<td>22 spaces</td>
</tr>
<tr>
<td>Malibu Fish Grill</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLDG 1, Suite C (Restaurant)</td>
<td>2,142 square feet and a 340-square-foot outdoor dining area</td>
<td>30 spaces</td>
</tr>
<tr>
<td>Rubio's</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLDG 2, Suite A (Restaurant)</td>
<td>2,100 square feet and a 545 square-foot outdoor dining area</td>
<td>33 spaces</td>
</tr>
<tr>
<td>Five Guys</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLDG 2, Suite B (Restaurant)</td>
<td>1,362 square feet and a 200 square-foot outdoor dining area</td>
<td>18 spaces</td>
</tr>
<tr>
<td>Which Wich</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* BLDG 2, Suite C (Restaurant)</td>
<td>2,102 square feet and a 600 square-foot outdoor dining area</td>
<td>33 spaces</td>
</tr>
<tr>
<td>PizzaRev</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 restaurants w/outdoor dining</td>
<td>10,292 square feet of building area and 2,485 square feet of outdoor dining area;</td>
<td>154 spaces</td>
</tr>
<tr>
<td>Total: 12,777 square feet</td>
<td></td>
<td>(Complies)</td>
</tr>
</tbody>
</table>

3) Impacts:

The proposed new patio location is on the north side of the restaurant, facing north and west, and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety or welfare. The restaurant is located within a commercial development (Gateway Center) consisting primarily of office and restaurant uses.
Noise is a potential impact that can be associated with the new outdoor dining area. However, the project is located in a commercial zone and there are no sensitive receptors such as residential dwelling units adjacent to the property. Additionally, the conditions of approval limit the restaurant hours of operation from 11:00 a.m. to 10:00 p.m. Monday through Sunday. The outdoor dining patio would be open the same hours as the restaurant. Any change to the hours of operation is subject to review and approval by the Director of Planning and Building Safety. Therefore, the proposed use is not anticipated to have significant impacts.

As demonstrated above, the proposed project is compatible with the existing and permitted uses surrounding the subject property, it is consistent with the zoning requirements in the CO Zone, and it will have less than significant impacts on the surrounding properties and the environment.

Conditional Use Permit Findings

Pursuant to ESMC §15-23-4, the Planning Commission is authorized to grant a conditional use permit if it makes the three required findings listed in ESMC §15-23-6. The Planning Commission must find that: 1) the proposed location of the conditional use permit is in accord with the objectives of Title 15 and the purposes of the zone in which the site is located; 2) the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity; and 3) the proposed conditional use will comply with each of the applicable provisions of Chapter 15-23. Facts in support of said findings are outlined in the attached resolution of approval.

Staff believes that there is adequate evidence to support the three required Conditional Use Permit findings subject to the listed conditions of approval in the attached resolution. The Planning Commission may consider and impose additional conditions which it deems necessary, if it demonstrates a reasonable relationship between the condition it desires to impose and the project’s impact.

ADMINISTRATIVE USE PERMIT

Administrative Use Permit Findings

The Director of Planning and Building Safety may grant an Administrative Use Permit upon making the findings in ESMC §15-22-5. The Director has made the necessary findings to grant the requested Administrative Use Permit subject to the conditions of approval in the attached approval letter dated May 2, 2013.
V. GENERAL PLAN CONSISTENCY

The General Plan land use designation for the site is Corporate Office and is consistent with the current zoning designation which is Corporate Office (CO) Zone. The project is consistent with the General Plan as specified in the attached draft resolution.

VI. INTER-DEPARTMENTAL COMMENTS

The project applications and plans were circulated to all City Departments for review. The comments received for the project have been incorporated in the conditions of approval for the project.

VII. ENVIRONMENTAL REVIEW

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15303 as a Class 3 categorical exemption (New Construction or Conversion of Small Structures) and pursuant to 14 California Code of Regulations § 15311 as a Class 11 categorical exemption (Accessory Structures). The project includes an alcohol license for the on-site sale and consumption of beer and wine at a new 2,102 square-foot restaurant with a 600 square-foot outdoor dining patio located within Gateway Center. The request includes interior improvements to convert a retail service use into a restaurant use and installation of a landscape planter and three-foot tall fence to enclose the proposed outdoor dining patio. The property is in an urbanized and developed area where it has adequate access and all public services and facilities are available. In addition, it is in an area that is not environmentally sensitive. Therefore, the project is not anticipated to have any significant impacts with regard to traffic, noise, air quality or water quality.

VIII. CONCLUSION

Planning staff recommends that the Planning Commission: 1) adopt Resolution No. 2733, approving Environmental Assessment No. EA-1015 and Conditional Use Permit No. 13-03, with conditions based upon the findings as contained in this report; and 2) Receive and File Administrative Use Permit No. 13-02.
V. EXHIBITS

A. Draft Resolution No. 2733
B. Administrative Use Permit Approval Letter, dated May 2, 2013
C. Plans

Prepared by: Paul Samaras, Principal Planner

Kimberly Christensen, AICP, Planning Manager
Department of Planning & Building Safety

Sam Lee, Director
Department of Planning & Building Safety
RESOLUTION NO. 2733

A RESOLUTION APPROVING ENVIRONMENTAL ASSESSMENT NO. EA-1015 AND CONDITIONAL USE PERMIT NO. 13-03 TO ALLOW A 600 SQUARE-FOOT OUTDOOR DINING AREA IN CONJUNCTION WITH A NEW RESTAURANT IN THE CORPORATE OFFICE (CO) ZONE AT 460 NORTH SEPULVEDA BOULEVARD.

The Planning Commission of the City of El Segundo does resolve as follows:

SECTION 1: The Commission finds and declares that:

A. On February 26, 2013 Rodney Eckerman on behalf of PizzaRev filed an application for Environmental Assessment No. EA-1015 and Conditional Use Permit No. 13-03 to allow the construction and use of a 600 square-foot outdoor dining area in conjunction with a new restaurant at 460 North Sepulveda Boulevard;

B. The application was reviewed by the Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the El Segundo Municipal Code ("ESMC");

C. In addition, the City reviewed the project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., “CEQA”), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the "CEQA Guidelines"), and the City's Environmental Guidelines (City Council Resolution No. 3605, adopted March 16, 1993);

D. The Planning and Building Safety Department completed its review and scheduled a public hearing regarding the application before this Commission for May 9, 2013;

E. On May 9, 2013, the Commission held a public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the Commission by Rodney Eckerman of PizzaRev and its representatives; and

F. The Commission considered the information provided by City staff, public testimony, and the representative for PizzaRev restaurant. This Resolution and its findings are made, in part, based upon the evidence presented to the Commission at its May 9, 2013 public hearing including, without limitation, the staff report submitted by the Planning and Building Safety Department.

SECTION 2: Factual Findings and Conclusions. The Commission finds that the following facts exist:
A. The subject site is located in the Corporate Office (CO) Zone at 300-460 North Sepulveda Boulevard.

B. The subject site is currently developed with three existing three-story office buildings totaling 305,876 square feet in net floor area and two single-story commercial buildings totaling 10,292 square feet in net floor area.

C. The subject commercial building at 460 North Sepulveda Boulevard is 5,564 net square feet in area. The proposed PizzaRev restaurant is located on the north side of the subject building in Suite C.

D. The proposed new 600 square-foot outdoor patio area will be added to the 2,102 square-foot restaurant and will bring the total floor area to 2,702 square feet.

E. The subject site contains 1,145 off-street parking spaces and a total of 1,088 are required for the two commercial buildings and the three office buildings. The proposed indoor and outdoor dining area for the PizzaRev restaurant is required to provide a total of 33 off-street parking spaces.

F. A Conditional Use Permit is required for outdoor dining areas which exceed 200 square feet or 20% of the indoor dining area, whichever is less, pursuant to ESMC §15-5D-5(F).

G. The proposed outdoor dining area is approximately 600 square feet in area.

SECTION 3: Environmental Assessment. The proposed project is categorically exempt from CEQA requirements pursuant to CEQA Guidelines § 15303 as a Class 3 categorical exemption (New Construction or Conversion of Small Structures) and pursuant to CEQA Guidelines § 15311 as a Class 11 categorical exemption (Accessory Structures). The project includes an alcohol license for the on-site sale and consumption of beer and wine at a new 2,102 square-foot restaurant with a 600 square-foot outdoor dining patio located within Gateway Center. The request includes interior improvements to convert a retail service use into a restaurant use and installation of a landscape planter and three-foot tall fence to enclose the proposed outdoor dining patio. The property is in an urbanized and developed area where it has adequate access and all public services and facilities are available. In addition, it is in an area that is not environmentally sensitive. Therefore, the project is not anticipated to have any significant impacts with regard to traffic, noise, air quality or water quality.

SECTION 4: General Plan Findings. The proposed project conforms to the City's General Plan as follows:

A. The El Segundo General Plan land use designation for the property is Corporate Office. This land use designation permits a mixture of office and food serving uses in single-tenant and multi-tenant buildings with limited retail uses. The proposed restaurant use is a permitted use in the Corporate Office (CO) Zone and the outdoor dining area will expand the seating for the
restaurant. Outdoor dining areas in conjunction with a restaurant that exceed 200 square feet or 20% of the indoor dining area, whichever is less, are permitted with approval of a Conditional Use Permit.

B. The proposed use is consistent with Land Use Element Goal LU4 in that it provides a stable tax base for the City through development of new commercial uses, primarily within a mixed-use environment, without adversely affecting the viability of Downtown.

C. The proposed use is consistent with Land Use Element Objective LU4-4 in that it adds to the mixture of uses, which has the potential to maximize economic benefit, reduce traffic impacts, and encourage pedestrian environment.

SECTION 5: Conditional Use Permit Findings. After considering the above facts, the Commission finds as follows:

A. The proposed location of the conditional use is in accord with the objectives of ESMC Title 15 and the purposes of the zone in which the site is located.

The zoning designation for the subject site is Corporate Office (CO). This zone allows outdoor dining areas which exceed 200 square feet or 20% of the indoor dining area, whichever is less, subject to the granting of a conditional use permit. The size of the outdoor dining area is appropriate to its location as it will be incidental to the restaurant. The principal uses in the zone are restricted to a mixture of office and food serving uses with limited retail uses. The subject site consists of roughly 305,876 square feet of commercial office net floor area in three buildings and two commercial buildings containing approximately 10,292 square feet of restaurant net floor area. The restaurant with the accompanying outdoor dining area is in accord with the principal objectives of the zone.

B. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The 600 square-foot outdoor dining area is proposed along the north side of the new 2,102 square-foot restaurant at 460 North Sepulveda Boulevard, on the block bounded by Mariposa Avenue to the north, Continental Boulevard to the east, Grand Avenue to the south, and Sepulveda Boulevard to the west. No particular use is adjacent or near the proposed outdoor dining area that could be impacted by the operation of the outdoor dining area which faces Sepulveda Boulevard and the parking area. Outdoor dining activities are not anticipated to be detrimental to adjacent businesses and no residential uses are located in the vicinity. Accordingly, the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or
materially injurious to properties or improvements in the vicinity.

C. The proposed conditional use will comply with each of the applicable provisions of Chapter 15-23.

The proposed conditional use complies with the applicable provisions of ESMC Chapters 15-23 and 15-27. Proper notice was provided and a hearing held on May 9, 2013. The proposed project meets all of the current ESMC requirements.

SECTION 6: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Environmental Assessment No. EA-1015 and Conditional Use Permit No. 13-03.

SECTION 7: This Resolution will remain effective unless superseded by a subsequent resolution.

SECTION 8: The Commission Secretary is directed to mail a copy of this Resolution to Rodney Eckerman of PizzaRev and to any other person requesting a copy.

SECTION 9: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 10: Except as provided in Section 9, this Resolution is the Commission's final decision and will become effective immediately upon adoption.
PASSED, APPROVED AND ADOPTED this 9th day of May, 2013.

David Wagner, Chair  
City of El Segundo Planning Commission

ATTEST:

Sam Lee, Secretary

Wagner  -  
Baldino  -  
Newman  -  
Nicol  -  
Nisley  -  

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

By:  
    Karl H. Berger, Assistant City Attorney
PLANNING COMMISSION RESOLUTION NO. 2733

Exhibit A

CONDITIONS OF APPROVAL

In addition to all applicable provisions of the El Segundo Municipal Code ("ESMC"), PizzaRev agrees to comply with the following provisions as conditions for the City of El Segundo’s approval of Environmental Assessment No. EA-1015 and Conditional Use Permit No. 13-03 ("Project Conditions"):

Zoning Conditions

1. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building Safety Department. Any subsequent modification must be referred to the Director of the Planning and Building Safety Department for a determination regarding the need for Planning Commission review and approval of the proposed modification.

2. The outdoor dining facilities must comply with the requirements of ESMC § 15-2-16.

3. This approval limits the hours of operation and alcohol service for the restaurant, including the outdoor dining area from 11:00 a.m. to 10:00 p.m. seven days a week.

4. No live entertainment is permitted. Only pre-recorded background music may be provided, and must meet the noise and vibration requirements of ESMC § 7-2-1.

5. Before the City issues building permits, the applicant/property owner must submit landscaping and irrigation plans for any new or modified landscaping areas to the Planning and Building Safety and Recreation and Parks Departments for review.

6. Pursuant to ESMC § 15-23-11(B)(1), this conditional use permit expires 24 months after its approval if the use does not commence or construction does not commence under a valid building permit. The City is not responsible for informing the applicant regarding a pending CUP expiration.

Fire Department Conditions

7. The applicant must comply with the applicable requirements of the 2010 California Building and Fire Codes and the 2009 International Fire Code as adopted by the City of El Segundo and El Segundo Fire Department Regulations.

8. The applicant must maintain the manual fire alarm system throughout the building, installed in accordance with California Fire Code Chapter 9 and the currently adopted edition of NFPA 72.
9. The applicant must provide the following conditions for the exterior fire feature:
   
a. A barrier must be provided around the fire feature to prevent accidental access into the fire feature.
   
b. The distance between the fire feature and combustible material and furnishings must meet the fire feature's listing and manufacturer's requirements.
   
c. If the fire feature's protective barrier exceeds outdoor ambient temperatures, all exit paths and occupant seating must be a minimum 36 inches from the fire feature.

**Police Department Conditions**

10. The applicant must install security cameras for monitoring and recording activity at locations approved by the Police Department. Monitoring and recording equipment must be stored in a secure area (e.g., manager's office).

11. Before a building permit is issued, a schematic plan of the camera system must be submitted and approved by the Police Chief, or designee. The camera specification notes must be included on the schematic plan.

12. Before a building permit is issued, the minimum camera requirements must be listed on the building plans with the camera specifications and include the following:
   
a. All security surveillance cameras must be installed to record video in color.
   
b. Security cameras, especially those viewing customers as they enter the business or stand at cash registers, must capture the individual from the waist to the top of the head, straight on.
   
c. Security surveillance cameras must be positioned low enough so that caps/hats or other disguises (typically used when committing a crime) will not obstruct the view of the individual's face. This will provide the best possible picture for the identification of the individual during the investigation process.
   
d. The maximum mounting height is 8 feet.
   
e. The recording equipment must capture video digitally and must record a minimum of (21) days for each security surveillance camera. Security surveillance camera recordings must be made available to law enforcement agencies for investigation purposes upon request.
   
f. A schematic plan of the proposed camera locations must be submitted and approved by the Police Chief, or designee.
   
g. The “Camera Specification Notes” must be included on the schematic plan page.
   
h. A security surveillance camera plan must be installed at the following minimum locations: (1) A security camera facing the customers as they exit each entry door (3 total); (2) a security camera facing the rear exit door; (3) a security camera facing the safe; and (4) a security camera facing the customers as they stand at each register.
13. The applicant must install a safe in a secured location (ex: manager’s office), which must be equipped with suitable anchors in concrete blocks or to the premises in which it is located.

Miscellaneous Conditions

14. PizzaRev restaurant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Environmental Assessment No. EA-1015 and Conditional Use Permit No. 13-03, except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of Environmental Assessment No. EA-1015 and Conditional Use Permit No. 13-03, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section “the City” includes the City of El Segundo’s elected officials, appointed officials, officers, and employees.

By signing this document, Rodney Eckerman of PizzaRev, certifies that the applicant read, understood, and agrees to the Project Conditions listed in this document.

Rodney Eckerman
PizzaRev

{If Corporation or similar entity, needs two officer signatures or evidence that one signature binds the company}
May 2, 2013

Rodney Eckerman
PizzaRev
32026 Pacific Coast Highway
Malibu, CA 90265

RE: Environmental Assessment No. EA-1015 for
Administrative Use Permit (AUP) No. 13-02
On-site Sale and Consumption of Beer and Wine (Type 41 Alcoholic Beverage Control License) in conjunction with the operation of a new restaurant (PizzaRev).

Address: 460 N. Sepulveda Boulevard (Gateway Center)

Dear Mr. Eckerman:

The purpose of this letter is to inform you that, in accordance with El Segundo Municipal Code (ESMC) Chapter 15-22, the Planning Division reviewed your application for the above-referenced project and the Director of Planning and Building Safety APPROVED Environmental Assessment No. EA-1015 for Administrative Use Permit No. 13-02 for the on-site sale and on-site consumption of beer and wine. The Director did not identify a reason to oppose the proposed Type 41 license by the Alcoholic Beverage Control Department for the proposed restaurant located at 460 North Sepulveda Boulevard. The following are the findings and facts in support of each finding for this decision:
FINDINGS AND FACTS IN SUPPORT OF FINDINGS:

Environmental Assessment No. EA-1015

Finding 1

- The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15303 as a Class 3 categorical exemption (New Construction or Conversion of Small Structures and pursuant to 14 California Code of Regulations § 15311 as a Class 11 categorical exemption (Accessory Structures).

Facts in Support of Finding 1

1. The applicant requests an alcohol license for the on-site sale and consumption of beer and wine at a new 2,102 square-foot restaurant with a 600 square-foot outdoor dining patio located within an existing commercial building at the Gateway Center. The request includes interior improvements to convert a retail service use into a restaurant use and installation of a landscape planter and three-foot tall fence to enclose the proposed outdoor dining patio. The property is in an urbanized and developed area where it has adequate access and all public services and facilities are available. In addition, it is in an area that is not environmentally sensitive. Therefore, the project is not anticipated to have any significant impacts with regard to traffic, noise, air quality or water quality.

Administrative Use Permit 13-02

Finding 1

- There is compatibility of the particular use on the particular site in relationship to other existing and potential uses within the general area in which the use is proposed to be located.

Facts in Support of Finding 1

1. The applicant proposes to provide on-site sale and consumption of beer and wine in a new 2,102 square-foot restaurant and enclose a new 600 square-foot outdoor dining area. The restaurant is located within an existing commercial building in the northwest portion of the Gateway Center at 460 North Sepulveda Boulevard, Suite C. The restaurant and outdoor patio area total 2,702 square feet and contain 91 seats. The interior of the restaurant contains 48 seats and the new outdoor dining area on the north side of the building contains 43 seats. The minimum number of required parking spaces for the restaurant and outdoor patio is 34 parking stalls which will be provided on-site and on the adjacent parcels.
2. The General Plan Land Use designation for the site is Corporate Office and the zoning for the site is Corporate Office (CO). Restaurants are permitted uses in the Corporate Office (CO) Zone in accordance with ESMC §15-5D-2 and on-site sale and consumption of alcohol is permitted with the approval of an Administrative Use Permit in accordance with ESMC §15-5D-4(B), and ESMC §15-22-5. Outdoor dining areas greater than 200 square feet are permitted with the approval of a Conditional Use Permit in accordance with ESMC §15-5D-5(F), and ESMC Chapter 15-23.

3. The Corporate Office (CO) Zone permits, and the surrounding land uses include commercial retail, restaurant, hotel, and office uses. The proposed restaurant will be similar and compatible with the surrounding uses.

4. The restaurant must obtain a State of California Alcohol and Beverage Control (ABC) license for on-site sale and consumption of alcohol (Type 41).

5. On May 9, 2013 the El Segundo Planning Commission is scheduled to Receive and File the Administrative Use Permit request.

Finding 2

- The proposed use is consistent and compatible with the purpose of the Zone in which the site is located.

Facts in Support of Finding 2

1. The General Plan Land Use designation for the site is Corporate Office.

2. The zoning for the site is Corporate Office (CO). Restaurants are a permitted use in this Zoning District in accordance with ESMC §15-5D-2. The proposed use (on-site sale and consumption of beer and at an existing restaurant) requires an Administrative Use Permit in accordance with ESMC §15-5D-4(B). In addition, the proposed outdoor dining area, which is greater than 200 square feet requires a Conditional Use Permit in accordance with ESMC §15-5D-5(F).

3. The purpose of the Corporate Office (CO) Zone is to provide areas where a mixture of office and food serving uses with limited retail in a mutually beneficial manner. It is the intent of the Corporate Office (CO) Zone to have several types of uses within a single building.

4. The surrounding land uses include: commercial retail, restaurant, and office uses. The proposed restaurant will be compatible with the surrounding land uses.
Finding 3

- The proposed location and use and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Facts in Support of Finding 3

1. The restaurant is located inside an existing commercial building within the Corporate Office (CO) Zone and includes a new 600 square-foot outdoor dining area. The restaurant and outdoor dining area meet all the development standards of the (CO) Zone and sufficient parking will be provided on-site and on adjacent parcels in compliance with ESMC Chapter 15-15.

2. The surrounding land uses include commercial retail, hotels, restaurants and office uses. The restaurant is a permitted use within the Corporate Office (CO) Zone and the 600 square-foot outdoor dining area is permitted with a Conditional Use Permit.

3. The proposed hours of operation and alcohol service for the restaurant are limited to: Monday through Sunday from 11:00 a.m. to 10:00 p.m. The outdoor dining area would be open the same hours as the restaurant. Background music is proposed. No live entertainment is proposed. The restaurant will be required to meet the noise and vibration requirements of ESMC § 7-2-1.

Finding 4

- Potential impacts that could be generated by the proposed use, such as noise, smoke, dust, fumes, vibration, odors, traffic, and hazards have been recognized and mitigated.

Facts in Support of Finding 4

1. The sale of alcohol will not create any new impacts that would not be normally associated with the operation of a restaurant with indoor and outdoor dining areas.

2. The proposed hours of operation and alcohol service for the restaurant are limited to: Monday through Sunday from 11:00 a.m. to 10:00 p.m. The outdoor dining area would be open the same hours as the restaurant. Background music is proposed. No live entertainment is proposed. The proposed restaurant is located in a predominantly commercial/retail area that is not adjacent to any residential uses, which will minimize noise impacts on sensitive uses.

3. Adequate parking will be provided for the new restaurant onsite and on the adjacent parcels via an existing parking covenant and reciprocal access.
easement. Thus, the proposed use will not generate dust or substantially increase vehicular traffic.

4. The proposed new restaurant and outdoor dining area is in an area that is not environmentally sensitive.

5. In addition to complying with the requirements of the City of El Segundo and the State of California Department of Alcoholic Beverage Control the restaurant is subject to County Health Department regulations that address and monitor impacts of fumes and odors.

Finding 5

- The State Department of Alcoholic Beverage Control has issued or will issue a license to sell alcohol to the applicant.

Facts in Support of Finding 5

1. The applicant must obtain a license from the State of California Department of Alcoholic Beverage Control (Type No. 41).

DIRECTOR OF PLANNING AND BUILDING SAFETY DEPARTMENT ACTION

Based on these findings and facts in support of these findings, the Director of Planning and Building Safety APPROVES the proposed project, subject to the following conditions:

1. The proposed hours of operation and hours of alcohol service for the restaurant, including the outdoor dining patio are limited to: Monday through Sunday from 11:00 a.m. to 10:00 p.m. Food service must be available in the indoor dining area and the outdoor patio during the hours of operation and alcohol service. Any change to the hours of operation or the hours that alcohol may be served is subject to review and approval by the Director of Planning and Building Safety.

2. The seating within the restaurant must be limited to 48 indoor dining seats and 43 seats in the outdoor dining area. The restaurant will contain a combined total of 91 seats.

3. Any subsequent modification to the project as approved, including the floor plan and areas where alcohol will be served, and/or the conditions of approval, must be referred to the Director of Planning and Building Safety for approval and a determination regarding the need for Planning Commission review of the proposed modification.
4. The applicant must obtain and maintain all licenses required by the Alcoholic Beverage Control Act (Business & Professions Code §§ 23300 et seq.). The applicant must obtain and maintain a Type 41 license.

5. The restaurant operations must comply with ESMC §§ 7-2-1, et seq. regulating noise and vibration.

6. The Planning and Building Safety Department and the Police Department must be notified of any change of ownership of the approved use in writing within 10 days of the completion of the change of ownership. A change in project ownership may be cause to schedule a hearing before the Planning Commission regarding the status of the administrative use permit.

7. The applicant must comply with all regulations of the Alcoholic Beverage Control Act and the regulations promulgated by the Alcoholic Beverage Control Board including, without limitation, the regulations set forth in 4 Cal. Code of Regs. §§ 55, et seq.

8. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the establishment to address any concerns of the community regarding noise in the restaurant, patio and parking lot. Said contact's name and phone number must also be available through the restaurant staff at all times.

9. The applicant must, at all times, display a Designated Driver sign of at least ten inches by ten inches (10" X 10") in the bar and restaurant dining areas at eye level. The sign must be worded in a way that reminds patrons who are consuming alcohol to designate a non-drinking driver.

10. There must be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to the exterior constitute a violation of this condition.

11. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) for the responsible sales of alcohol. The training must be offered to new employees on not less than a quarterly basis.

12. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:

   a. Completed training from the State of California Department of Alcoholic Beverage Control (ABC), Long Beach/Lakewood District Office administered Licensee Education on Alcohol and Drugs (LEAD) Program; or,
b. Completed an approved equivalent (LEAD) training program administered by the ABC, Long Beach/Lakewood District Office to ensure proper distribution of alcoholic beverages safely, responsibly and to adults of legal age. Any future employee designated to sell alcoholic beverages on behalf of the licensee or applicant must obtain a certificate proving completion of the (LEAD) training; and

c. The licensee or applicant must confirm with the Planning and Building Safety Director, or designee, within fifteen (15) days of the Director's decision as to the approval of the application, or by final project approval, that a date certain has been scheduled with the local ABC Office to complete the LEAD training program.

d. Within thirty (30) days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Police Department.

13. The applicant must have readily identifiable personnel to monitor and control the behavior of customers inside the building premises. Staff must monitor activity outside in the parking lot and any adjacent property under the establishment's control to ensure the areas are generally free of people and are cleared of patrons and their vehicles one-half hour after closing.

14. If complaints are received regarding excessive noise, parking availability, lighting, building access, and the like associated with the restaurant and the outdoor patio area, the city may, in its discretion, take action to review the Administrative Use Permit, including without limitation, adding conditions or revoking the permit.

15. The outdoor dining/seating area must comply with ESMC § 15-2-16.

16. The applicant must install security cameras for monitoring and recording activity, which include, without limitation: cash handling/counting areas, the manager's office, the safe, all access doors, and any other areas deemed necessary by the Police Department. Monitoring and recording equipment must be stored in a secure area (e.g., manager's office).

17. Before a building permit is issued, a schematic plan of the camera system must be submitted and approved by the Police Chief, or designee. The camera specification notes must be included on the schematic plan.

18. Before a building permit is issued, the minimum camera requirements must be listed on the building plans with the camera specifications and include the following:

a. All security surveillance cameras must be installed to record video in color.
b. Security cameras, especially those viewing customers as they enter the business or stand at cash registers, must capture the individual from the waist to the top of the head, straight on.

c. Security surveillance cameras must be positioned low enough so that caps/hats or other disguises (typically used when committing a crime) will not obstruct the view of the individual's face. This will provide the best possible picture for the identification of the individual during the investigation process.

d. The maximum mounting height is 8 feet.

e. The recording equipment must capture video digitally and must record a minimum of (21) days for each security surveillance camera. Security surveillance camera recordings must be made available to law enforcement agencies for investigation purposes upon request.

f. A schematic plan of the proposed camera locations must be submitted and approved by the Police Chief, or designee.

g. The "Camera Specification Notes" must be included on the schematic plan page.

h. A security surveillance camera plan must provide the following minimum items: (1) One camera facing each point of sale station (2); one camera facing the safe (it may be possible to cover the safe and the point of sale station closest to it); and (3) one camera at the main entry door capturing customers as they exit.

19. The building must not be occupied by more persons than allowed by the California Building Code, as adopted by the ESMC.

20. The building and any outdoor seating must comply with California Building and Fire Code requirements, as adopted by the ESMC.

21. The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Environmental Assessment No. 1015 for Administrative Use Permit No. 13-02, except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of EA-1015 or AUP 13-02, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of El Segundo's elected officials, appointed officials, officers, and employees.
PLANNING COMMISSION

Please be advised that this does not conclude the review process. This determination will be transmitted to the Planning Commission at its May 9, 2013 meeting with the recommendation that the Planning Commission Receive and File the determination. The City Council will determine whether or not to protest the issuance of the ABC License (Type 20) at its meeting on May 21, 2013. If you have any questions regarding this project, please contact project planner Paul Samaras at (310) 524-2312.

Sincerely,

Sam Lee, Director
Department of Planning and Building Safety

By signing this document, Drew C. Planting (property owner), certifies that he has read, understands, and agrees to the Project Conditions listed in this document.

Drew C. Planting
300 N. Sepulveda Associates, LLC
AGENDA DESCRIPTION:

Consideration and possible action regarding the acceptance of $36,940 in grant funding from the U.S. Department of Homeland Security, through the Grant Programs Directorate within the Federal Emergency Management Agency (FEMA), under the Fiscal Year 2012 Urban Areas Security Initiative (UASI 2012), to procure the $39,547.17 purchase of gas masks and class III protective suits for the Police Department. (Fiscal Impact: $39,547.17)

RECOMMENDED COUNCIL ACTION:

1. Authorize the acceptance of $36,940 in grant funds from the UASI 2012 grant program which will be used toward the $39,547.17 purchase of police protective gear;
2. Pursuant to El Segundo Municipal Code §1-7-10, waive the bidding process and purchase gas masks (the Avon C50), their corresponding filters, and class III protective suits (the Blauer XRT) in accordance with an existing contract with U.S. Communities (Contract Number 4400001839) and Mallory Safety & Supply, LLC using equipment replacement and Urban Areas Security Initiative (UASI) grant funds.
3. Authorize the City Manager to execute an agreement, in a form approved by the City Attorney, to purchase sixty-five (65) gas masks (the Avon C50), their corresponding filters, and class III protective suits (the Blauer XRT) from Mallory Safety & Supply, LLC, using equipment replacement and Urban Areas Security Initiative (UASI) grant funds.
4. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

ATTACHMENT A: U.S. Communities/Safeware Mallory Contract

ATTACHMENT B: Mallory Safety & Supply LLC Quote

FISCAL IMPACT:

Amount Budgeted: $9,410 (Equipment Replacement Fund)
Additional Appropriation: $36,940
Account Number(s): 124-300-3101-3785 (Federal Grants – UASI 2012 Grant Revenue)
124-400-3785-5209 (Federal Grants – Non-Capitalized Purchases)

ORIGINATED BY: Valerie Cameron, Administrative Officer
REVIEWED BY: Mitch Tavera, Chief of Police
APPROVED BY: Greg Carpenter, City Manager
BACKGROUND AND DISCUSSION:

UASI grant is a regional award that is provided to support the development and sustainment of core capabilities as outlined in the National Preparedness Goal by addressing the unique equipment, training, planning, organization, and exercise needs of the Los Angeles and Long Beach Urban Areas, and assisting those areas in building an enhanced and sustainable capacity to prevent, protect against, mitigate, respond to, and recover from acts of terrorism.

Like the previously utilized UASI 2006/08 programs funds, the UASI 2012 grant approval process decisions are made regionally, not by individual departments. For the UASI 2012 grant, staff recommends these funds be utilized to purchase 65 gas masks (the Avon C50), their corresponding filters, and class III protective suits (the Blauer XRT) for first responders. These items are approved under the grant.

The total cost to purchase these masks is $39,547.17, of which $36,940 would be covered under the grant. The additional $2,577.17 needed would be funded from the Equipment Replacement Fund. There is currently $9,410 in this fund for the replacement of these masks, which were up for replacement in fiscal year 2011/2012.

Staff obtained numerous quotes for these items. Only two vendors were found that supply both the Avon C50 and the Blauer XRT. Other vendors carried only the Avon C50 masks, the Blauer XRT suits, or what they considered be a suit comparable to the Blauer XRT. Regardless, Mallory Safety & Supply, LLC offered both the lowest and most compete quote and Staff recommends we utilize Mallory Safety & Supply to purchase these items.

The term of the grant is from October 12, 2012 to May 31, 2014 and it is a reimbursement grant.

As in past UASI grants, the City of Los Angeles remains the grant administrator with oversight by the California Office of Homeland Security.

In accordance with the City Council Policy regarding grant submission:

1. The grant award is made by the U.S. Department of Homeland Security, through the Grant Program Directorate within the Federal Emergency Management Agency (FEMA). The grant is administered by the City of Los Angeles.
2. The total amount being requested is: $36,940.00
3. Matching Funds Cost Share: N/A
4. Source of Matching Funds Cost Share: N/A
5. The grant does not provide up front funding. Municipalities encumber the approved funds and are reimbursed in approximately 60-90 days.
Safeware Mallory Contract

Home > Safeware-Mallory > Safeware-Mallory Contract

Homeland Security and Public Safety

Lead Agency:
County of Fairfax, Virginia

3 year initial term, September 1, 2011 to September 30, 2014
Option to renew for (4) additional (1) year periods

Safeware Mallory Contract No. RQ11-205753-10A has been changed to Contract No. 4400001839 due to a system change at Fairfax County. There are no changes to the actual contract other than the contract number, please contact your U.S. Communities program manager if you have any questions.

Postings

Number of suppliers who responded to RFP: 4

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<td>U.S. Communities: Upcoming Solicitations</td>
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<td>Fairfax County Purchasing and Supply Management Website</td>
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<td>State of Hawaii and Oregon</td>
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Safeware, Inc.
3200 Hubbard Road
Landover, MD 20785-2005

Attention: Edward A. Simons, President

Reference: RFP11-205753-10, Public Safety and Emergency Preparedness and Related Services

Dear Mr. Simons:

Acceptance Agreement

Contract Number: RQ11-205753-10A

This acceptance agreement signifies a contract award to Safeware, Inc. for Public Safety and Emergency Preparedness and Related Services. The period of the contract shall be from September 1, 2011 through September 30, 2014 with renewals of four (4) additional years, one (1) year at a time or a combination of the years, by mutual agreement of both parties.

The contract award shall be in accordance with:

1) This Acceptance Agreement;

2) The Attached Memorandum of Negotiations.

Please note that this is not an order to proceed. A Purchase Order, which constitutes your notice to proceed, will be issued to your firm. Please provide your Insurance Certificate according to Special Provisions paragraph 14 within ten (10) days after receipt of this letter.

Sincerely,

Cathy A. Muse, CPPO
Director/County Purchasing Agent

County of Fairfax, Virginia
To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Date: JUL 11 2011

Department of Purchasing & Supply Management
12000 Government Center Parkway, Suite 427
Fairfax, VA 22035-0013
Website: www.fairfaxcounty.gov/dpsm
Phone 703-324-3201, TTY: 1-800-828-1140, Fax: 703-324-3228
MEMORANDUM OF NEGOTIATIONS
RFP11-205753-10; Public Safety and Emergency Preparedness and Related Services

The County of Fairfax (hereinafter called the County) and Safeware, Inc. (hereinafter called the Contractor) hereby agree to the following in the execution of Contract RQ11-205753-10A. The final contract contains the following documents:

a. County's Request for Proposal RFP11-205753-10 and all Addenda;
b. The Contractor's Technical and Cost Proposals dated April 13, 2011;
c. The Contractor's response to clarification questions dated April 29, 2011;
d. The Contractor's response to items for negotiation dated May 6, 2011;
e. This Memorandum of Negotiation;
f. County purchase order;
g. Any amendments subsequently issued.

In addition, the County and the Contractor agreed to the following:

1. The Contract start date will be begin on September 1, 2011.

2. eCommerce Rebates:
   - If 30%-69.99% of total invoiced sales are received by website orders at the conclusion of each contract year, a 0.5% rebate will be provided on the website orders.
   - If 70% or greater of total invoiced sales are received by website orders at the conclusion of each contract year, a 1% rebate will be provided on the website orders.

3. Large sales greater than $20,000 may be eligible for additional price discounts from manufacturers and will be automatically flagged in the Contractor's system to seek additional price concessions from manufacturers.

4. The 41% discount will be taken from Safeware and Mallory's list price. Items not specifically listed in the catalog may be purchased under this contract at the above noted discount rate.

5. The National Account Manager is Charles Radcliffe.

6. The attached technical service, rental and training price lists are added and Contractor agrees that the pricing is the maximum rate and/or pricing allowed under this contract. In addition, pricing may be negotiated to a lower rate and/or price.
7. Signed U. S. Communities General Administration Agreement.

ACCEPTED BY:

Edward A. Simons, President
Safeware, Inc.

Cathy Mube, CPPO
Director/County Purchasing Agent

6/30/11

7/8/2011
Bill To:
El Segundo Police Department
348 Main Street
El Segundo, CA 90245

Ship To:
El Segundo Police Department
348 Main Street
El Segundo, CA 90245

Requested By: Ms. VALERIE CAMERON

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Customer Part Number: 71510-1

Delivery Instructions:
US COMMUNITIES #4400001839
THIS PRICING IS FOR THE CITY OF EL SEGUNDO POLICE DEPT AND IS NOT ELIGIBLE FOR OTHER PUBLIC OR NON PROFIT AGENCIES

Total Lines: 6

SUB-TOTAL: 36,116.13
TAX: 3,431.04
AMOUNT DUE: 39,547.17

Dispositions: C = Cancelled  B = Backordered  P = Production Item

U.S. Dollars
AGENDA DESCRIPTION:

Consideration and possible action to authorize the City Manager to execute an agreement with AC Martin Partners, Inc. for Interior Architectural services for City Permit Center and Finance Office Tenant Improvements. (Fiscal Impact: $36,000.00)

RECOMMENDED COUNCIL ACTION:

1. Authorize the City Manager to execute an agreement with AC Martin Partners, Inc., as approved to form by the City Attorney, for Interior Architectural services not to exceed $36,000.00;

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

ATTACHED SUPPORTING DOCUMENTS:

1. Proposal from AC Martin Partners, Inc. to City of El Segundo Permit Center and Finance Office Tenant Improvement

FISCAL IMPACT: None

| Amount Budgeted: | $500,000 |
| Additional Appropriation: | N/A |
| Account Number(s): | 708-400-2403-6807 |
| Account Name: | Permit Center Design |

ORIGINATED BY: Nina Tarnay, Project Manager

REVIEWED BY: Sam Lee, Planning and Building Safety Director

APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

In late 2011, staff began preliminary exploration into improving customer service at City Hall. Staff determined that customer service would be greatly improved if customers could come to just one area and be served by the City’s entire Development Team (Planning, Fire, Building & Safety, Public Works, Recreation & Parks, Police department) to resolve all their development related issues. This one-stop permit center, the El Segundo Permit Center (ESPC), would streamline the permitting process and provide more efficient and timely permitting services. Moreover, the improvements at City Hall would provide adaptable work and meeting spaces for inter-departmental staff meetings and collaborations.

Due to the City’s then general budgetary constraints, the City improvement explorations were limited in scale and scope. City staff from Building & Safety, Public Works and Finance obtained proposals and interviewed three (3) architectural firms for the preliminary City Hall improvement design work: Fernald, Inc. ($15,000), Rockefeller Partners Architects, Inc.
($22,750) and RTK Architects, Inc. ($17,000) for preliminary design work. After thorough review and consideration, the City engaged the services of Fernald, Inc., the lowest bidder, on February 1, 2012.

At the 2012 strategic planning session, the City continued discussions on improvements to City Hall and further development of the one-stop El Segundo Permit Center. The City determined that it was time to proceed with the project and began exploring ways to fund the improvements. On November 11, 2012, City Council considered and approved the further advancement of the El Segundo Permit Center with the implementation of a temporary 4% surcharge for payment of the development, design and construction of the ESPC. The surcharge would be collected from customers using the permit center and used solely to build the ESPC and improve customer service in the permitting process. The City began implementing the 4% surcharge on February 16, 2013. The surcharge will continue for 5 years or until the budgeted $500,000 is reached.

Since inception of the February 1, 2012 contract with Fernald, Inc. much has changed: Fernald, Inc. has completed the Programming and Schematics and the budgeted Design Development of the Tenant Improvement Project; Leslie Gentile, the sole principal and owner of Fernald, Inc. has dissolved the company and has joined AC Martin Partners, Inc.; and the City has amended and expanded the scope of the work needed to establish the ESPC. The City is ready to expand on its initial exploratory work and proceed with further development and the actual construction of the ESPC.

To this end, the City seeks to engage AC Martin Partners, Inc. interior architectural services and provide for further development of the ESPC as follows:

➤ Permit Center
  o Public counter area
  o Public/Staff meeting area
  o Achieve a plan storage/work area
  o Engineers, Inspectors, and office areas
➤ New Business office area
  o New window opening in existing Finance area
  o Reconfiguration to provide 3 workstations
➤ Reconfigured Finance Office
  o Including modification to adjacent Conference room
  o Reconfiguration of existing workstations, staff to be determined
  o No work in the private offices
➤ Reconfigured West Conference Room
➤ Finishes selections for all areas of work
  o Finishes including flooring, base, walls, paint and ceiling
  o Specialty finishes if needed (wood panels, wall cover, etc.)
  o Loose sample presentations only, provide 2-3 options
➤ Furniture Selection
  o Specification is not included. Limited to coordination with City Vendor for re-use and addition to existing systems furniture provided by Tangram.

As the end of the City’s contract with Fernald, Inc. nears, a new contract is required to cover the expanded scope and to reflect the change in architectural firm contracted for the completion of
the Tenant Improvements. The City has determined that the most efficient and best course of action is to retain AC Martin Partners, Inc.

AC Martin Partners, Inc. submitted a revised proposal for the Tenant Improvement work in the amount of not to exceed $36,000.00 for the expanded work. This amount will be drawn from the $500,000 budget approved by City Council for the overall completion of the tenant improvement project at City Hall.

Staff recommends authorizing the City Manager to execute an agreement with AC Martin Partners, Inc. for the expanded Tenant Improvement interior architectural services at City Hall in an amount not to exceed $36,000.
January 31, 2012
Revised April 29, 2013

Mr. Sam Lee, Director
Planning and Building Safety
City of El Segundo
350 Main Street
El Segundo, CA 90245

Subject: Proposal to City of El Segundo Permit Center and Finance Office Tenant Improvements

Dear Mr. Lee:

AC Martin Partners, Inc. ("AC Martin") is very pleased to welcome Leslie Gentile, Sr. Associate, as Co-Director of Special Services Group. It is AC Martin’s understanding that you wish to continue to work with Leslie to realize your vision of a new Permit Center for the City of El Segundo. The Tenant Improvement Project fee is based upon approximately 4,200 sf of affected areas in the Planning Department and reconfigured areas in the Finance Department. AC Martin will work with Tangram on the reconfiguration of the current workstations to preserve as much of the budget for the new work. AC Martin will also be looking to limit the removal of load bearing walls, maintain the ceiling as much as possible, and change light fixtures to address the new configuration and its uses. At this time, the MEP scope will be limited to duct distribution and electrical work only.

Scope of Services

At the last meeting after reviewing the concepts, the following is understood to be the revised scope. AC Martin will provide Interior Architecture services for the Tenant Improvements as follows:

- Permit Center
  - Public counter area
  - Public/Staff meeting area
  - Achieve a plan storage/work area
  - Engineers work areas and Director’s office

- New Business office area
  - New window opening in existing Finance area
  - Reconfiguration to provide 3 workstations

- Reconfigured Finance Office
  - Including modification to adjacent Conference room
  - Reconfiguration of existing workstations, staff to be determined
  - No work in the private offices

- Finishes selections for all areas of work
Mr. Som Lee, Director
Planning and Building Safety
City of El Segundo
Re: Tenant Improvement - Permit Center
January 31, 2013
Revised April 29, 2013
Page 2

- Finishes include flooring, base, walls, paint and ceiling.
- Specialty finishes if needed (wood panels, wall cover, etc)
- Loose sample presentations only, provide 2-3 options
  - Furniture selection
    - Specification is not included. Limited to coordination with City Vendor for re-use and addition to existing systems furniture provided by Tangram

**Fee, Invoicing, Payment**

Preliminary concepts have been completed and the following reflects the development of the Tenant Improvements in phases.

<table>
<thead>
<tr>
<th>Phase</th>
<th>Objective</th>
<th>Phase Completed</th>
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<tbody>
<tr>
<td>Phase I/II:</td>
<td>Programming and Schematics:</td>
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<tr>
<td>Phase III:</td>
<td>Design Development</td>
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<td>Phase IV:</td>
<td>Construction Document Phase</td>
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<td>Phase V:</td>
<td>Bid/Permit Phase</td>
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<td>Phase VI:</td>
<td>Construction Administration</td>
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<td>Architectural Design Fees</td>
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<td><strong>TOTAL Fees</strong></td>
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<td>+10% contingency</td>
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A $400,000 construction budget was established but FFE was not part of the budget. Therefore, a budget of $75,000 was established outside of the construction budget and it appears to be reasonable.

**Reimbursable Expenses**

Reimbursable expenses for plots, prints, travel, parking, messenger services, overnight mail, presentation models and costs would be additional, at cost plus 15%.

**Services Not Covered in this Agreement and Considered Additional Services**

- Significant Modification to plans after Phase approval: $125/hour
- Furniture/Art Procurement, by request: Cost x 1.15
- Presentation Renderings, if required: $2,000 each
- Structural Engineer estimate: $2,500
- Cost Estimating at 50% complete: $2,000
MEP Engineering estimate, should added unit for Conference $4,500

Conditions for Termination

Either party may terminate services upon written notification to the other. The Client shall pay AC Martin in full for services provided through date of termination. In addition to other costs and expenses, in the event of a dispute, the prevailing party shall be entitled to receive reimbursement from the other party for any attorneys fees incurred in collecting payment under this Agreement.

Limitation of Agreement

If designs and professional services are to result in construction or a built environment, a full-services agreement shall be entered into which will more specifically define the project, scope, budget, fee for professional services, schedule, terms and conditions, roles and responsibilities of the parties, mutually acceptable professional liability (E&O) insurance requirements and indemnification alternatives.

ACMP’s total liability under this Agreement shall be limited in the aggregate solely to $1 million in insurance proceeds. Further, in no event shall either party be liable to the other for consequential damages, incidental damages, or any economic loss damage relating to this Agreement or the Project.

Limitation and Provision for Extended Services

These services are solely for the use of Client and no other person or entity. This Agreement is a full, complete and integrated expression of the understandings concerning the services for the proposed project. AC Martin shall not be obligated to provide services and Client shall not be obligated to pay for services beyond those described herein. Services may be extended in writing to include a revision in scope, timeframe and/or fee as mutually agreed upon by Client and AC Martin.

Sincerely,

Paul Coleman, COO
for Kenneth R. Lewis, President

Leslie Gentile, Sr. Associate
Director Special Services Group
Authorization to Proceed

CITY OF EL SEGUNDO

The undersigned gives AC Martin Partners, Inc., authorization to provide the limited services as generally described herein.

________________________________________________________________________
Sam Lee, Director Planning and Building Safety  Date:
AGENDA DESCRIPTION:

Consideration and possible action to award a standard Public Works Contract to GMC Engineering, Inc. for construction of Maple Avenue Street Improvements project, and to award a Public Works Professional Services Agreement to AKM Consulting Engineers for construction inspection services for the project. Project No. PW 12-09 (Fiscal Impact: $2,035,500.00)

RECOMMENDED COUNCIL ACTION:

1. Authorize the City Manager to execute a standard Public Works Contract in a form approved by the City Attorney with GMC Engineering, Inc. in the amount of $1,677,637.70.
2. Authorize the City Manager to execute a standard Public Works Professional Services Agreement in a form as approved by the City Attorney with AKM Consulting Engineers in the amount of $92,694.00.
3. Alternatively, discuss and take other possible actions related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Location Map

FISCAL IMPACT: Included in Adopted Budget

| Amount Budgeted: | $2,035,500.00 |
| Additional Appropriation: | N/A |
| Account Number(s): | 110-400-8203-8627 (Measure R Reimbursement Grant) |

ORIGINATED BY: Lifan Xu, Principal Civil Engineer

REVIEWED BY: Stephanie Katsouleas, Public Works Director

APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

In October 4, 2011, the City of El Segundo received a $2.5 million reimbursement grant award and entered a Funding Agreement with the Metropolitan Transportation Authority to make arterial improvements to Maple Ave., between Sepulveda Blvd. and Nash St. The grant reimburses the City 100% of the cost associated with the Maple Ave. Improvement Project. The proposed improvements consist of:

- Improving storm water and runoff drainage near the intersection of Nash St. and Maple Ave. by connecting a new storm drain to the existing network at Nash St. and Mariposa Ave.
- Improving the roadway surface for a better traveling experience.
- Creating center travel medians for safer left turns in and out of adjacent businesses.
- Providing aesthetic enhancements (center landscaping) with colorful, drought-tolerant plants.
- Improve crosswalks (consolidating, surfacing puck lighting, center island refuge) and sidewalks, meeting ADA requirements.
- Maintaining one lane for travel and one lane for parking (current conditions)

On April 2, 2013, Council approved plans and specifications for the project and authorize staff to advertise the project for receipt of construction bids. On April 30, the City Clerk received and opened eight bids, as follows:

1. GMC Engineering Inc. $1,677,637.70
2. Shawnan $1,788,777.95
3. Sully-Miller Contracting Co. $1,880,422.15
4. C.A. Rasmussen, Inc. $1,963,702.80
5. Toro Enterprises, Inc. $2,006,335.95
6. All American Asphalt $2,129,824.30
7. Palp, Inc. dba Excel Paving Co. $2,144,071.80
8. Griffith Company $2,381,004.42

The lowest responsible bidder was GMC Engineering Inc. Staff checked the contractor's references and license status. GMC Engineering Inc. has satisfactorily completed similar and larger projects for many other public agencies and its license is in good standing. Staff recommends that City Council award a standard public works contract to GMC Engineering Inc. in the amount of $1,677,637.70 for construction of Maple Ave. arterial improvements and allocate an additional $250,168.30 for construction-related contingencies.

To provide detailed oversight of construction activities, staff also released a Request for Proposal for construction inspection services for the Maple Avenue project. On April 9, staff received three proposals from qualified firms. Key staff members reviewed each of the three proposals and evaluated them in terms of project scope and understanding, proposed methodology to carry out the scope, and overall cost. AKM demonstrated the most comprehensive understanding of the City’s needs and the project scope, and AKM has extensive expertise in providing construction inspection services for street rehabilitation and subsurface infrastructure projects. Additionally, El Segundo has had positive, professional experiences working with AKM for inspection services, including the recently completed 2012 Sewer Improvements Project in the Smoky Hollow area. The services AKM will provide include but are not limited to:

- Coordination between City staff and the contractor to ensure that construction activities are performed in accordance with the project plans and specifications
- Monitoring and reporting on contractor’s daily progress
- Processing submittals and requests for information
- Preparing and distributing daily reports on construction activities and progress
- Conducting weekly construction meetings with City staff and the contractor

Staff recommends awarding a professional services agreement to AKM Consulting Engineers to provide construction inspection for the Maple Avenue Street Improvements Project in the amount of $92,694.00 with an additional $15,000 for contingencies.
AGENDA DESCRIPTION:

Consideration and possible action to receive this report regarding the emergency repair of the wet well level monitoring sensor line in Pump Station #1. (Fiscal Impact: $2,906.63)

RECOMMENDED COUNCIL ACTION:

1. Receive and file this report regarding the emergency repair of the wet well level monitoring sensor in Pump Station #1.

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

ATTACHED SUPPORTING DOCUMENTS:

None

FISCAL IMPACT: Included in Adopted Budget

Amount Budgeted: $2,906.63
Additional Appropriation: N/A
Account Number(s): 502-400-4301-6206 (Sewer Enterprise Fund)

ORIGINATED BY: Lifan Xu, Principal Engineer

REVIEWED BY: Stephanie Katsouleas, Public Works Director

APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

On April 18, Public Works staff discovered that a failure had occurred in the wet well level monitoring sensor line. Staff determined that an emergency repair was necessary due to potential sewer spills that could create a public health hazard and potentially enter the storm drain system. The work was sole-sourced to Flo-Systems, Inc. who has intimate knowledge of the City's pump stations and maintenance history. Flo-Systems, Inc. has also performed similar work for the City and was able to respond quickly to complete the emergency repair.

The Sewer Enterprise Fund has sufficient funding in the current budget to cover the emergency repair of the sensor line in Pump Station #1, hence no additional appropriation is needed. El Segundo Municipal Code Section 1-7-12 requires that staff provide a report of the emergency repair to City Council. Staff recommends that City Council receive and file this report.
AGENDA DESCRIPTION:

Consideration and possible action to receive and file this report regarding the emergency repair of Recreation Park field lighting (Fiscal Impact: $10,525.00)

RECOMMENDED COUNCIL ACTION:

1. Receive and file this report regarding the emergency repair to the 480 Volt, 800 amp main breaker at Recreation Park.
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

None

FISCAL IMPACT: Included in Adopted Budget

Amount Budgeted: $10,525.00
Additional Appropriation: N/A
Account Number(s): 405-400-0000-6215 (Government Buildings Budget: Repair and Maintenance)

ORIGINATED BY: Martin Whitehead, Facilities Maintenance Supervisor
REVIEWED BY: Stephanie Katsouleas, Public Works Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

On 4/18/13, The Maintenance Department received a work order from the Parks and Rec Department stating all of the exterior walkway and Ball Field Lights were automatically shutting off nightly after coming on for a few hours, leaving the entire Park in darkness. In addition to safety concerns for park visitors, several ball field games had to be rescheduled as a result.

In partnership with Edison and a local electrical contractor, City Staff isolated the problem as stemming from a faulty 480 volt, 800 amp main breaker panel that feeds the individual breaker panels for Recreation Park lighting and other facilities. The main panel needed to be replaced in order for lighting to be safely restored and function properly. A like-for-like replacement was not possible due to the age of the panel, so a newer, upgraded version was installed by Santa Monica Electric. Since its replacement, Recreation Park lighting has continued to work with no problems.

Staff determined that the emergency repair was warranted due to safety concerns surrounding adequate park lighting, as well as potential vandalism and graffiti and authorized the repair. El Segundo Municipal Code Section 1-7-12 requires that staff provide a report of the emergency repair to City Council. Staff recommends that City Council receive and file this report.
AGENDA DESCRIPTION:

Consideration and possible action to update the El Segundo Municipal Code regulating general penalties and administrative citations. These changes are desirable to ensure effective code enforcement by the El Segundo Police, Fire, Public Works, and Planning and Building Safety Departments. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Introduce and waive first reading of an Ordinance amending Chapter 1-2 of the El Segundo Municipal Code regarding procedures for issuing infraction citations.
3. Schedule a second reading and adoption for both ordinances.
4. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Two (2) Ordinances amending the Municipal Code

FISCAL IMPACT: Included in Adopted Budget

Amount Budgeted: $0
Additional Appropriation: No
Account Number(s):

ORIGINATED BY: Brian Evanski, Police Captain
REVIEWED BY: Mitch Tavera, Chief of Police
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

The City previous adopted regulations allowing staff to issue administrative citations for stormwater permit violations. Such administrative citations are permitted by Government Code § 53069.4. Expanding the authority to allow staff to issue administrative citations for all violations of the El Segundo Municipal Code (“ESMC”) would help facilitate effective code enforcement activity. These citations are particularly useful when dealing with violations of the Uniform Codes including, without limitation, the California Fire Code; California Plumbing Code; California Mechanical Code; California Electrical Code; and California Building Code; as well as Zoning and Public Works regulation violations.
The City’s current protocol for citing ESMC violations is for the code enforcement officer to initiate contact with the violator and follow-up with a letter identifying the specific ESMC violation. Under the current protocol the City code enforcement officer can issue up to 4 or 5 letters requesting code compliance for a specific violation. If the violation has not been resolved, the code enforcement officer will then work with the City Attorney’s office to initiate action to prosecute the violation. The current protocol lacks incentives to quickly resolve outstanding violations. The current protocol is also costly for long outstanding ESMC violations as the City must incur legal costs to prosecute a violation as a criminal case.

The draft ordinance would amend the existing regulations by allowing code enforcement officers to issue an administrative citation for all ESMC violations. If an individual does not contest the citation or pay the fine within 30 days, the City may seek to recover the fine amount in small claims court or (for certain violations) by placing a lien on the property. In practice, it is anticipated that the Code Enforcement Officer will issue two letters requesting rectification of violation by a date certain. If compliance is not achieved through these letters, then the code enforcement officer will issue the administrative citation.

If a person contests the citation, there is a two-step process by which the citation is reviewed. At the first stage, the citation is reviewed for accuracy by the Department Head, or designee. Here, the reviewer would determine whether the ESMC sections listed in the citation are correct and, based upon the evidence collected, that those sections regulate the activity allegedly in violation of the Code.

Should the citee disagree with the findings of the initial review, he or she may appeal that decision to an evidentiary administrative hearing. Such an appeal would require the citee to deposit the fine amount with the City (absent a legitimate financial hardship). At the hearing, a neutral third-party hearing officer would listen to the case, collect evidence, and render a decision regarding whether the citation was properly issued. The hearing officer’s decision may be appealed to the Superior Court.

The process described above is substantially similar to the procedures implemented by the Vehicle Code for parking citations.

There are three primary advantages to the Administrative Citations process. First, almost the entire procedure is administered by city employees without the need for court appearances (unless a hearing officer’s decision is appealed to Superior Court). This helps shorten the time in which code enforcement cases are resolved – cases involving administrative review could be resolved (absent an appeal to the court) within sixty days.

Second, the process would be less costly for the City than criminal prosecutions. Unless a case came before a hearing officer, there would be little need for the City Attorney’s office to be involved with cases. This would reduce the City’s legal costs. Moreover, the revenue generated by fines collected from violators would help offset the costs of code enforcement.

Finally, there is a greater incentive for scofflaws to voluntarily comply with the ESMC. Each day that a person violates the ESMC constitutes a new violation and, consequently, justification for an additional citation. Since the fine amounts are compounded, the violator should eventually find it more cost effective to comply with the ESMC rather than pay his or her fine.
Staff also recommends the City Council consider an additional amendment to the ESMC as to
general penalties and the process for prosecuting criminal violations of the ESMC. With the
downturn in the economy, and shrinking budgets, the Los Angeles County District Attorney’s
office is declining to prosecute ESMC violations more frequently. To ensure that the City
continues its vigorous code enforcement activities, the Police Department believes that many
ESMC violations can be enforced by police officers as infractions. This is similar to the process
for enforcing vehicle citations.

In order to facilitate such process, staff believes that several changes need to be made to the
ESMC: (1) change several “low risk” ESMC violations from misdemeanors to infractions; (2)
clarify the City Attorney’s authority to prosecute misdemeanors and also exercise prosecutorial
discretion to reduce misdemeanors to infractions when the need arises; and (3) to clarify the bail
schedule for many of the ESMC violations.

As to the latter item, staff identified and noted in the ordinance numerous ESMC sections that
should be reduced to infractions and therefore can be prosecuted at the Inglewood Superior
Court. The general bail schedule for these identified sections is as follows:

1. A fine not exceeding $100.00 for the first violation;

2. A fine not exceeding $200.00 for a second violation of the same provision
   within one (1) year;

3. A fine not exceeding $500.00 for each additional violation of the same
   provision within one (1) year of the first violation.

In order to improve the City’s quality of life, aesthetics, property values, and economic
development, it is important that the City have all the tools it needs for enforcement. By
adopting ordinances such as these, the City is able to both effectively enforce the ESMC and
provide a deterrence for potential violators.
ORDINANCE NO. ___

AN ORDINANCE AMENDING CHAPTER 1-2 OF THE EL SEGUNDO MUNICIPAL CODE IN ITS ENTIRETY ESTABLISHING GENERAL PENALTIES FOR VIOLATING THE EL SEGUNDO MUNICIPAL CODE; PROCEDURES FOR ISSUING CITATIONS; AND AUTHORIZING PROSECUTIONS.

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

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

A. Since the City’s incorporation, the community has expanded both in population and development;

B. The City’s role in protecting public health and safety becomes more complex as the community’s expansion leads to greater a greater population, more structures, and aging infrastructure;

C. To help ensure that the public is informed regarding the City’s health and safety regulations, and to assist with the City’s compliance efforts, it is vital that the El Segundo Municipal Code (“ESMC”) be both clear and comprehensive;

D. It is in the public interest to consolidate code enforcement regulations into a single title within the ESMC so that the public, and City staff, can easily refer to the various means by which the City can obtain compliance with the ESMC;

E. The Council believes that voluntarily compliance with the ESMC is a hallmark of good citizenship and helps protect public health, safety, and welfare. It also recognizes, however, that there are instances where compliance must be obtained through civil proceedings or criminal prosecution;

F. This Ordinance will help implement the City’s goals in protecting public health, safety, and welfare by consolidating various enforcement options into one Title; clarifying the processes by which such enforcement may be conducted; and establishing sufficient safeguards to ensure fair and equitable treatment.

SECTION 2: Chapter 1-2 of the ESMC is amended in its entirety to read as follows:
"CHAPTER 1-2

GENERAL PENALTIES

1-2-1 GENERAL PROHIBITION.
1-2-2 GENERAL PENALTY.
1-2-3 PENALTIES FOR INFRACTIONS.
1-2-4 PROVISIONS PUNISHABLE AS INFRACTIONS:
1-2-5 CODE ENFORCEMENT.
1-2-6 CITATION PROCEDURE FOR VIOLATIONS.
1-2-7 FAILURE TO APPEAR.
1-2-8 PROSECUTORIAL DUTIES OF THE CITY ATTORNEY.

1-2-1 GENERAL PROHIBITION.

A. It is unlawful for any person to violate, or fail to comply with, any provision of the El Segundo Municipal Code. Each and every violation of any part of this Code including, without limitation, any franchise or permit issued pursuant to this Code, is a misdemeanor unless otherwise specified.

B. Every person violating the Code is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person.

C. In addition to these criminal penalties, any condition caused or permitted to exist in violation of any of the provisions of this Code is a public nuisance and may be abated in accordance with this Code.

1-2-2 GENERAL PENALTY.

A. Persons convicted of a misdemeanor, the penalty for which is not otherwise prescribed, will be punished by a fine not to exceed one thousand dollars ($1,000.00); by imprisonment for not more than six (6) months; or by both a fine and imprisonment for each violation of this Code.

B. The City Council may establish lesser fines for specific misdemeanor violations by resolution.

1-2-3 PENALTIES FOR INFRACTIONS.

A. Each infraction is punishable as follows:

1. A fine not exceeding $100.00 for the first violation;
2. A fine not exceeding $200.00 for a second violation of the same provision within one (1) year;

3. A fine not exceeding $500.00 for each additional violation of the same provision within one (1) year of the first violation.

B. Any offense which would otherwise be an infraction may be prosecuted as a misdemeanor if a defendant was convicted for the same violation two (2) or more times within the twelve (12) month period immediately preceding the commission of the offense;

C. A fourth violation of the same Code provision regardless of the time of occurrence must be prosecuted as a misdemeanor.

D. The City Council may establish lesser fines for specific infractions by resolution.

1-2-4 PROVISIONS PUNISHABLE AS INFRACTIONS:

The following sections of this Code are punishable as infractions and not as misdemeanors:
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1-2-5 CODE ENFORCEMENT.

A. Authorization. The Police Department, Fire Department, and Building Official, and other persons designated by the City Manager are authorized to enforce the various provisions of this Code under their respective authority or as is specifically assigned to them by the City Manager or City Council.

B. Powers of Arrest. Officials and employees designated to enforce provisions of this Code have authority to arrest persons pursuant to Penal Code § 836.5 for purposes of issuing citations for violations of provisions of this Code. Police officers have full authority to arrest persons for violations of the provision of this Code pursuant to any applicable provision of the Penal Code.

1-2-6 CITATION PROCEDURE FOR VIOLATIONS.

A. Any city officer or employee arresting any person for a violation of any provision of this Code, who does not immediately take such arrested person before a magistrate, as prescribed in the Penal Code of the State, must prepare in duplicate a written notice to appear in court.

B. The notice must contain:

1. The name and address of the person arrested;

2. The offense charged, the time and place of the alleged violation;

3. Where and when such person must appear in court. The time specified in the notice for appearance must be at least ten (10) days after such arrest. The place specified in the notice to appear and the notice must conform with all applicable provisions of the Penal Code.

4. The arresting city officer or employee must deliver one copy of the notice to appear to the alleged violator. In order to secure immediate release, the violator must give a written promise to appear in court at the time and place indicated on the notice by signing the duplicate notice. That signed copy must be retained by the city officer or employee. Thereafter, the arresting city officer and employee must release the alleged violator from custody. The duplicate copy of the notice to appear must be filed in the manner prescribed in the Penal Code.

1-2-7 FAILURE TO APPEAR.

Any person who willfully violates a written promise to appear in court by failing to appear at
the time and place stated is guilty of a misdemeanor regardless of the disposition of the charge upon which the person was originally arrested.

1-2-8 PROSECUTORIAL DUTIES OF THE CITY ATTORNEY.

A. In addition to any other general functions, powers, and duties given to the City Attorney by this Code or California law, the City Attorney will:

1. Prosecute on behalf of the people all criminal and civil cases for violations of this Code; any franchises or permits issued pursuant to this Code; city ordinances; and any state misdemeanors that the city council elects to enforce.

2. Draft complaints for such cases and prosecute all recognizances and bail bonds forfeited arising from or resulting from the commission of such offenses.

3. Prosecute all actions for the recovery of fines, penalties, forfeitures, and other money accruing to the City under this Code or otherwise.

4. Represent the City in all appeals arising as a consequence of the City Attorney’s prosecutions.

B. Notwithstanding any other provision of this Code, the city attorney is the only officer that may file misdemeanor charges in accordance with this Code. The city attorney may, in his or her discretion, prosecute misdemeanor violations of this Code as infractions.

C. Nothing contained in this section will interfere with the authority of public safety officials to arrest persons pursuant to any applicable provision of this Code and/or the California Penal Code.”

SECTION 6: 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 7: 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 8: 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 9: 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
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:

______________________________
Tracy Weaver, City Clerk
ORDINANCE NO. ____

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE
MAKE ANY VIOLATION OF THE EL SEGUNDO MUNICIPAL
CODE SUBJECT TO AN ADMINISTRATIVE CITATION.

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

SECTION 1: El Segundo Municipal Code ("ESMC") § 1-2A-1 is amended to read as follows:

"1-2A-1: PURPOSE:

This chapter is adopted pursuant to the city's police powers and Government Code § 53069.4 for the purpose of making any violations of this code subject to an administrative fine and to set forth the procedures for the imposition and collection of such fines."

SECTION 2: ESMC §1-2A-2 is amended to read as follows:

"1-2A-2 APPLICABILITY:

This chapter provides for administrative citations that are in addition to all other legal remedies, criminal or civil, which the city may pursue to address any violation of this code. The use of this chapter is at the sole discretion of the code enforcement officer."

SECTION 3: ESMC §1-2A-3 is amended to read as follows:

"1-2A-3: 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 chapter:

CITEE: The person(s) to whom a code enforcement officer issued an administrative citation pursuant to this chapter.

CODE ENFORCEMENT OFFICER: City employees from the public works department, planning and building safety department, or fire department with the authority to enforce this code."

SECTION 4: ESMC §1-2A-9 is amended to read as follows:
"1-2A-9: ISSUANCE OF PERMITS OR LICENSES:

Should a code enforcement officer issue a citation because the citer lacks a required permit or license and the fine is delinquent, the city will not issue such permit or license until the delinquent fine, and any applicable penalties and interest, is paid."

SECTION 5: ESMC §1-2A-10 is amended to read as follows:

"1-2A-10: COMPLIANCE ORDERS:

Before issuing an administrative citation for any violation of building, plumbing, electrical, or similar regulation set forth in this code or incorporated by reference, or any violation of title 15 of this code, the code enforcement officer must first issue a written compliance order to the person(s) responsible for the violation unless the violation constitutes an immediate threat to public health or safety. The code enforcement officer may, but is not required to, issue a compliance order for any other violation of this code. Any compliance order issued by a code enforcement officer must contain all of the following:

A. The date on which, and geographic location where, the violation was observed;

B. The section of this code violated;

C. A description of the conditions causing the code violation;

D. Actions required to correct the violation;

E. A reasonable time period for the correction of the violation;

F. Notice that if the violation is not corrected by the date specified in the compliance order, that an administrative citation may be issued and administrative fines imposed for failure to correct violations by the date specified."

SECTION 6: This ordinance 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.) because it does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and establishes rules and procedures to implement an organizational or administrative activity that will not result in direct or indirect physical changes in
the environment. Accordingly, this Ordinance does not constitute a “project” that requires environmental review. (See specifically 14 CCR § 15378(b) (2, 5).)

SECTION 7: 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 8: Repeal or amendment of any provision of the El Segundo Municipal Code does 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 9: 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 10: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this ____ day of ________, 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 Ordinance No. _________ was duly introduced by said City Council at a regular meeting held on the ______ day of ____________________, 2013, 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 ____________________, 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
EL SEGUNDO CITY COUNCIL
AGENDA ITEM STATEMENT
MEETING DATE: May 21, 2013
AGENDA HEADING: Council Member Fisher

AGENDA DESCRIPTION:
Consideration and possible action to change the current practice of electing a Mayor and Mayor Pro-Tem for two-year terms and instead have these positions elected by Council on an annual basis (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Change the current City Council policy to conduct an annual election for Mayor and Mayor Pro-Tem, direct staff to make any necessary changes to the Municipal Code and conduct Council election for Mayor and Mayor Pro-Tem
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

FISCAL IMPACT: $

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

PREPARED BY: Greg Carpenter, City Manager
REVIEWED BY: Bill Fisher, Council Member
APPROVED BY:

BACKGROUND & DISCUSSION:
The El Segundo Municipal Code, Section 1-4-2 states:

Selection of Mayor and Mayor Pro-Tem: The City Council shall meet on the Tuesday after the general municipal election and choose one of its number as mayor, and one of its number as mayor pro tem.

Cities in California deal with the election or appointment of the Mayor and Mayor Pro-tem in a variety of ways. A recent poll of area cities found the following:

Mayor Elected directly by the Voters: Carson, Gardena, Hawthorne, Inglewood, Redondo Beach, Torrance

Mayor Elected by Council
Every 12 months: Culver City, Lomita, Palos Verdes Estates, Rancho Palos Verdes
Every 9 ½ months*: Hermosa Beach, Manhattan Beach
*to presumably allow each council member to serve during a 4-year term
Based on the research above, for cities where the City Council elects these positions, El Segundo is unique in having these positions serve for two year terms.

I request that the City Council consider revising our practice to have the City Council select a Mayor and Mayor Pro-Tem on an annual basis, during the normal municipal election cycle as it already does and then on or around the one year anniversary.

Some highlighted reasons of having an annual election of these positions include:

- **Availability and flexibility** – The position of Mayor can be time consuming and Council member’s availability and personal/professional schedules change over time. If an acting Mayor or Mayor Pro Tem were having issues meeting these obligations, they would have the ability to reconsider their role at the annual election time and opt out to allow others to take on the tasks.

- **Equity and opportunity** – As with other cities, this change would allow a greater chance for more members of the City Council to serve in one of these roles.

- **Change in leadership** – The City Council would be able to make a change of these positions for reasons that they deem important and/or necessary to continue to move the City forward.

- **Opportunity for change but not a forced rotation** - This change would not prevent the standing Mayor and Mayor Pro-Tem from being reappointed, but it would allow for the question to be raised each year and an opportunity for change.
AGENDA DESCRIPTION:

Consideration and possible action to fill two vacant positions on the Economic Development Advisory Council (EDAC) with current City Council Members Bill Fisher and Dave Atkinson to provide a direct conduit to the entire City Council on economic development issues including funding recommendations and a long range economic development strategic plan. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Approve the appointments of Councilmember’s Dave Atkinson and Bill Fisher to the Economic Development Advisory Council;
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. City Council Committee Assignments

FISCAL IMPACT: Put Information in If Included in Adopted Budget

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

ORIGINATED BY: Ted Shove, Economic Development Analyst
REVIEWED BY: Bill Fisher, Councilmember
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

The Economic Development Advisory Council (EDAC) was reestablished June 5th, 2012 after a lengthy adjournment. The EDAC was originally formed to provide technical guidance to the City from the private sector on issues relating to business development including the retention of the existing workforce. The EDAC has had two vacancies since its reestablishment and has historically lacked representation from the City Council. I recommend that the City Council fill both vacancies with Councilmember’s Dave Atkinson and Bill Fisher. Both members have extensive experience in operations including marketing, finance and strategic planning for small businesses. Additionally, Councilmember appointment would provide a direct conduit to the City Council on emerging trends affecting the City’s business base.