AGENDA DESCRIPTION:
Consideration and possible action regarding 1) Approval of class specifications, 2) Adoption of a Resolution providing for the implementation of job classification and salary changes in the Fiscal Year 2013-2014 Operating Budget and 3) approval of Examination Plans (Fiscal Impact: $97,200)

RECOMMENDED COUNCIL ACTION:
1. Approve the proposed Class Specifications for the classifications of Accounting Supervisor, Deputy City Treasurer I, Deputy City Treasurer II, Fire Equipment Mechanic, Payroll Accountant, and Senior Engineer Associate.
2. Adopt the Resolution establishing the Basic Monthly Salary Range for the job classifications of Accounting Supervisor, Deputy City Treasurer I, Deputy City Treasurer II, Payroll Accountant, and Senior Engineer Associate.
3. Approve the Examination Plans for Accounting Supervisor, Deputy City Treasurer I, Deputy City Treasurer II, Management Analyst, Payroll Accountant, and Senior Engineer Associate.
4. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Proposed Class Specifications.
2. Resolution establishing the Basic Monthly Salary for new and re-titled job classifications.

FISCAL IMPACT: $97,200

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

ORIGINATED BY: Martha A. Dijkstra, Human Resources Director
REVIEWED BY: Martha A. Dijkstra, Human Resources Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
At the Strategic Planning session on June 27, 2013 and the City Council meeting on August 6, 2013, Council was presented with recommended classification and salary changes as part of the Fiscal Year 2013-2014 Operating Budget. Adoption of the Resolution establishing Basic Monthly Salary Ranges and approval of the Class Specifications and Examination Plans is necessary in order to implement the approved changes. The affected bargaining units were consulted regarding changes related to their employee group.

The recommended classification and salary range changes are as follows:
A. Job Classification and Salary Range Changes in the FY 2013-2014 Operating Budget

**Accounting Supervisor**

This position is assigned to the Accounting Division of the Finance Department and will be responsible for performing professional and complex accounting duties in addition to exercising complete supervision over other full-time accounting staff. The new class of Accounting Supervisor has been created to reflect the assigned level of duties and responsibilities. This position will be represented by the Supervisory and Professional Employees Association and staff recommends a salary range of 40S $5692.15 - $6918.85.

**Deputy City Treasurer I**

This position is responsible for providing technical financial assistance in the City Treasurer’s office by monitoring, tracking, and analyzing the City’s cash management, banking, and investment activities. The new class of Deputy City Treasurer I has been created to more appropriately reflect the nature and level of the incumbent’s assigned duties and responsibilities. This position will be represented by the Supervisory and Professional Employees Association and staff recommends a salary range of 30S $4446.68 - $5404.96.

**Deputy City Treasurer II**

This position is responsible for assisting the City Treasurer in cash management, banking, and investment activities, supervising staff, and overseeing the day-to-day office activities in the Treasurer’s absence. The class, formerly titled Deputy City Treasurer, is being re-titled Deputy City Treasurer II in order to distinguish it from the newly created class of Deputy City Treasurer I. Aside from the title change, revisions to the class specification are being made to update the definition, essential job functions, and minimum qualifications. The position will continue to be part of the Management/Confidential group and will continue to be compensated at salary range 38M $5356.65 - $6511.04.

**Fire Equipment Mechanic**

Staff is proposing revising the Fire Equipment Mechanic class specification to accurately reflect the minimum certification requirements required upon entry and to specify the certifying agency. No other changes are being proposed for this existing classification.

**Payroll Accountant**

This position will be assigned to the Payroll Division of the Finance Department and will be responsible for performing professional payroll accounting duties in addition to providing professional level financial analysis related to collective bargaining. This position is being allocated to the existing class of Accountant. Staff recommends amending the class title to Payroll Accountant to more accurately describe the specialized nature of this position. The class specification is also being revised to update the essential job functions, required knowledge and skills, and position requirements. The classification will continue to be part of the Management/Confidential group and will continue to be compensated at salary range 31M $4506.36 - $5477.51.
Senior Engineer Associate

This position is responsible for performing advanced civil engineering functions and overseeing a variety of complex public works projects. The new class of Senior Engineer Associate has been created to more appropriately reflect the level of assigned duties and responsibilities. This position will be represented by the Supervisory and Professional Employees Association and staff recommends a salary range of 46S $6601.15 - $8023.74.

B. Examination Plans

Accounting Supervisor, Management Analyst *, Senior Engineer Associate

- Structured Technical and Career Preparation Interview Open Competitive or Promotional Weighted 100%

*At its meeting on 8/6/13, Council approved the classification title change and amended class specification for Management Analyst. An examination plan reflecting the amended title is being submitted for Council approval.

Deputy City Treasurer I, Deputy City Treasurer II, Payroll Accountant

- Written Test Open Competitive or Promotional
  (Pass/Fail)
- Structured Technical and Career Preparation Interview Weighted 100%

Approval of exam plans for Merit System job classifications in all City Departments has been required since the passage of Initiative Ordinance No. 586 in April 1962.

For departments other than Police and Fire, the plan may consist of any one or combination of the following techniques:

1. Written;
2. Oral;
3. Demonstration; and
4. Any evaluation of education, experience, or skills or physical fitness, which fairly evaluate the relative capacities of the applicants.

Police and Fire Departments:

The examination plan for entrance or promotional, for the Police and Fire Departments, shall consist of a written examination and one or more of the following:

1. Oral;
2. Demonstration; and
3. Any evaluation of education certification, experience, or skills or any test of manual skills or physical fitness, which fairly evaluates the relative capacities of the applicant.
ACCOUNTING SUPERVISOR

Definition: Under general supervision of the Accounting Manager, performs advanced professional and complex accounting work and supervises the work of other accounting staff in the Accounting Division of the Finance Department.

Essential Functions: Essential functions, as defined under the Americans with Disabilities Act, may include the following duties and responsibilities, knowledge, skills and other characteristics. This list of duties and responsibilities is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

Characteristic Duties and Responsibilities:

Performs a wide variety of professional accounting work including the maintenance, compilation and review of financial records and reports; reconciles bank accounts and fiscal agent statements; researches and analyzes accounts to provide historical and/or current information for budgets, agendas, and grants.

Plans, assigns, reviews and evaluates the work of accounting staff; initiates corrective and/or disciplinary action when needed.

Prepares and maintains tax and compliance filings for the City; accounts for complex financial projects and agreements; participates in the preparation of comprehensive annual and special reports relative to City accounting and financial management practices.

Evaluates City financial management programs and systems and recommends modifications; recommends and implements accounting system and financial management policies and procedures.

Coordinates and participates in the preparation of accounting, statistical and narrative financial statements and reports; performs complex account and cash receipt reconciliations; prepares adjusting journal entries and related documentation; reviews and provides accounting for federal, state and local grants to ensure compliance.

Participates in the City’s budget development process; assists in annual closing of the City’s financial records.

Acts as Accounting Manager in his/her absence.

Knowledge, Skills and Other Characteristics:

Knowledge of generally accepted accounting principles and practices.
Knowledge of the principles and practices of governmental accounting and budgeting, including auditing.
Knowledge of methods and techniques of financial statement preparation and validation.
Knowledge of laws regulating public finance and fiscal operations.
Knowledge of Federal State and local tax reporting and compliance.
Knowledge of the principles and practices of budgeting, and automated financial management systems.
Knowledge of principles and practices of supervision.

Skill applying and adapting established accounting principles and procedures to a variety of City accounting applications.
Skill in supervising, motivating, and evaluating staff.
Skill analyzing and reviewing financial data to develop forecasts and identify trends.
Skill interpreting and applying accounting-related laws, ordinances, rules, regulations, policies and procedures.
Skill researching and analyzing financial data, drawing logical conclusions and preparing clear and concise reports.
Skill performing financial auditing functions.
Skill using standard office computer programs, including spreadsheets.
Skill communicating effectively both orally and in writing.
Skill working under pressure, handling significant problems and tasks that arise simultaneously and/or unexpectedly and completing them within established deadlines.
Skill establishing and maintaining effective working relationships with other department staff, other City employees and the public.

Working Conditions:

Typical office environment.

Licensing/Certification Requirements:

None.

Minimum Qualifications:

A Bachelors degree in Accounting, Business Administration or a closely related field, and three (3) years of responsible professional accounting experience, one (1) year of which must have been in a supervisory or lead capacity, or an equivalent combination of education and experience.
Experience in municipal or governmental accounting is highly desirable.
DEPUTY CITY TREASURER I

**Definition:** Under general direction of the City Treasurer and/or the Deputy City Treasurer II, monitors, tracks, and analyzes the City's cash management, banking and investment activities and provides technical financial assistance to staff engaged in City financial operations.

**Essential Functions:** Essential functions, as defined under the Americans with Disabilities Act, may include the following duties and responsibilities, knowledge, skills and other characteristics. This list of duties and responsibilities is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

**Characteristic Duties and Responsibilities:**

Monitors investment, accounting, and cash management activities to ensure compliance with City policy, State and federal regulations, and industry standards; monitors and analyzes cash flow projections to determine the cash level necessary to meet demands on the Treasury; analyzes monthly, quarterly, and year-end financial statements of financial service providers.

Assists with the implementation of cash management processes to enhance internal cash controls and efficiencies and reduce opportunities for fraud; assists in the development and implementation of Citywide investment and banking operations policies, practices, and procedures; develops due diligence and internal control policies for department and Citywide processes.

Reviews outgoing payments for accuracy and adherence to fiscal policies; audits accounts and conducts the necessary research to resolve discrepancies as required.

Compiles financial reports and provides data to Finance Department as needed; confers with and advises City departments on Treasury-related financial problems.

Initiates electronic fund transfers in the banking system and investment trades for investment purchases as directed.

May represent the Treasury department at meetings, conferences, and events.

**Knowledge, Skills and Other Characteristics:**

Knowledge of federal, state and local rules that govern the public agency cash management, banking and investments activities.
Knowledge of fiscal operations and generally accepted accounting and investing principles and practices.
Knowledge of laws, regulations, systems, procedures, and forms associated with the collection and handling of payments.
Knowledge of treasury management and investment programs available for municipal budgeting.

Skill in investing funds and performing a variety of professional level accounting duties.
Skill in analyzing and resolving technical financial issues.
Skill in managing special financial projects, activities and programs.
Skill in assessing objectives and operational requirements to develop and implement appropriate operational policies and procedures.
Skill in using personal computers and office and financial related software.
Skill in conducting research and analysis and preparing clear, concise and comprehensive financial reports.
Skill in understanding and applying complex regulations, procedures and guidelines.
Skill in communicating effectively orally and in writing.
Skill in making presentations to groups.
Skill in working under pressure, handling significant problems and tasks that arise simultaneously and/or unexpectedly.
Skill in establishing and maintaining effective working relationships with staff, other City employees and the public.

**Qualifications:**

Bachelor’s degree in Accounting, Business Administration, Economics, Finance or a directly related field; and three (3) years’ of progressively responsible treasury, auditing, finance, accounting or investing experience; or an equivalent combination of education and experience. Certification in fixed income or treasury management from a professional organization, such as the California Certified Municipal Treasurer (CCMT), is highly desirable.
DEPUTY CITY TREASURER II

Definition: Under general direction, assists the City Treasurer in cash management, banking and investment activities for the City of El Segundo treasury operations.

Essential Functions: Essential functions, as defined under the Americans with Disabilities Act, may include the following duties and responsibilities, knowledge, skills and other characteristics. This list of duties and responsibilities is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

Characteristic Duties and Responsibilities:

Assists the City Treasurer in managing the City’s cash management, banking, investments and cash flow; receives and deposits all City revenues on a daily basis; monitors daily cash flow and banking activities, including the recording of electronic fund transfers, auditing, and recording journal entries affecting cash balances; monitors City employee credit card usage; reconciles accounts and investment register to the general ledger and fiscal agent statements.

Assists in the planning, direction and coordination of activities and services within the Treasurer’s office; participates in the development of policy and procedures; recommends and participates in the development of departmental goals, objectives and policies; prepares various reports, schedules, correspondence and statements according to federal and state rules, regulations and laws, City policies and procedures, and generally accepted accounting principles.

Assists in the preparation and monitoring of the annual budget; prepares budgetary and analytical studies and reports; prepares detailed financial statements; verifies fund balances; assists in preparing for and coordinating annual and special audits.

Researches and invests idle funds; initiates fund transfers and periodic reporting; maintains records and purchases U.S. Savings bonds; makes payments as directed.

Coordinates activities in the Treasurer’s Office with activities of other programs, departments or staff to ensure program delivery according to appropriate policies, procedures and specifications.

Resolves discrepancies or procedural problems and responds to program administration and/or program delivery questions ensuring necessary follow-up occurs; controls program records for operational and budget accountability; confers with and advises staff and program participants by providing advice, problem solving assistance, answers to questions and interpretation of program goals and policy.

Recruits, hires, schedules, assigns, monitors and evaluates staff; provides for and/or conducts staff development; establishes work methods and standards; initiates corrective and/or disciplinary action and responds to grievances and complaints according to established personnel policies and procedures and in consultation with Human Resources; oversees the day-to-day office activities in the Treasurer’s absence.

(continued on reverse side)
**Knowledge, Skills and Other Characteristics:**

Knowledge of federal, state and local rules that govern the public agency cash management, banking and investments activities.

Knowledge of fiscal operations and generally accepted accounting and investing principles and practices.

Knowledge of laws, regulations, systems, procedures, and forms associated with the collection and handling of payments.

Knowledge of treasury management and investment programs available for municipal budgeting.

Knowledge of the principles and practices of effective management and supervision.

Knowledge of project management principles and practices.

Skill in investing funds and performing a variety of professional level accounting duties.

Skill in analyzing and resolving complex technical financial issues.

Skill in supervising, motivating and evaluating staff.

Skill in managing special financial projects, activities and programs.

Skill in assessing objectives and operational requirements to develop and implement appropriate operational policies and procedures.

Skill in using personal computers and office and financial related software.

Skill in conducting research and analysis and preparing clear, concise and comprehensive financial reports.

Skill in understanding and applying complex regulations, procedures and guidelines.

Skill in communicating effectively orally and in writing.

Skill in making presentations to groups.

Skill in working under pressure, handling significant problems and tasks that arise simultaneously and/or unexpectedly.

Skill in establishing and maintaining effective working relationships with staff, other City employees and the public.

**Qualifications:**

Bachelor’s degree in Accounting, Business Administration, Economics, Finance or a directly related field; and five (5) years of progressively responsible government, treasury, auditing, finance, accounting and/or investing experience including two (2) years of supervisory experience; or an equivalent combination of education and experience. Certification in fixed income or treasury management from a professional organization, such as the California Certified Municipal Treasurer (CCMT), is highly desirable.
FIRE EQUIPMENT MECHANIC

**Definition:** Under general supervision, performs a variety of servicing, maintenance and repair tasks on City fire apparatus, equipment and vehicles.

**Essential Functions:** Essential functions, as defined under the Americans with Disabilities Act, may include the following duties and responsibilities, knowledge, skills and other characteristics. This list of duties and responsibilities is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

**Characteristic Duties and Responsibilities:**

- Inspects, maintains and repairs specialized fire apparatus, vehicles and equipment including aerial ladders and pumps.
- Services, maintains and repairs gas and diesel powered vehicles and equipment; diagnoses and troubleshoots problems associated with all systems including engines, carburetors and electrical systems; determines the extent of necessary repairs; analyzes engine performance and emissions and makes adjustments and repairs; performs field service work as needed.
- Services and repairs City generators and storm drain pumps.
- Fabricates and welds parts and equipment for vehicle and equipment enhancements, maintenance and repair.
- Keeps records of time, materials and parts used and work performed; inputs into automated system.
- Assists in the training of less experienced workers.

**Knowledge, Skills and Other Characteristics:**

- Knowledge of maintenance and repair on a wide variety of vehicles and equipment including engines, carburetors and electrical systems.
- Knowledge of technical and automated equipment used for the repair and maintenance of vehicles and equipment.
- Knowledge of the principles and mechanics of gasoline and diesel powered engines and safe operating characteristics of each.
- Knowledge of equipment capabilities, limitations and safe operating characteristics.
- Knowledge of principles and practices in fabricating and welding.
- Knowledge of parts and supplies needed to perform a variety of maintenance and repairs on automotive equipment/vehicles.
- Knowledge of specialized maintenance and repair of fire apparatus and equipment.
- Knowledge of safe work practices.

Skill performing specialized inspections, maintenance and repairs on fire apparatus and equipment.
Skill performing journey level mechanical work including the trouble-shooting of equipment for both major and minor repairs.
Skill operating a variety of technical diagnostic equipment used on automotive equipment, including computerized automotive diagnostic equipment.
Skill using hand and power tools associated with the diagnosis, maintenance and repair of motorized equipment and vehicles.
Skill maintaining records.
Skill understanding and following complex directions and instructions.
Skill establishing and maintaining effective working relationships with other department staff, other City employees and the public.

**Working Conditions:**

Regularly exposed to engine and equipment sounds and smells.
Regularly required to lift and/or carry heavy objects up to 75 pounds.

**Licensing/Certification Requirements:**

A valid Class A California driver’s license and Certification in Aerial Apparatus and Fire Pumps from the California Fire Service Training Division
Certified Fire Equipment Mechanic.

**Minimum Qualifications:**

Graduation from high school or GED and successful completion of specialized training in the maintenance and repair of fire apparatus and equipment, and three (3) years experience in the servicing, maintenance and repair of gasoline and diesel powered vehicles and equipment or an equivalent combination of education and experience.
PAYROLL ACCOUNTANT

**Definition:** Under general supervision, performs professional payroll accounting duties in preparation of factual and analytical statements and reports; analyzes and evaluates financial records; and performs a wide variety of duties requiring confidentiality, independent judgment and decision making.

**Essential Functions:** Essential functions, as defined under the Americans with Disabilities Act, may include the following duties and responsibilities, knowledge, skills and other characteristics. This list of duties and responsibilities is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

**Characteristic Duties and Responsibilities:**

Coordinates and performs payroll accounting operational functions; evaluates accounting procedures and fiscal practices and recommends and assists in implementing new or revised payroll accounting systems, procedures and records; participates in developing computer programs for payroll accounting analyses.

Prepares bi-weekly payroll warrants, payroll registers and reports; prepares magnetic media for storage of payroll records; prepares tax return and other reporting documentation related to payroll matters; compiles routine reports related to payroll activity; merges payroll records in Finance System; serves as the payroll/timekeeping liaison with department timekeepers, employees and management; prepares handbooks and manuals related to payroll procedures and conducts training related to payroll processing.

Prepares detailed payroll accounting, statistical and narrative financial statements and reports requiring analysis and interpretation of source data; administers designated accounts and programs; performs account reconciliations and prepares related work sheets.

Provides professional level staff support related to the administration of the City’s employer-employee relations program, including duties requiring access to confidential information utilized in the development of management positions in the contract negotiations process.

Provides professional level staff support related to the analysis of association proposals and costing of association economic items, employee related litigation, reductions in force, departmental reorganizations, wage garnishment judgments, and confidential medical information.

Conducts and/or coordinates internal and external audits of payroll records; examines, analyzes and verifies documents to ensure adherence to established internal controls and accepted professional standards.
Assists with required valuations, audits, reviews, and public records requests including but not limited to data collection and compilation.

Responds to inquiries from City employees requiring a knowledge of City payroll processes and applicable State and federal laws; interprets and applies City policies, Memoranda of Understanding, Administrative Code, and other documents related to salary and benefits.

Assists in budget preparation and interfaces with departments in preparing annual budget.

Knowledge, Skills and Other Characteristics:

- Knowledge of the principles and practices of payroll accounting and auditing, including governmental accounting and budgeting.
- Knowledge of data processing applications related to accounting and budgeting procedures and practices.
- Knowledge of applicable State and federal laws related to payroll, compensation, and benefits.
- Knowledge of general office procedures.

- Skill applying and adapting established accounting principles and procedures to City payroll accounting applications.
- Skill interpreting and applying payroll accounting-related laws, ordinances, rules, regulations, policies and procedures.
- Skill performing professional level staff support related to the administration of the City’s employer-employee relations program.
- Skill analyzing data and drawing logical conclusions.
- Skill preparing and maintaining accurate reports and records.
- Skill using standard office computer programs, including spreadsheets.
- Skill communicating effectively both orally and in writing.
- Skill establishing and maintaining effective working relationships with other department staff, other City employees and the public, and in functioning effectively in a confidential work environment.

Working Conditions: Typical office environment.

Licensing/Certification Requirements: None.

Minimum Qualifications:

A Bachelors degree with major coursework in accounting, business administration or a closely related field, and one (1) year of accounting-related experience or an equivalent combination of education and experience. Experience processing payroll transactions and performing complex calculations pertaining to employee earnings is preferred.
City of El Segundo, CA

Job Description

SENIOR ENGINEER ASSOCIATE

Definition: Under general supervision, oversees and performs a variety of professional civil engineering work for public works services and facilities and private development projects.

Essential Functions: Essential functions, as defined under the Americans with Disabilities Act, may include the following duties and responsibilities, knowledge, skills and other characteristics. This list of duties and responsibilities is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

Characteristic Duties and Responsibilities:

Designs and prepares specifications, drawings and contracts for a variety of complex public works projects such as street and street lighting improvements, storm water/wastewater drain systems, landscaping, parks and the like.

Develops cost estimates, coordinates contractor bidding and selection processes, evaluates proposals and recommends awarding of contracts; serves as contract administrator for public works projects; negotiates contract change orders; approves progress payments and completes related reports and forms.

Serves as project engineer during construction; conducts field inspections of construction sites to monitor progress and ensure conformance to engineering plans, specifications and construction and safety standards; meets with contractors to resolve items of non-compliance; makes corrections or revisions to plans and prepares conditions of approval.

Reviews development plans for private construction projects in the City right-of-way to ensure conformance with City codes, specifications, policies and standards; issues permits and collects fees; provides information and investigates complaints and service requests.

Assigns and monitors projects done by engineering staff members; attends community meetings and other meetings as assigned; serves as liaison with other outside agencies.

Assists the Principal Civil Engineer in tracking and monitoring all program funds.

Conducts technical studies and prepares reports and recommendations related to complex civil engineering projects, capital improvement projects and other specialized studies; provides technical expertise to a variety of agencies and the public; may represent the division at public meetings; reviews and prepares legal descriptions of real property; performs survey work alone or as part of a survey crew by running transits, setting elevations, taking measurements and making survey notes and calculations.
Reviews environmental assessments, environmental impact reports, tract and parcel maps, variances and conditional use permits to ensure compliance with appropriate engineering regulations.

Provide professional assistance to the Principal Civil Engineer, as necessary, in performing administrative functions.

Knowledge, Skills and Other Characteristics:

Knowledge of engineering principles and practices as applied to public works, including planning and development, design and construction.
Knowledge of methods and techniques used in the preparation of public works project designs and related plans, specifications and cost estimates.
Knowledge of engineering related federal and state laws, ordinances and regulations.
Knowledge of principles and practices of supervision.

Skill performing professional engineering work, including project design surveying.
Skill coordinating and monitoring the work of others performing engineering activities.
Skill interpreting and applying engineering related laws, ordinances and regulations.
Skill preparing and maintaining records and reports.
Skill meeting the public in situations requiring diplomacy and tact.
Skill dealing constructively with conflict and developing effective resolutions.
Skill communicating effectively both orally and in writing.
Skill establishing and maintaining effective working relationships with other department staff, other City employees and the public.

Working Conditions:

Occasionally exposed to weather conditions.

Licensing/Certification Requirements:

A valid California drivers license.

Minimum Qualifications:

A Bachelors degree in Civil Engineering or a closely related field, and five (5) years progressively responsible professional engineering experience, or an equivalent combination of education and experience.
RESOLUTION NO. __________

A RESOLUTION ESTABLISHING A BASIC MONTHLY SALARY FOR THE JOB CLASSIFICATIONS OF ACCOUNTING SUPERVISOR, DEPUTY CITY TREASURER I, DEPUTY CITY TREASURER II, PAYROLL ACCOUNTANT, AND SENIOR ENGINEER ASSOCIATE

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

Section 1: The City Council approves the following basic monthly salary range:

<table>
<thead>
<tr>
<th>Position</th>
<th>Step A</th>
<th>Step B</th>
<th>Step C</th>
<th>Step D</th>
<th>Step E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounting Supervisor 40S</td>
<td>$5692.15</td>
<td>5976.76</td>
<td>$6275.60</td>
<td>$6589.38</td>
<td>$6918.85</td>
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<tr>
<td>Deputy City Treasurer I 30S</td>
<td>$4446.68</td>
<td>4669.01</td>
<td>$4902.46</td>
<td>$5147.58</td>
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<tr>
<td>Deputy City Treasurer II 38M</td>
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<td>5624.48</td>
<td>$5905.70</td>
<td>$6200.99</td>
<td>$6511.04</td>
</tr>
<tr>
<td>Payroll Accountant 31M</td>
<td>$4506.36</td>
<td>4731.68</td>
<td>$4968.26</td>
<td>$5216.68</td>
<td>$5477.51</td>
</tr>
<tr>
<td>Senior Engineer Associate 46S</td>
<td>$6601.15</td>
<td>6931.21</td>
<td>$7277.77</td>
<td>$7641.66</td>
<td>$8023.74</td>
</tr>
</tbody>
</table>

Section 2: The City Clerk is directed to certify the adoption of this Resolution; record this Resolution in the book of the City’s resolutions; and make a minute of the adoption of the Resolution in the City Council’s records and the minutes of this meeting.

Section 3: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 17th day of September, 2013.

Bill Fisher
Mayor
CERTIFICATION

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

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution No. _______ was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 17th day of September, 2013, and the same was so passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
NOT PARTICIPATING:

WITNESS MY HAND THE OFFICIAL SEAL OF SAID CITY this 17th day of September, 2013.

Tracy Weaver, City Clerk
of the City of El Segundo,
California
(SEAL)

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

By:________________________
Karl H. Berger
Assistant City Attorney
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

MEETING DATE: September 17, 2012
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:

Consideration and possible action regarding approval of ongoing professional service agreements and blanket purchase orders for FY 2013-2014 in excess of $25,000 for various departments; and possible action to waive the formal bidding process and authorize the continued purchase of various goods and services as described below. (Fiscal Impact: General Fund $1,808,074; Asset Forfeiture Fund $13,000; Prop A Fund $30,000; Water Fund $136,500; Sewer Fund $13,000; Golf Course Fund $96,000; Workers’ Compensation Fund $95,365)

RECOMMENDED COUNCIL ACTION:

(1) Authorize the City Manager to execute an amendment to Agreement No. 4095, in a form approved by the City Attorney, with High Point Strategies, LLC. to (1) substitute MWW Group and Ek & Ek with High Point Strategies, LLC.; (2) extend the term of the agreement to September 30, 2014; (3) authorizes payment for services up to $75,000 (General Fund); and (4) take such additional, related, action that may be desirable.

ATTACHED SUPPORTING DOCUMENT
Draft Third Amendment to Agreement No. 4095 between the City of El Segundo and High Point Strategies, LLC.

(2) Authorize the City Manager to execute an amendment to Agreement No. 4242, in a form approved by the City Attorney, with to (1) extend the term of the agreement to September 30, 2014; (2) authorizes payment for services up to $45,000 (General Fund); and (3) take such additional, related, action that may be desirable.

ATTACHED SUPPORTING DOCUMENT
Draft Second Amendment to Agreement No. 4242 between the City of El Segundo and Willdan.

(3) Authorize the issuance of a blanket purchase order to Los Angeles Business Journal for the purchase of advertising and ad placement space to advance Economic Development objectives in FY 2013-2014 in an amount not to exceed $37,000 (General Fund)

(4) Authorize the City Manager to extend ongoing service agreements with Baker & Taylor Information Services for supplying books and other library materials, and issuance of blanket purchase order not to exceed $86,800 in FY 2013-2014 (General Fund)

(5) Authorize the City Manager to extend contract #2235 to Innovative Interfaces, Inc., for library computer network system maintenance and issuance of blanket purchase order not to exceed $30,000 (General Fund)

(6) Authorize the City Manager to extend ongoing service agreements with J. Lee Engineering provides plan check and inspection consulting services for the Building and Safety Division not to exceed $150,000 in FY 2013-2014 (General Fund)
(7) Authorize the City Manager to extend ongoing service agreement with Willdan Engineering Services to provide professional planning consulting and engineering services to the City not to exceed $70,000 in FY 2013-2014 (General Fund)

(8) Authorize the City Manager to extend ongoing service agreement with Tierra West Advisors, Inc. to provide professional planning consulting and engineering services to the City not to exceed $100,000 in FY 2013-2014 (General Fund)

(9) Authorize the City Manager to extend ongoing service agreement with Scanning Services Corporation; scan and inputs data into the City’s document imaging system not to exceed $30,000 in FY 2013-2014 (General Fund)

(10) Authorize the City Manager to extend ongoing service agreements with U.S. HealthWorks provides an extremely cost effective method of delivery of pre-employment and occupational medical services not to exceed $45,000 in FY 2013-2014 (General Fund)

(11) Authorize the City Manager to extend ongoing service agreements with Westchester Medical Group/Center for Heart and Health to provide annual safety employees fitness for duty and executive physical examinations not to exceed $70,000 in FY 2013-2014 (General Fund)

(12) Authorize the City Manager to extend ongoing service agreement with York Risk Services Group to administer workers’ compensation claims not to exceed $95,365 in FY 2013-2014 (Workers’ Compensation Fund)

(13) Authorize the El Segundo Fire Department to waive the bidding process per El Segundo Municipal Code §1-7-10 to purchase medical and pharmaceutical supplies, and piggyback on the City of El Cajon’s Bound Tree Medical, Inc. (“Bound Tree”) Bid #005-12, and authorize issuance of a blanket purchase order to Bound Tree for medical and pharmaceutical supplies not to exceed $27,000 in FY 2013-2014 (General Fund)

(14) Authorize the City Manager to execute a one-year contract with All Cities Management Company to provide crossing guard services for the El Segundo School District not to exceed $80,000 in FY 2013-2014 (General Fund)

(15) Authorize all El Segundo City Departments to waive the bidding process per El Segundo Municipal Code § 1-7-10 to purchase maintenance/repair operating supplies, and industrial supplies, and piggyback on U.S. Communities Government Purchasing Alliance Contract # 11019-RFP awarded to Home Depot U.S.A. Inc, and authorize issuance of a citywide open purchase order to Home Depot for maintenance/repair operating supplies, and industrial supplies, under the agreement not to exceed $25,000 in FY 2013-2014 (General Fund)

(16) Authorize all El Segundo City Departments to waive the bidding process per El Segundo Municipal Code § 1-7-10 to purchase office supplies, related products and off-site office services, and piggyback on The Cooperative Purchasing Network (TCPN) Contract # R5023 awarded to Office Depot, and authorize issuance of a citywide open purchase order to Office Depot for office supplies, related products and off-site office services under the agreement not to exceed $60,000 in FY 2013-2014 (General Fund)
(17) Authorize the issuance of a blanket purchase order to Lane Donovan Partners, LLC (Agreement #3399) to provide management services for The Lakes Golf Course for an amount not to exceed $96,000 in FY 2013-2014 (Golf Course Fund)

(18) Authorize the City Manager to extend Agreement # 4096 with TruGreen Landcare in a form approved by the City Attorney and issuance of a blanket purchase order to provide weekly landscape services for an amount not to exceed $153,504 in FY 2013-2014 (General Fund)

(19) Authorize the City Manager to extend Agreement # 3476 with Great Scott Tree Service Inc. in a form approved by the City Attorney and issuance of a blanket purchase order to provide tree maintenance services for an amount not to exceed $110,000 in FY 2013-2014 (General Fund)

(20) Authorize staff to continue to purchase gasoline and diesel fuel for City vehicles and equipment through the use of spot market purchasing in an amount not to exceed $315,000 in FY 2013-2014 (Various)

(21) Authorize the issuance of a blanket purchase order to Metron Farnier & Actaris in an amount not to exceed $100,000 in total for the purchase of single jet water meters for the City’s water system in FY 2013-2014 (Water Enterprise Fund).

(22) Authorize the issuance of a blanket purchase order to Blue Diamond Materials, a division of Sully Miller Contracting Company in an amount not to exceed $30,000 for the purchase of asphalt paving materials for Street Maintenance Division projects in FY 2013-2014 (General Fund).

(23) Authorize the issuance of a blanket purchase order to Infosend, Inc. (Agreement # 4203) to provide water utility bill print and mail services for an amount not to exceed $27,500 in FY 2013-2014 (Water Funds)

(24) Authorize the City Manager to extend the ongoing professional service Agreement # 4269 with Aerotek for providing temporary staffing service for the Public Works Department not to exceed $100,000 in FY 2013-2014 (General Fund)

(25) Authorize the City Manager to execute a one-year contract with the Society for the Prevention of Cruelty to Animals Los Angeles for animal sheltering services, not to exceed $28,200 in FY 2013-2014 (General Fund)

(26) Authorize the City Manager to execute a one-year contract with Duncan Solutions (formerly Enforcement Technology Inc.) for processing of parking citations/collections, not to exceed $77,000 in FY 2013-2014 (General Fund)

(27) Authorize the issuance of a blanket purchase order to San Diego Police Equipment Co., Inc. (SDPECI), for the purchase of CCI-Speer and Federal ammunition, not to exceed $53,500 in FY 2013-2014 (general Fund)

(28) Authorize the City Manager to execute a one-year contract amendment and/or purchase order with Tyler Technologies for annual software licensing, maintenance, and support not to exceed $41,070 in FY 2013-2014 (General Fund)
(29) Authorize the City Manager to execute a one-year contract and/or blanket purchase order with Active Network for annual licensing, maintenance and support not to exceed $34,000 in FY 2013-2014 (General Fund)

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ATTACHED SUPPORTING DOCUMENTS: N/A

FISCAL IMPACT:

Amount Budget: $2,191,939

Additional Appropriation: N/A
Account Number(s):

ORIGINATED BY: J. Richard Hogate, Purchasing Agent

REVIEWED BY: Deborah Cullen, Director of Finance

APPROVED BY: Greg Carpenter, City Manager
BACKGROUND AND DISCUSSION:

CITY MANAGER

High Point Strategies, LLC
High Point Strategies, LLC will continue working on behalf of the City as its advisors and advocate for the City regarding issues relating to Los Angeles World Airports (LAWA) and Los Angeles International Airport (LAX), transportation issues relating to the Metropolitan Transportation Authority, or assisting with the City's relationship with other City of Los Angeles agencies, including Department of Water and Power, and the County of Los Angeles. Our assigned lobbying from MWW then Ek & Ek recently took a new position with High Point Strategies, LLC based on knowledge base of this individual, Staff recommends this change in firms.

This amendment is to extend the Agreement in terms through September 30, 2014 not to exceed $75,000. Account Number: 001-400-2901-6407 (Washington Lobbyist Transportation & Inf).

Willdan Homeland Solutions
Willdan will continue working with the City to provide professional, technical, and consulting support for the City’s Emergency Management program.

This amendment is to extend the Agreement in terms through September 30, 2014 not to exceed $45,000. Account Number: 001-400-2101-6214 (Professional/Technical Services).

Economic Development
Los Angeles Business Journal is the premiere regional publication that’s circulation reaches tens of thousands of decision makers within southern California’s business community on a weekly basis. In FY 2012-2013, Citywide purchases of advertisement and ad placement exceeded $34,000, therefore purchases for FY 2013-2014 with the Los Angeles Business Journal will be made exclusively through a Blanket Purchase Order. The amount for the purchase order will not exceed $37,000 for FY 2013-2014 in account 001-400-2401-6201.

LIBRARY

Baker and Taylor
Baker and Taylor, the Library’s leading supplier of books, music, books on CD, DVD’s and other items, offers substantial savings up to 45% under retail cost. Appropriations are being requested for the following accounts for fiscal year 2013-2014:

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<td>Youth Materials</td>
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<tr>
<td>001-400-6103-5507</td>
<td>School Library Materials</td>
<td>$2,200</td>
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Innovative Interfaces Inc.
Innovative Interfaces Inc. provides maintenance of the Library’s online network system for cataloging, circulation, patron access to materials, archive collections and administrative functions in the amount of $30,000 for FY 2013-2014. Account number 001-400-6104-6217.

PLANNING AND BUILDING SAFETY

J. Lee Engineering
J. Lee Engineering provides plan check and inspection consulting services for the Building and Safety Division. These services are utilized when workload exceeds the level that would preclude City staff from meeting customer service expectations. Not to exceed the amount $150,000 for fiscal year 2013-2014. Account number: 001-400-2403-6214.

Willdan Engineering
Willdan Engineering provides professional planning and interim staffing services for the Planning Division. These services are utilized when workload exceeds the level that would preclude City staff from meeting customer service expectations. Not to exceed the amount $70,000 for fiscal year 2013-2014. Account number: 001-400-2403-6214.

Tierra West Advisors, Inc.
Willdan Engineering provides professional planning and interim staffing services for the Planning Division. These services are utilized when workload exceeds the level that would preclude City staff from meeting customer service expectations. Not to exceed the amount $100,000 for fiscal year 2013-2014. Account number: 001-400-2403-6214.

Scanning Services Corporation
Scanning Services Corporation scans and inputs data into the City’s document imaging system. The department is no longer microfilming plans. All necessary documents are scanned and are available on the computer. The requested funds will allow staff to keep moving in this direction. Additionally, staff hopes to begin converting historical microfilm records for both the building and planning divisions to a digital format so that they are available on the computer for staff and eventually viewable by the public on the internet. The Building Division budget is allocating $23,000 and the Planning Division budget is allocating $7,000 not to exceed $30,000 in FY 2013-2014. Accounts:

001-400-2402-6214 in the amount of $7,000
001-400-2403-6214 in the amount of $23,000

HUMAN RESOURCES

US HealthWorks
U.S. HealthWorks, a national provider of occupational medical healthcare, is the largest provider of workers’ compensation/occupational medical services in the state of California and has over thirty facilities in Southern California including its El Segundo Facility, located at 390 N.
Sepulveda Blvd., Suite 1000. U.S. HealthWorks provides an extremely cost effective method of delivery of pre-employment and occupational medical services, with a lower average case cost than other occupational medical providers. Other advantages of utilizing U.S. HealthWorks include:

- Initial injury treatment and regulated drug testing services are available 24 hours a day, 7 days a week
- Provides cost effective appointments for pre-employment physicals, drug screens and follow-up injury treatments
- Its location in El Segundo provides direct, easy access for our employees and its numerous Southern California facilities allows additional treatment options for our geographically dispersed employees
- The El Segundo facility has both an on-site multi-specialty department (including orthopedics and neurology) and a Physical Therapy Department open Monday through Friday, 8:00 a.m. – 5:00 p.m.
- Parking is convenient, plentiful and validated
- If needed, U.S. HealthWorks provides free door-to-door transportation for employee’s first injuries, at no charge.

This will be the City’s sixth year with U.S. HealthWorks. In addition to successfully implementing the City’s pre-employment drug testing and medical examination protocols, U.S. HealthWorks has provided a variety of medical protocols and services for El Segundo Police Department arrestees and coordinated the establishment of a Hepatitis Twinrix Vaccination Program for job classifications identified as eligible per Cal OSHA.

The total cost for fiscal year 2013-2014 is not to exceed $45,000 (for pre-employment medical services and protocols and occupational injury and illness services). Account number: 001-400-2506-6214

**Westchester Medical Group/Center for Heart and Health**

The City has a longstanding relationship with Westchester Medical Group/Center for Heart and Health to provide Safety employees annual Fitness for Duty and Executive physical examinations. This long standing physical examination program continues to meet or exceed staff’s expectations. Westchester Medical Group/Center for Heart and Health is also distinguished by their extensive involvement with public sector clients. Together, with its June 2006 relocation from Los Angeles to El Segundo (360 N. Sepulveda Blvd., Suite 3000), and the significant expansion of its medical facility, the company has increased its accessibility and level of service to our employees. Westchester Medical Group/Center for Heart and Health also incorporated a respirator certification component to the Fitness for Duty examinations.

The annual safety employee Fitness for Duty examinations are not to exceed $60,000 and Executive Physical examinations are not to exceed $10,000, with a combined total not to exceed $70,000 for fiscal year 2013-2014. Account number: 001-400-2506-6214

**York Risk Services Group, Inc.**

YORK Risk Services Group, Inc. (formerly SCRMA – Southern California Risk Management Associates, Inc.) has served as the third-party administrator (TPA) for workers’ compensation
claims since 1988. Following a formal request for proposal process from seven firms in 2008, the City awarded the contract to YORK Risk Services Group, Inc. The following selection criteria was considered in continuing to use YORK Risk Services Group, Inc. as the TPA for Workers' Compensation claims:

- Established record of consistent professional service and reputation within the industry
- High quality references from public entities, particularly full service municipalities
- Staffing and experience levels
- Cost effectiveness of medical and legal cost and legal cost containment services and activities
- Overall cost-benefit advantages

The contract between the City and YORK Risk Services Group, Inc. has an option to extend for two additional years beginning within the FY 2013-2014. The City has chosen to extend the contract in one-year increments and is currently extending the contract for the 2013 calendar year. The amendment to this contract for the period January 1, 2014 through December 31, 2014 is not to exceed $95,365. Account number: 603-400-2321-6214.

**FIRE DEPARTMENT**

**Bound Tree Medical, Inc.**
The El Segundo Fire Department has been purchasing and storing paramedic medical supplies since 1998 as mandated by the County of Los Angeles, Emergency Medical Services Agency.

For seven years, the Fire Department utilized Bound Tree for paramedic medical supplies through a piggyback on an existing competitively bid award. In 2005, staff recommended a change in vendors due to supply availability issues and billing problems. Since that time, Bound Tree has significantly improved its service and has streamlined their ordering process which is integrated with the Department’s internal process. In addition to favorable pricing and timely deliveries, Bound Tree has since expanded their inventory and offers a full range of pharmaceutical supplies which allows the Fire Department to consolidate these types of purchases and receive better pricing with a single vendor.

The El Segundo Fire Department recommends that the City Council waive the formal bidding process per El Segundo Municipal Code §1-7-10 to purchase medical and pharmaceutical supplies, and piggyback on the formal, competitive bid used by the City of El Cajon. Account number: 001-400-3203-5204 in the amount of $27,000 for fiscal year 2013-2014.

**FINANCE**

**All Cities Management Company**
On September 16, 2008, City Council approved an appropriation for ESUED crossing guard services under Special Orders of Business, Item #6 within the 2008-2009 Budget Appropriations. This contract includes 6 crossing guards for a total of 5364 hours. The contract is expected to be renewed year to year as long as ACMS performance meets the City’s and ESUSD’s expectations. The annual cost of funding service this contract is not to exceed $80,000 for fiscal year 2013-2014. Account number: 001-400-2901-6405
Home Depot
Home Depot is one of the suppliers for maintenance/repair supplies and industrial supplies for the City. Due to the high volume of purchases made at Home Depot from various Department/Divisions, purchases for FY 2013-2014 at Home Depot can only be made through Citywide Open Purchase. The Blanket Purchase Order will be maintained with Purchasing Agent. The amount for the purchase order will not exceed $25,000 for FY 2013-2014 in account 001-400-2901-5203. Accounts Payable will prepare monthly journal entries to charge back the Department/Divisions for the month used base on monthly statement/invoices from Home Depot.

Office Depot
Office Depot is one of the main suppliers for office supplies, related office products and off-site services for the City. Due to the high volume of purchases made at Office Depot from various Department/Divisions, purchases for FY 2013-2014 at Office Depot can only be made through Citywide Open Purchase. The Blanket Purchase Order will be maintained with Purchasing Agent. The amount for the purchase order will not exceed $60,000 for FY 2013-2014 in account 001-400-2901-5204. Accounts Payable will prepare monthly journal entries to charge back the Department/Divisions for the month used base on monthly statement/invoices from Office Depot.

RECREATION & PARKS

Lane Donovan Partners, LLC
On October 22, 2004, the City entered into a Management Agreement #3399 with Lane Donovan Partners for $108,000 a year to operate and maintain The Lakes at El Segundo. On April 16, 2013, City Council approved one of Lane Donovan’s budget cut proposals of $12,000 by reducing the management fee. The amount for the contract and purchase order for FY 13/14 issued to Lane Donovan is not to exceed $96,000. Account number: 503-400-5301-6214.

TruGreen Landcare
On October 19, 2010, the City Council awarded the lowest bid for landscape maintenance services to TruGreen Landcare for three years (Consent Agenda Item # 5). Under City’s Agreement # 4096, the annual cost is $137,322 for bi-weekly services or $153,504 for weekly services. The services include 12 parks, 5 median strips, Richmond School Field, Fire Station #2, Douglass underpass, City Maintenance Facility, and The Lakes parking lot and frontage.

Staff recommends renewing the contract for one year and revising RFP # 10-07 documents to include additional services without a price increase from FY 11/12, in a form approved by the City Attorney. The amount for the contract and purchase order for FY 13/14 is not to exceed $153,504. Account number: 001-400-5102-6206.

Great Scott Tree Service Inc.
On September 19, 2009, the City Council approved the extension of City’s Agreement # 3476 with Great Scott Tree Service Inc. for two years with the option of three renewal periods (Consent Agenda Item # 13). Great Scott provides on-call services for tree removals, tree maintenance, tree planting, and tree trimming. During the FY 13/14 Strategic Planning sessions, City Council approved to restore the City’s budget for tree trimming services from $40,000 to
$100,000. The amount for the contract and purchase order for FY 13/14 is not to exceed $110,000 with fiscal impact of $100,000. The $10,000 is a contingency budget that will be reimbursed by the property owner with an expedited tree removal and maintenance permit. Account number: 001-400-5102-6206

PUBLIC WORKS

Fuel for City Vehicles and Equipment
Generally, fuel is purchased either through spot market purchases or long-term contracts. Spot purchasing consists of shopping around each time fuel is needed and purchasing fuel from the lowest priced vendor. This type of purchasing usually occurs when the fuel market is volatile as it has been for the last three years. During periods of stability, agencies enter into long-term fuel contracts. Pricing under long-term contract is tied to a published fuel price baseline plus a markup. The recent volatility in the market has forced vendors to significantly raise this markup, making long-term contracts unattractive. Under the City’s last long-term contract through Los Angeles Metropolitan Public Purchasing Agents’ Cooperative (LAMPPAC), there was virtually no markup. When that contract expired in September 2005, the fuel market was quite volatile and City Council authorized staff to purchase gasoline and diesel fuel through the use of spot market purchases.

Many agencies including Cities of Manhattan Beach, Redondo Beach and Hawthorne have opted to purchase fuel through spot purchases in lieu of entering into long-term contracts since the expiration of the LAMPPAC contract. Staff continuously monitors long-term contracts available in the industry. When the terms of long-term contracts improve such that the price is a few cents over the market baseline, staff will again recommend entering into a long-term fuel contract. Pursuant to El Segundo Municipal Code (ESMC) § 1-7-10, relating to purchases and supplies, the City Council may at any time, by a majority vote and without amending the ESMC, waive purchasing procedures or alter proceedings to fit a specific purchase, when the waiver is not in violation of State law. Spot purchasing is the sort of modified purchasing arrangement that requires such a waiver by Council. It is possible that the total of purchases from any one vendor may exceed $25,000; therefore, Council approval of spot purchasing is requested. The City is budgeting $315,000 for Fiscal Year 2013-2014 in accounts:

001-400-4601-5215 in the amount of $250,000
109-400-3105-5215 in the amount of $13,000
112-400-5292-5215 in the amount of $30,000
501-400-7102-5215 in the amount of $9,000
502-400-4301-5215 in the amount of $13,000

Water Meters – Metron Farnier & Actaris
The City’s water distribution system includes approximately 250 large commercial compound water meters three to eight inches in diameter. As large meters age, they become less accurate and tend to register water usage that is below actual consumption. It is common in the water industry to replace older large meters as they are typically the greatest source of unbilled water or lost water. When meters are replaced, the Water Division installs single jet water meters rather than compound water meters. The single jet meters provide increased metering accuracy,
excellent low flow registration, and less maintenance part. The cost to replace each meter ranges from $2,000 to $5,000, dependent upon size.

Staff plans to continue replacing meters in FY 2013-2014 and recommends continuing to purchase meters from Metron Farnier & Actaris, the only two vendors that supply this type of meter, in an amount not to exceed $100,000 in total. Account numbers: 501-400-7201-5207.

**Asphalt Paving Materials – Blue Diamond Materials**
The Street Maintenance Division repairs approximately 50,000 square feet of pavement annually. Pavement repair work includes potholes, pavement failures, repairs from tree root damage and utility cuts, general street repairs throughout the City and preparation for slurry seal projects. Through the Fiscal Year 2013-2014 budget process, $30,000 was budgeted for the annual expenditure of asphalt paving materials.

Street Maintenance Division personnel drive a City dump truck to retrieve asphalt paving materials. There are three local vendors that supply the materials.

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<td>Vulcan Materials</td>
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Pricing for asphalt paving materials is variable and dependent upon the oil and aggregate market. The pricing for asphalt concrete in the table above was based on a spot market quote on August 8, 2013.

Staff recommends continuing the purchase or asphalt paving materials from Blue Diamond Materials, on a single-source basis, in an amount not to exceed $30,000 for the following reasons:

1. Closer proximity to City reduces staff driving time, fuel and liability
2. Availability of materials – two locations
3. Lowest overall cost when factoring in travel time costs and staff downtime
4. Reduced temperature loss from being transported shorter distances

At this time, Blue Diamond Materials is the more reasonable choice based upon pricing, proximity and availability. Staff will continue to monitor asphalt concrete prices and return to Council if a change in vendors is warranted. Account number: 001-400-4202-5204.

**Infosend, Inc.**
Infosend, Inc. provides professional services to the City for business license renewal notices. For FY 2013-2014, staff recommends amending Agreement # 4203 to include water utility bill print and mail services for the amount not to exceed $27,500 in accounts:
501-400-7102-6206 $19,250
501-400-7102-6253 $8,250

**Aerotek**
On March 1, 2012, the City entered into an Oncall Service Agreement with Aerotek to provide temporary staffing in an amount not to exceed $25,000 for FY 2011-2012. For FY 2012-2013, staff amended Agreement # 4269 for another fiscal year to provide temporary staffing needed by Public Works Department in an amount not to exceed $50,000. For FY 2013-2014, staff recommends amending Agreement # 4269 for another fiscal year to provide temporary staffing needed by Public Works Department in an amount not to exceed $100,000. Savings from various full-time salaries accounts in Public Works Department will be used to fund this contract in FY 2013-2014.

**POLICE DEPARTMENT**

**Society for the Prevention of Cruelty to Animals Los Angeles (SPCALA)**
The SPCALA provides animal sheltering services for the Police Department’s Animal Control program. The SPCALA is utilized to shelter dogs, cats, wild animals, etc. that are captured, found or given to the Animal Control program. The City has contracted with the SPCALA for sheltering services since the Police Department took over all animal control functions not to exceed $28,200 in fiscal year 2013-2014. Account number: 001-400-3108-6206.

**Duncan Solutions**
Duncan Solutions provides a maintenance contract for the Police Department Traffic Division’s Processing system. This system is utilized by parking personnel to issue parking citations. Duncan Solutions also provides a collection service for delinquent parking citations not to exceed $77,000 in fiscal year 2013-2014. Account number: 001-400-3101-6206.

**San Diego Police Equipment Co., Inc. (SDPECI)**
San Diego Police Equipment provides CCI-Speer and Federal Ammunition to the Police Department. SDPECI is the only factory authorized law enforcement distributor in the State of California to sell CCI-Speer and Federal ammunition. SDPECI supplies both duty and training ammunition to the department, not to exceed $53,500 in FY 2013-2014. Account number: 001-400-3101-5217

**Tyler Technologies Eden Financial Management System**
The City utilizes Tyler Technologies financial software to manage the City’s General Ledger, Accounts Receivable, Accounts Payable, Payroll, and Human Resources. This item is for annual licensing, maintenance, and support of these systems. The total cost will not exceed $41,070 for fiscal year 2013-2014. Account number: 001-400-2505-6217.

**Active Network**
The vendor provides the Class Cashier & Scheduling for the city-wide program. This item is for annual licensing, maintenance and support of these systems. The total cost will not exceed $34,000 in fiscal year 2013-2014. Account number: 001-400-2505-6217.
SECOND AMENDMENT TO
AGREEMENT NO. 4242 BETWEEN
THE CITY OF EL SEGUNDO AND
WILDLAND HOMELAND SOLUTIONS

THIS SECOND AMENDMENT ("Amendment") is made and entered into this 17th day of September 2013, by and between the CITY OF EL SEGUNDO, a general law city and municipal corporation existing under the laws of California ("CITY"), and WILDLAND HOMELAND SOLUTIONS, a California Corporation ("CONTRACTOR").

1. Pursuant to Section 35 of Agreement No. 4242 dated March 26, 2012 (the "Agreement"), Section 8 of the Agreement is retroactively extended from December 31, 2013 to September 30, 2014.

2. Pursuant to Section 35 of the Agreement, Section 2A is amended to add additional work as set forth in attached Exhibit A and Exhibit B to this Amendment which is incorporated by reference. City will compensate Contractor for such services in an amount not to exceed forty five thousand. ($45,000.00).

3. 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.

4. Except as modified by this Amendment, all other terms and conditions of Agreement No. 4242 remain the same.

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

CITY OF EL SEGUNDO

______________________________
Greg Carpenter,
City Manager

EK & EK

______________________________
By

______________________________
Title

ATTEST:

______________________________
Tracy Weaver,
City Clerk

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

By:

______________________________
Karl H. Berger, Assistant City Attorney
THIRD AMENDMENT TO
AGREEMENT NO. 4095 BETWEEN
THE CITY OF EL SEGUNDO AND
High Point Strategies, LLC

THIS THIRD AMENDMENT ("Amendment") is made and entered into this 17th day of September 2013, by and between the CITY OF EL SEGUNDO, a general law city and municipal corporation existing under the laws of California ("CITY"), and High Point Strategies, LLC, a California limited liability corporation (Corporation No. 200328010035) ("CONSULTANT").

1. In accordance with Section 18 (Assignment or Substitution) of Agreement No. 4095 ("Agreement"), and pursuant to Section 18 (Modification of Agreement), CITY consents to the substitution of EK & EK, with High Point Strategies, LLC, a California limited liability corporation, as CONSULTANT under the terms and conditions of the Agreement. By executing this Third Amendment, CONSULTANT agrees and consents to undertake all of the terms and conditions of the Agreement ("Agreement") including, without limitation, the terms of this Third Amendment.

2. Pursuant to Section 18 (Modification of Agreement), Section 9 of the Agreement is amended to read as follows:

   "This Agreement expires on September 30, 2014, unless extended by mutual agreement of CITY and CONSULTANT."

3. 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.

4. Except as modified by this Amendment, all other terms and conditions of Agreement No. 4095 remain the same.

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

CITY OF EL SEGUNDO

Greg Carpenter,
City Manager

High Point Strategies, LLC.

By

Title

ATTEST:

Tracy Weaver,
City Clerk

Taxpayer ID No.

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

By:

Karl H. Berger, Assistant City Attorney
AGENDA DESCRIPTION:
Consideration and possible action regarding a request to install temporary banner Announcement Signs that exceed 500 square feet on the temporary perimeter fencing for the property at the northeast corner of Sepulveda Boulevard and Rosecrans Avenue. Applicant: Federal Realty Investment Trust (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Approve Federal Realty Investment Trust’s request for temporary banner Announcement Signs for one and a half years;
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. E-mail request from Jeffrey Chambers at Federal Realty Investment Trust dated September 5, 2013; and
2. Proposed Banner Site Plans and Elevations.

FISCAL IMPACT: None

<table>
<thead>
<tr>
<th>Amount Budgeted</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Appropriation</td>
<td>N/A</td>
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<tr>
<td>Account Number(s)</td>
<td>N/A</td>
</tr>
</tbody>
</table>

ORIGINATED BY: Maria Baldenegro, Assistant Planner
REVIEWED BY: Sam Lee, Director of Planning and Building Safety
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

I. Background and Discussion

On September 5, 2013, Federal Realty Investment Trust submitted an e-mail request to install temporary banner Announcement Signs on the perimeter fencing of a vacant property at the northeast corner of Sepulveda Boulevard and Rosecrans Avenue. The proposed banners would be approximately 8,688 square feet in area, divided into 18 six-foot tall sections extending approximately 937 feet along Rosecrans Avenue, 461 feet along Sepulveda Boulevard and 50 feet at 45 degrees wrapping around the corner. The banners would be made of a mesh material. The banners are intended to attract tenants for a new development on the subject property. The City Council previously approved oversized temporary sign requests for this site on October 2, 2012 which expires on September 30, 2013. Temporary Announcement Signs are typically placed on construction fencing while new commercial buildings are being constructed on the property. The primary purpose of the banner Announcement Signs is to promote and advertise
the future 119,613 square-foot expansion of the Plaza El Segundo shopping center. The banner Announcement Signs will serve to provide dust control of the site with attractive visual screening of the construction activity. The City Council has reviewed the first reading for the final approval of the new commercial development project that is proposed at the corner of Rosecrans Avenue and Sepulveda Boulevard named “The Point.” El Segundo Municipal Code (ESMC) § 15-18-8(I)(3) permits temporary Announcement Signs to be displayed for one year. ESMC § 15-18-8(I)(3) allows temporary Announcement Signs up to 100 square feet; however, City Council may approve larger signs for a greater period of one year. El Segundo Municipal Code (ESMC) § 15-18-8(H) requires that any sign over 500 square feet in area must be approved by the City Council.

The surrounding land uses consist of vacant land, industrial, and commercial uses as outlined below:

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>North: Vacant Land and Shopping Center</td>
<td>C-4</td>
</tr>
<tr>
<td>South: Shopping Center</td>
<td>CG (City of Manhattan Beach)</td>
</tr>
<tr>
<td>East: Vacant Land and Industrial</td>
<td>C-4</td>
</tr>
<tr>
<td>West: Oil Refinery</td>
<td>M-2</td>
</tr>
</tbody>
</table>

II. Environmental Review

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code Regulation § 15311(a), Class 11 categorical exemption, as new existing on-premise signs. The project is not anticipated to have any significant impacts with regard to traffic noise, air quality, or water quality.

III. Conclusion

Planning staff recommends approval of the proposed temporary banner Announcement Signs on the perimeter fencing of the property at the northeast corner of Sepulveda Boulevard and Rosecrans Avenue for one and a half years. Federal Realty Investment has requested approval of temporary banner Announcement Signs for one and a half years beginning on October 1, 2013 and ending on April 30, 2015.
Baldenegro, Maria

From: Jeffrey Chambers [JChambers@federalrealty.com]
Sent: Thursday, September 05, 2013 11:47 AM
To: Baldenegro, Maria
Cc: Collette Navarrette
Subject: FW: Temporary Banners for "The Point"

Please accept my e-mail as a current letter request similar to the above letter dated August 23, 2012.

Street Retail, Inc. (Federal Realty Investment Trust) is seeking approval from the City of El Segundo to install temporary leasing banners on the existing fence line surrounding the 13-acre site at the northeast corner of Rosecrans Avenue and Sepulveda Blvd. The messaging for the banners is focused on leasing for The Point development, and will be installed as quickly as we can obtain approvals from the City of El Segundo. The banners will be installed on the existing fence which currently surrounds the site.

The banners will start from the north side of the property along Sepulveda and will run to the corner, where there will be two 25-foot banners at the corner inset, then approximately 937 feet along Rosecrans, a total linear distance of 1,448 feet. Height is approximately six feet for the banners. Total square footage is approximately 8,688 square feet. Per the program I sent to you earlier today, there are nine signs comprising the first phase which is what was previously approved, and we are asking to approve an additional eleven sign panels for the Rosecrans frontage.

Installation will take about three days to complete, including removing the prior banners.

Should you have any questions, please contact me.

Thank you,

Jeff Chambers

Jeff Chambers
Senior Director, Development & Acquisitions
Federal Realty Investment Trust
2041 Rosecrans Avenue, Suite 245
El Segundo, CA 90245
D: 310-414-5285
C: 949-677-1080
jchambers@federalrealty.com
federalrealty.com

From: Baldenegro, Maria [mailto:MBaldenegro@elsegundo.org]
Sent: Thursday, September 05, 2013 11:12 AM
To: Jeffrey Chambers
Subject: Temporary Banners for "The Point"
Hi Jeff,
Attached is the letter you provided last year. You may e-mail to me the color exhibits of the site plan and proposed banner designs. Please make sure that the request letter includes a description of the number of banners, height of each banner, linear feet of frontage for Sepulveda/Rosecrans and the total square footage. Thanks.

Warmest regards,

Maria Baldenegro, Assistant Planner
City of El Segundo
Planning and Building Safety Department
350 Main Street El Segundo, CA 90245
t: (310) 524-2341
f: (310) 322-4167
e: mbaldenegro@elsegundo.org
City hall is closed on Fridays.....
The Point
Fence Banners - Phase I & II
Banner Height: 72"
PHASE I
No Graphic on Rolling Gate

PHASE I

Right Corner 25'

Left Corner 25'

461'

SEPULVEDA

ROSECRANS

100'

PHASE I TOP VIEW
THE POINT
SEPULVEDA - RIGHT OF ROLLING GATE

THE POINT COMING 2015

PROJECT UNDERWAY AT THE POINT

NOW LEASING

THE PointSB.com
PHASE II
AGENDA DESCRIPTION:
Consideration and possible action regarding the adoption of Ordinance No. 1481 for a Zone Text Amendment, and a Development Agreement on the site located at 850 North Sepulveda Boulevard located generally near the northeast corner of Sepulveda and Rosecrans Boulevards. Applicant: Street Retail Inc. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Waive second reading and adopt Ordinance No. 1481; and/or
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Ordinance No. 1481 and Attachments (Exhibits A through B)

FISCAL IMPACT: N/A

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

ORIGINATED BY: Masa Alkire, AICP, Acting Planning Manager
REVIEWED BY: Sam Lee, Director of Planning and Building Safety
APPROVED BY: Greg Carpenter, City Manager

I. Background and Discussion

On September 3, 2013, the City Council adopted Resolution No. 4838 approving an Addendum to an Environmental Impact Report (Environmental Assessment No. 993) including implementing the Mitigation Monitoring and Reporting Program (MMRP) and re-adopting a Statement of Overriding Considerations (SOC). The City Council also introduced an Ordinance for Zone Text Amendment No. 12-04 and Development Agreement No. 12-03. If adopted, Ordinance No.1481 will become effective in 30 days.
ORDINANCE NO. 1481

AN ORDINANCE APPROVING ZONE TEXT AMENDMENT NO. ZTA 12-04 AMENDING EL SEGUNDO MUNICIPAL CODE §§ 15-5G-2 AND 15-5G-9; AND DEVELOPMENT AGREEMENT NO. DA 12-03 (FIFTH AMENDMENT TO DEVELOPMENT AGREEMENT NO. DA 03-01; FOR THE PLAZA EL SEGUNDO DEVELOPMENT.

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

SECTION 1: The City Council finds and declares that:

A. On March 15, 2005, the City Council approved a development known as Plaza El Segundo. Approvals for that development were subsequently amended to allow for different types of uses including, among others, Health Clubs and Fitness Center (2007); Health/Skin Care and automobile sale uses (2008); fast food restaurants, banks, dance/music studios (2009); and medical and dental offices (2010);

B. On August 23, 2012, Street Retail, Inc. filed applications for an Environmental Assessment (EA-993), a Zone Text Amendment (ZTA 12-04), and a Development Agreement (DA 12-03), to add 4.988 acres to the approximately 8.1-acre property at the northeast corner of Sepulveda Boulevard and Rosecrans Avenue (Phase 1B Project Site); to increase the size of the previously approved shopping center by 49,613 square feet; a Zone Text Amendment to add permitted uses and signs to the Commercial Center (C-4) Zone that are permitted in the approved Development Agreement; a Zone Text Amendment to increase the permitted size of general office uses in the Commercial Center (C-4) Zone (ESMC § 15-5G-2(B)) from 5,000 to 28,735 gross square feet (including the existing general office area in Phase 1A); a modification to Development Agreement § 4.1.3 to allow fast food restaurants within 90 feet of Sepulveda Boulevard and Rosecrans Avenue; a modification to Development Agreement § 4.2.2 to remove the size limitations for retailers in the "Smaller Tenant Standards" for the Phase 1B Project;

C. On June 20, 2013, Street Retail, Inc. amended its applications and filed additional applications requesting: an Adjustment (ADJ 13-03) to allow: a) a curb cut width of 65'-7" and a driveway width of 33'-5" on Sepulveda Boulevard and a curb cut width of 76'-7" and a driveway width of 62'-11" on Rosecrans Avenue where a maximum
of 30 feet in width is permitted (ESMC § 15-15-5(O)(1)); b) a curb cut that is located a distance of zero feet from the eastern property line where a minimum of five feet is required (ESMC § 15-15-5(O)(2)); and c) shared use of one large truck and 6 small truck loading spaces for public/employee parking after 10:00 a.m. (ESMC § 15-5-7(A)(1)); 2) a Variance (VAR 13-01) to allow construction of a retaining wall in excess of 6 feet to a maximum height of 12 feet, with a 42’ cable fence on top and to allow fill in excess of 6 feet to a maximum height of 12 feet (ESMC § 15-2-4(B)(3)); 3) an Administrative Use Permit (AUP 13-04) to allow a Master Administrative Use Permit to allow the sale of beer, wine and alcohol at 6 eating establishments and 5 kiosks for a total of 28,764 square feet of indoor floor area and a total of 5,912 square feet of outdoor dining area for a maximum total of 34,676 square feet of dining area. (ESMC § 15-5G-4); and 4) modification to conditions of approval. If these matters are approved, the applicant proposes to develop a 119,613 square foot shopping center, known as The Point;

D. The applications from Street Retail, Inc. (collectively, the “project”) were reviewed by the City’s Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the El Segundo Municipal Code (“ESMC”);

E. 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. 3805, adopted March 16, 1993);

F. On August 15, 2013, the Planning Commission adopted Resolution No. 2736 recommending that the City Council adopt this Ordinance; and

G. This Ordinance and its findings are made based upon the entire administrative record including, without limitation, the public hearing held by the City Council on September 3, 2013.

SECTION 2: Environmental Assessment. Resolution No. 4838 adopted an Addendum and a Statement of Overriding Considerations (SOC) for this Project which, among other things, properly assesses the environmental impact of this Ordinance, and the Project, in accordance with CEQA. This Ordinance incorporates by reference the environmental findings and analysis set forth in Resolution No. 4838.
SECTION 3: Factual Findings and Conclusions. The City Council finds and declares that the factual findings and conclusions set forth in Resolution No. 4838, adopted on September 3, 2013, are incorporated as if fully set forth.

SECTION 4: Zone Text Amendment Findings. Based on the factual findings of Resolution No. 4838, as incorporated into this Ordinance, the proposed Zone Text Amendment is necessary to implement the Project and to amend the Commercial Center (C-4) development standards relating to permitted uses and signs. Specifically, the Zone Text Amendment amends ESMC § 15-5G-2 relating to permitted uses to increase the permitted size of general office uses in the Commercial Center (C-4) Zone (ESMC § 15-5G-2(B)) from 5,000 to 28,735 gross square feet (including the existing general office area in Phase 1A) and to add several permitted uses to the Commercial Center (C-4) Zone that are permitted in the approved Development Agreement. The added uses include: banks, savings and loans and/or credit unions, not to exceed a total of 10,000 square feet; day spas not to exceed a total of 10,000 square feet; dance and music instruction studios not to exceed a total of 6,000 square feet; a farmer’s market; health and/or skin care services that are limited to non-invasive and/or minimally invasive cosmetic medical procedures that may be rendered by licensed health care professionals provided that such use does not exceed 3,000 square feet in floor area and at least twenty percent (20%) of the floor area is devoted to the sale of retail products; Indoor sale of automobiles, motorcycles, and motor scooters along with the sale of accessories and parts as an accessory use. Additionally, the Zone Text Amendment amends ESMC § 15-5G-9 to permit a maximum of one roof sign up to 450 square feet in that portion of the C-4 Zone located south of the Union Pacific Railroad and north of Village Drive which shall not count toward the maximum 15 percent (15%) permitted for store front signage as specified in ESMC § 15-18-8(C); to increase the size of two ground or monument signs from a maximum of 20 feet to 25 feet each permitted along the Sepulveda Boulevard street frontage south of the Union Pacific Railroad; and to add provisions for signs to the Commercial Center (C-4) Zone that are already permitted in the approved Development Agreement.

SECTION 5: Zone Text Amendment. ESMC §§ 15-5G-2 and 15-5G-9 are amended in their entirety to read as follows:

“15-5G-2: PERMITTED USES:

The following uses are permitted in the C-4 Zone:

A. Banks, savings and loans and/or credit unions, not to exceed a total of 10,000 square feet.

B. Day spas not to exceed a total of 10,000 square feet.

C. Dance and music instruction studios not to exceed a total of 6,000
square feet.

D. Farmer’s Market.

E. Fitness centers (indoors only).

F. General offices not to exceed twenty-eight thousand, seven hundred thirty-five (28,735) gross square feet.

G. Health and/or skin care services that are limited to non-invasive and/or minimally invasive cosmetic medical procedures that may be rendered by licensed health care professionals provided that such use does not exceed 3,000 square feet in floor area and at least twenty percent (20%) of the floor area is devoted to the sale of retail products.

H. Indoor sale of automobiles, motorcycles, and motor scooters along with the sale of accessories and parts as an accessory use. No outdoor display or storage shall be allowed and no on-site repair or maintenance shall be allowed.

I. Medical and dental offices, not to exceed five thousand (5,000) square feet.

J. Pet supplies and services, including veterinary services.

K. Restaurants and cafes.

L. Retail sales uses (excluding off-site alcohol sales).

M. Other similar uses approved by the Director of Planning and Building Safety, as provided by Chapter 22 of this Title.”

* * *

“15-5G-9: SIGNS:

Signs in the C-4 Zone must comply with requirements of Chapter 18 of this Title except as specified below.

A. A maximum of three ground or monument signs not to exceed 35 feet each are permitted along the Sepulveda Boulevard street frontage, north of the Union Pacific Railroad.
B. A maximum of two ground or monument signs not to exceed 25 feet each are permitted along the Sepulveda Boulevard street frontage south of the Union Pacific Railroad.

C. A maximum of two ground or monument signs (not including wayfinding signs), not to exceed 25 feet each are permitted along the Park Place street frontage.

D. A maximum of two ground or monument signs (not including wayfinding signs), not to exceed 25 feet each are permitted along the Allied Way street frontage.

E. A maximum of two ground or monument signs (not including wayfinding signs), not to exceed 20 feet each are permitted along the Rosecrans Avenue street frontage.

F. A maximum of one roof sign up to 450 square feet in that portion of the C-4 Zone located south of the Union Pacific Railroad and north of Village Drive which shall not count toward the maximum 15 percent (15%) permitted for store front signage as specified in § 15-18-8(C) of this Title.

G. Parcels that are comprised of a minimum of 7.5 acres and that have at least eighty percent of the floor area devoted to retail and restaurant uses may have up to two light emitting diode signs ("LED Sign") that do not exceed thirty (30) feet in height and sixty (60) feet in width so long as: a) the signs only advertise businesses and products (but only in conjunction with the name of the business that sells the product) that are located on the parcel or display movie projections and abstract videos that are not related to advertising any product, or entertainment, retail or service use and (b) the sign is oriented such that it is intended to be viewed by individuals located on the parcel and not by individuals located in a public right of way. Pursuant to a development agreement that covers multiple parcels of property, and so long as the requirements of this provision are otherwise met, the names of businesses and products (but only in conjunction with the name of the business that sells the product) that are located on parcels that are subject to the development agreement may be advertised on a LED Sign located on another parcel that is subject to the same development agreement."

SECTION 6: Development Agreement Findings. Pursuant to City Council Resolution No. 3268, adopted June 26, 1984, the City Council finds that:

A. The project is consistent with the objectives, policies, general land
uses, and programs specified in the general plan. The Development Agreement would provide the following public benefits in exchange for valuable development rights (eight-year entitlement):

1. Development of a property that is currently vacant and underutilized.
2. Increasing and further stabilizing the City's tax base through development of new commercial businesses.
3. Increase in employment opportunities for the City's residents.
4. Increasing the diversity of retail uses and services in the City.
5. Increasing City revenues through the generation of taxes that outweigh the City cost of services.
6. Development of a project that is consistent with the Elements of the General Plan.
7. The project would reduce the maximum permitted floor area ratio on the property from 0.6:1 to 0.275:1.
8. Improvements to roadways and intersections in the project vicinity.
9. Expansion of the planned ITS network to make it even more effective in relieving congestion.
10. Contribution of approximately $133,354 in police, fire, and parks mitigation fees to offset the impacts of the project on public services.
11. Contribution of approximately $879,452 in traffic impact mitigation fees to offset the impacts of the project on public roadway infrastructure.
12. Contribution of $25,000 for signage to enhance and promote businesses in the Downtown Specific Plan Area of El Segundo.

B. Following implementation of the proposed Zone Text Amendment, the project is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located. These uses and development standards are similar and compatible with the other commercially zoned districts in the City.

C. The project conforms with the public convenience, general welfare and good land use practice. The proposed project permits a lower floor area ratio than allowed under the prior M-2 zoning (0.275:1 vs. 0.6:1). The project would facilitate constructing public roadways, through an irrevocable offer to dedicate land for public roadway purposes. The project would also be designed to support and
encourage public transportation uses and contribute to the continued diversification of the southeast quadrant of the City by providing a broad range of commercial uses.

D. The project will not be detrimental to the health, safety and general welfare. The proposed project will not create any negative environmental impacts, with the exception of traffic, operational and temporary construction related air quality, and temporary construction-related noise impacts, and cumulative solid waste and traffic impacts. The City Council is responsible for determining if there are overriding considerations, which outweigh the identified unavoidable environmental consequences of the project.

E. The project will not adversely affect the orderly development of property or the preservation of property values. The Commercial Center (C-4) Zone development standards and development agreement will ensure that the project will be developed in an orderly fashion. All mitigation measures will be implemented at the time and place impacts occur.

F. The project would also be designed to support and encourage public transportation uses and contribute to the continued diversification of the southeast quadrant of the City.

SECTION 7: The Amendment to the Development Agreement by and between the City of El Segundo, PES Partners, LLC, and Street Retail, Inc., as set forth in attached Exhibit “A,” and incorporated into this Ordinance by reference, is approved. The Mayor is authorized to execute the Development Agreement in a form approved by the City Attorney.

SECTION 8: Additional Approvals. To the extent they are not otherwise adopted or approved by this Ordinance, and subject to the conditions listed on attached Exhibit "B," which are incorporated into this Ordinance by reference, the City Council approves Zone Text Amendment No. ZTA 12-04 and Development Agreement (Amendment) No. DA 12-03.

SECTION 9: Reliance on Record. Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 10: Limitations. The City Council’s analysis and evaluation of the Project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects
of the project will not exist. One of the major limitations on analysis of the project is the City Council’s knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City’s ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 11: **Summaries of Information.** All summaries of information in the findings which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding, is not based in part on that fact.

SECTION 12: **Effectiveness of ESMC.** 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 13: **Memorialization.** 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 14: **Severability.** 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 15: Effective Date. This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED, APPROVED AND ADOPTED this 17th day of September 2013.

________________________________________
Bill Fisher, 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. 1481 was duly introduced by said City Council at a regular meeting held on the 3rd day of September 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 17th day of September 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
FIFTH AMENDMENT TO DEVELOPMENT AGREEMENT

BY AND AMONG

CITY OF EL SEGUNDO,

PES PARTNERS, LLC

AND

STREET RETAIL, INC.

(AREA A)

THIS AGREEMENT MUST BE RECORDED WITHIN TEN DAYS OF EXECUTION BY ALL PARTIES PURSUANT TO GOVERNMENT CODE §65868.5
FIFTH AMENDMENT TO DEVELOPMENT AGREEMENT

This Fifth Amendment to Development Agreement ("Fifth Amendment") is made and entered into by and among the CITY OF EL SEGUNDO, a general law city and municipal corporation ("City"); PES PARTNERS, LLC, a Delaware limited liability company ("PESP"); and STREET RETAIL, INC., a Maryland corporation ("Street"), as of this _____ day of ___________, 2013. Street and PESP are collectively referred to as "Developer." City and Developer are individually referred to as "Party" and collectively as "Parties." In consideration of the mutual covenants and agreements contained in this Fifth Amendment, and in light of Developer's application which was considered by City concurrently with this Fifth Amendment, City and Developer agree as follows:

1. Recitals.

1.1 Unless otherwise specified the term "Development Agreement" refers to the Development Agreement entered into between the Parties, or their predecessors in interest, on March 16, 2005, its amendments, and related Operating Memoranda.

1.2 On December 30, 2011, RSP2 executed an Assignment and Assumption Agreement ("Street Assignment") whereby RSP2 conveyed to Street, in accordance with the provisions of Section 3 of the Development Agreement, RSP2's right, title and interest in and to the Development Agreement and the Project Approvals with respect to the Property covered by the Development Agreement.

1.3 On August 15, 2013 the Planning Commission held a duly noticed public hearing on this Fifth Amendment to the Development Agreement along with Developer's other applications.

1.4 On September 3, 2013 the City Council held a duly noticed public hearing on this Fifth Amendment and Developer's other applications. At the conclusion of the public hearing the City Council adopted Resolution No. 4838 approving the use of an Addendum for this project and introduced Ordinance No. 1481 approving this Fifth Amendment to the Development Agreement as well as a zone text amendment to El Segundo Municipal Code § 15-5G-2. On September 17, 2013 the City Council adopted Ordinance Nc. 1481. Ordinance No. 1481 became effective on October 18, 2013.

1.5 Section 15 of the Development Agreement provides for amendment of the Development Agreement upon mutual consent of the parties and in accordance with the procedures established by applicable law. This Fifth Amendment was adopted in conformance with Government Code §§ 65865, et seq.

1.6 On September 3, 2013, the City Council certified an Addendum to the Final Environmental Impact Report ("FEIR"). As set forth in that Addendum, no subsequent or supplemental environmental impact report is required before approving this Fifth Amendment.

2. Amendment of Property Descriptions. In order to incorporate an additional 4.988 acres into the description of the Property, attached Exhibits A, B, and C amend, in their entirety,
the Depiction of Segments; Property Description; and Phase 1B Property Description. Exhibits A, B, and C are incorporated by this reference and supersede the previous exhibits as applicable.

3. **Revised Square Footage of the Project.** Sections 1.2 and 1.3 of the Development Agreement are amended to read as follows:

1.2 After the various dedications are made for Phase 1A, Phase 1A consists of approximately 33.55 gross acres of property. The total gross acreage of the Phase 1A and Phase 1B property is 51.70 gross/46.60 net (after street dedications) acres, as more specifically described by the legal description set forth in Exhibit “B” (the “Property” or “Area A”).

1.3 Developer desires to complete the development of Phase 1B of the Property so that the entire development for Phase 1A and Phase 1B will consist of a primarily retail complex, which will be comprised of approximately four-hundred ninety eight thousand, four hundred and forty-two (498,442) gross square feet that will include large retail stores, specialty retail stores, sit-down restaurants and other uses (the “Project”). Phase 1B will consist of one hundred nineteen thousand, six hundred and thirteen (119,613) gross and one hundred nine thousand, five hundred seventy five (109,575) net square feet, as more specifically described by the legal description set forth in Exhibit “C” (the “Phase 1B Property”).

4. Section 1.4 of the Development Agreement is amended to read as follows:

1.4 City has certified a Final Environmental Impact Report for Environmental Assessment No. 631 (SCH No. 2003121037) (the “EIR”), and has approved the Mitigation Monitoring Plan for the EIR; General Plan Amendment No. 03-04, Zone Change No. 03-02, Zone Text Amendment No. 04-1, Subdivision No. 03-07 (Vesting Tentative Tract No. 060630), and Development Agreement No. 03-1 (the foregoing are collectively referred to as the “Original Project Approvals”). Concurrently with the City’s approval of the Original Project Approvals, City has also, as part of General Plan Amendment No. 03-5, Zone Change No. 03-3 and Zone Text Amendment No. 04-1, re-designated and rezoned other property in the vicinity of the Property with a “Commercial Center (C-4)” land use and zoning designation (the “Other C-4 Property”) a portion of which (approximately 13 acres) Developer has an option to acquire from property owner and the balance of which (approximately 42 acres) is owned by third parties.

1.4.1 On July 30, 2007 City approved a First Amendment to the Development Agreement allowing additional uses.

1.4.2 On March 4, 2008 City approved an Addendum to the Original EIR and also approved a Second Amendment to the Development Agreement, revised conditions of approval, and zone text amendments to Chapter 15-5 of the El Segundo Municipal Code which increased the size of the Phase 1B Property allowed development among other changes.
1.4.3 On March 22, 2010 City approved a Third Amendment to the Development Agreement related to the allowed uses.

1.4.4 On August 17, 2010 City approved a Fourth Amendment to the Development Agreement allowing additional uses and making changes to Chapter 15-5 of the El Segundo Municipal Code.

5. Section 4.1.3 of the Development Agreement is amended to read as follows:

4.1.3 Fast Food Restaurants. Unless such use is incidental to the primary business of an occupant of a building, “Fast food” restaurants are prohibited in Phase 1A within 150 feet of Sepulveda Boulevard and in Phase 1B within ninety (90) feet of Sepulveda Boulevard or Rosecrans Avenue. “Fast food” restaurant is defined as “A restaurant where customers purchase food and beverages and either consume the food and beverages on the premises within a short period of time or take the food and beverages off the premises. Typical characteristics of a fast food restaurant include, without limitation, the purchase of food and beverages at a walk-up window or counter, no table service by a server, payment for food and beverages prior to consumption, and the packaging of food and beverages in disposable containers. A restaurant is not considered a fast food or take-out restaurant solely on the basis of incidental or occasional take-out sales.”

6. Section 4.2.2 of the Development Agreement, as interpreted by Operating Memorandum No. 1, is amended to read as follows and Section 6 of the Second Amendment making the Smaller Tenant Standard applicable to Phase 1B is deleted:

4.2.2 Limitations on Minimum Square Footage of Buildings and Space.

Except with respect to the two restaurants identified in Section 4.1.5 above, a maximum of 75,000 square feet of the allowable building area allowed on the Property can be developed and/or utilized for uses that occupy less than 4,000 square feet of building space. With respect to such 75,000 square feet, a maximum of 8 building pads (exclusive of the “Full Service Restaurants” referred to in Section 4.1.5 above) may be less than 4,000 square feet each. Moreover, no building pads on the Property may be less than 5,000 square feet in size. Additionally, with respect to the 75,000 square feet, only those uses identified on Exhibit “B” to Operating Memorandum No. 1 are allowed to occupy less than 1,500 square feet of building space or uses which are the reasonable equivalents of the specific businesses listed in Exhibit “B” to Operating Memorandum No. 1 as determined by the Planning and Building Safety Director in his or her sole discretion. In addition, the Developer may request that the City Council approve of deviations from the restrictions set forth in this Section 4.2.2 and the City Council may approve or deny such requests in its sole discretion. As used in this Agreement, the term “building pad” means the total ground floor area of any individual building constructed on the Property.
4.2.2.1 Notwithstanding the above, the 75,000 square foot maximum and the Smaller Tenant Standards set forth in the Development Agreement and Operating Memorandum No. 1, do not apply to the Phase 1B development. However, all other requirements of the Development Agreement and the Conditions of Approval, apply with respect to the entire Project.

7. **Notice.** Section 19 of the Development Agreement is amended by changing the Notice to Developer to read as follows:

   **If to Developer:** Street Retail, Inc.
   Baris Ipekari, Legal Counsel
   1626 East Jefferson Street
   Rockville, MD 20852

   **With Copy to:** Federal Realty
   Jeff Chambers
   2041 Rosecrans Avenue, Suite 245
   El Segundo, CA 90245

8. **Amendments to Exhibit “D” Conditions of Approval.** In connection with the development of the Phase 1B Property, the Conditions of Approval are amended as set forth in attached Exhibit “D,” which is incorporated by reference.

9. **Remainder of Development Agreement to Remain in Full Force and Effect.** Except as set forth in this Fifth Amendment, all terms and conditions of the Development Agreement remain in full force and effect.

IN WITNESS WHEREOF, Developer and City have executed this Fifth Amendment on the date first above written.

   **CITY:**

   **CITY OF EL SEGUNDO, a municipal corporation**

   By: ________________________________
   Name: Bill Fisher
   Title: Mayor

   **ATTEST**
   By: ________________________________
   Name: Tracy Weaver
   Title: City Clerk

7/2/13
APPROVED AS TO FORM:

By: __________________________
Name: Mark Hensley
Title: City Attorney

PESP

PES PARTNERS, LLC, a Delaware limited liability company

By: Street Retail, Inc., a Maryland corporation
Its: Manager

By: Jeffrey S. Berkes, Vice-President
Western Region

STREET

STREET RETAIL, INC., a Maryland corporation

By: __________________________
   Jeffrey S. Berkes, Vice-President,
   Western Region
State of California  
County of _____________  

On ________________ , before me, __________________________, Notary Public, (here insert name and title of the officer) personally appeared __________________________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/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______________________________  
(seal)

State of California  
County of _____________  

On ________________ , before me, __________________________, Notary Public, (here insert name and title of the officer) personally appeared __________________________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/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______________________________  
(seal)
State of California
County of ______________

On ______________, before me, ____________________________, Notary Public,
(personal name and title of officer)

______________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/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____________________________
(seal)

State of California
County of ______________

On ______________, before me, ____________________________, Notary Public,
(here insert name and title of officer)

______________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/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____________________________
(seal)
State of California 
County of __________________ )

On ____________________, before me, __________________, Notary Public, (here insert name and title of the officer) 
personally appeared _____________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/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______________________________

(seal)
EXHIBIT B – LEGAL DESCRIPTION
PHASE 1

LOTS 1 THROUGH 17 OF VESTING TRACT NO. 61630, IN THE CITY OF EL SEGUNDO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 1370, PAGES 41 THROUGH 51, OF MAPS, IN THE OFFICE OF THE COUNTY REGISTRAR-RECORDER/COUNTY CLERK OF SAID COUNTY.

TOGETHER WITH

PARCEL 1 OF THE DOCUMENT ENTITLED “CERTIFICATE OF COMPLIANCE REQUEST FOR CERTIFICATE OF COMPLIANCE CITY OF EL SEGUNDO”, IN THE CITY OF EL SEGUNDO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECORDED _____________, 2013, AS INSTRUMENT NO. 2013 ___________ OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALL AS DEPICTED ON “EXHIBIT B – PLAT”, ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION WAS PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR’S ACT.

J. MARTY SMITH, PLS 8070
DATE PREPARED: 06/13/2013
EXHIBIT C – LEGAL DESCRIPTION
PHASE 1B

PARCEL 1 OF THE DOCUMENT ENTITLED "CERTIFICATE OF COMPLIANCE REQUEST FOR CERTIFICATE OF COMPLIANCE CITY OF EL SEGUNDO", IN THE CITY OF EL SEGUNDO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECORDED ________________, 2013, AS INSTRUMENT NO. 2013______________ OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALL AS DEPICTED ON "EXHIBIT C – PLAT", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION WAS PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

J. MARTY SMITH, PLS 8070
DATE PREPARED: 06/13/2013
EXHIBIT C — PLAT
PLAT TO ACCOMPANY "EXHIBIT C — LEGAL DESCRIPTION"

PARCEL 1
COC/LLA 2013, O.R.

LEGEND
— EXTERIOR BOUNDARY LINES

SCALE: 1"=250'

EXHIBIT C — PLAT
PHASE 1B
CITY OF EL SEGUNDO, CALIFORNIA
EXHIBIT D

AMENDMENTS TO CONDITIONS OF APPROVAL

The Conditions of Approval that were approved by the City Council on March 15, 2005 as part of Ordinance No. 1382, as revised by the Conditions of Approval that were approved by the City Council on March 4, 2008 as part of Ordinance No. 1417 (the “Second Amendment”) (collectively, the “Conditions of Approval”) are hereby amended as follows:

In addition to all applicable provisions of the El Segundo Municipal Code (“ESMC”), Street Retail, Inc. and PES Partners, LLC, the property owner(s) and their successors in interest, agree to comply with the following provisions as conditions for the City of El Segundo’s approval of Environmental Assessment No. 993, Zone Text Amendment No. 12-04, Amendment to Development Agreement No. 12-03, Adjustment No. 13-03, Variance No. 13-01, and Administrative Use Permit No. 13-04 (“Project Conditions”).

1. All mitigation measures in the Final Environmental Impact Report (SCH No. 2003120132) that are reflected in the Mitigation Monitoring and Reporting Program for the proposed Sepulveda/Rosecrans Site Rezoning Reduced Traffic Generation Alternative and Plaza El Segundo Development Reduced Traffic Generation Alternative are incorporated by this reference into these conditions of approval.

2. All conditions of approval of Environmental Assessment No. 631, Development Agreement No. 03-1, General Plan Amendment No. 03-4 & 03-5, Zone Change No. 03-2 & 03-3, Zone Text Amendment No. 04-1, and Subdivision No. 03-7, except as modified below.

3. All conditions of approval of Environmental Assessment No. 768, Zone Text Amendment No. 08-01, and Development Agreement No. 07-03, except as modified below.

4. Condition No. 2 of Council Resolution No. 4415 is amended in its entirety to read as follows:

    DEFINITIONS

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in these conditions.

A. “P.B.S. Director” means the City of El Segundo Director of Planning and Building Safety, or designee.
B. "EIR" means the Final Environmental Impact Report for the proposed Sepulveda/Rosecrans Site Rezoning and Plaza El Segundo development project (SCH No. 2003121037), El Segundo, California.


D. "Development Agreement" refers to Development Agreement No. 03-1 and any amendments thereto.

E. "Project Area" refers to each of the developable lots on the Plaza El Segundo development Project Site as shown on Vesting Tentative Map No. 061630 in the City of El Segundo, County of Los Angeles as per map filed on June 6, 2012, Book 1370, pages 41-51, and refers to Lot 1 of Lot Line Adjustment No. 13-04 as reflected in that Certificate of Compliance, in the City of El Segundo, County of Los Angeles, State of California, recorded on July 29, 2013, as Instrument No. 2013-1105767, of official records in the office of the County Recorder of said County.

F. "Project Site" refers to the 51.7 gross/46.60 net (after street dedications) acre site generally located south of Hughes Way, east of Sepulveda Boulevard, west of Nash Street, and north of Rosecrans Avenue.

E-1. "Project Site Phase 1B" refers to the 13.050 gross/12.63 net-acre site as shown as Lot 1 of Lot Line Adjustment No. 13-04 as reflected in that Certificate of Compliance, in the City of El Segundo, County of Los Angeles, State of California, recorded on July 29, 2013, as Instrument No. 2013-1105767, of official records in the office of the County Recorder of said County, generally located south of the Union Pacific Railroad, east of Sepulveda Boulevard, west of Douglas Street, and north of Rosecrans Avenue.

E-2. "Phase 1A" refers to the portion of the Project Area located north of the Union Pacific Railroad right-of-way.

E-3. "Phase 1B" refers to the portion of the Project Area located south of the Union Pacific Railroad right-of-way.

G. "Sepulveda/Rosecrans Rezoning Site" refers to the approximately 110 acres generally located south of Hughes Way, east of Sepulveda Boulevard, west of Douglas Street, and north of Rosecrans Avenue which is the subject of a General Plan and Zoning Code Amendment that is being considered concurrently with the land use entitlements for the Project Area and the Project Site.
H. Except as otherwise specified in these Conditions of Approval, conditions must be satisfied before the issuance of a Building Permit for each building within the Project Area.

AESTHETICS

Signs

5. Condition No. 9.B-1 of Council Resolution No. 4415 is amended to read as follows:

Notwithstanding any other provisions in the ESMC, a maximum of two ground or monument signs with a maximum height of 25 feet each are permitted along the Sepulveda Boulevard street frontage of the Project Area south of the Union Pacific Railroad;

6. A new Condition No. 9.B-2 is added to read as follows:

"Notwithstanding any other provisions in the ESMC, one roof sign with an area up to a maximum of 450 square is allowed in the Phase 1B area. The area of said roof sign is not included in the maximum permitted freestanding building or store front sign area. Additional roof signs must comply with the maximum permitted store front sign area (fifteen (15%) percent of the face of each shop front)."

FIRE

7. A new Condition No. 13.A is added to read as follows:

"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 ESMC. The City will adopt the 2013 California Building and Fire Codes, effective January 1, 2014. All permits issued after January 1, 2014 must comply with the requirements of the 2013 Editions, as adopted by the ESMC.."

8. Condition No. 15 of Council Resolution No. 4415 is amended in its entirety to read as follows:

"Before the City issues a building permit, the applicant must provide Fire Life Safety Plans to the PBS Director and the Fire Chief for review and approval, which include, without limitation, the following:

A Fire lanes,

B Fire lane signing,
C Fire lane access easements or other recorded documents to the reasonable satisfaction of the City Attorney,

D Fire lane accessibility,

E Gas detection systems,

F Minimum acceptable flow from any fire hydrant must be 2,500 gallon per minute, calculated at 20 psi,

G Sprinkles within structures Underground looped fire mains, sprinklers, fire pumps, and fire alarms,

I Emergency generators,

J Any above ground or underground storage tanks including elevator sumps and condensation tanks,

K Documentation that the on-site fire mains will be maintained,

L Fire safety precautions during demolition and construction,

M Emergency site access during construction,

N Permanent fire department access,

O Fire hydrant locations,

P Any proposed fire sprinkler and fire alarm systems, and

Q Before the City issues a certificate of occupancy, the applicant must demonstrate to the Fire Department that the development complies with the Fire Life Safety Plan, and that any required easements were properly dedicated and recorded.”

9. A new Condition No. 16.A is added to read as follows:

“The applicant must provide an automatic fire sprinkler system throughout each building, installed in accordance with California Fire Code Chapter 9 and the currently adopted edition of NFPA 13.”

10. A new Condition No. 16.B is added to read as follows:
"The applicant must provide an automatic fire alarm system throughout each building, installed in accordance with California Fire Code Chapter 9 and the currently adopted edition of NFPA 72."

11. A new Condition No. 16.C is added to read as follows:

"The applicant must provide a certification from the underground petroleum pipeline owner/operator that the proposed project will not encroach into any foundations or structures within the pipeline right-of-way without the underground petroleum pipeline owner/operator's approval. The certification must be provided with the initial plan review documents."

12. A new Condition No. 16.D is added to read as follows:

"There is a railroad right-of-way on the north side of the property. Access doors and ladders with a maximum 300-foot spacing must be provided to provide access to the railroad right of way in case of a train derailment or incident to the satisfaction of the Fire Department. The access doors and ladders must have approved Knox Company Knox Padlocks installed."

13. A new Condition No. 16.E is added to read as follows:

"If any fire features are proposed for the project, the applicant must provide the following conditions for any fire feature:

i. A barrier must be provided around the fire feature to prevent accidental access to the fire feature.

ii. The distance between the fire feature and combustible material and furnishings must meet the fire feature's listing and manufacturer's requirements.

iii. If the fire feature's protective barrier exceeds ambient temperatures, all exit paths and occupant seating must be a minimum 36 inches from the fire feature."

14. Condition No. 19 of Council Resolution No. 4415 is amended in its entirety to read as follows:

"Pursuant to ESMC §§ 15-27A-1, et seq., and before building permits are issued, the applicant must pay a one-time fire services mitigation fee as provided in City Council Resolution No. 4687."
POLICE/SAFETY

15. Condition No. 27 of Council Resolution No. 4415 is amended in its entirety to read as follows:

"Pursuant to ESMC §§ 15-27A-1, et seq., and before building permits are issued, the applicant must pay a one-time police services mitigation fee as provided in City Council Resolution No. 4687."

16. A new Condition No. 27.A is added to read as follows:

"The applicant must provide, at no cost to the City of El Segundo, a minimum of 240 square feet of office space to be used by the El Segundo Police Department as satellite office space to provide Police services on the east side of Sepulveda Boulevard."

PROJECT DESCRIPTION

17. Condition No. 29 of Council Resolution No. 4415 is amended to read as follows:

"The Plaza El Segundo development project is allowed to develop up to a maximum of 498,442 gross square feet including a maximum of 119,613 gross/109,575 net square feet for the Plaza El Segundo Phase 1B development project, consisting of a combination of uses as permitted by the Plaza El Segundo Reduced Traffic Generation Alternative described in the Final EIR, the C-4 Zone and as limited by the Development Agreement as long as the total AM, PM peak, daily, and Saturday midday peak trip generation established in the EIR for the Plaza El Segundo development project as a whole is not exceeded."

18. Condition No. 30 of Council Resolution No. 4415 is amended in its entirety to read as follows:

"The maximum project size may be reduced as determined by the vehicle trip generation for each use. The Sepulveda/Rosecrans Site Rezoning and Plaza El Segundo development project permit the following vehicle trips:

<table>
<thead>
<tr>
<th>MAXIMUM PERMITTED TRIPS</th>
<th>AM</th>
<th>PM</th>
<th>Daily</th>
<th>Saturday Midday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sepulveda/Rosecrans Site Rezoning</td>
<td>1,033</td>
<td>2,346</td>
<td>25,859</td>
<td>3,379</td>
</tr>
<tr>
<td>Plaza El Segundo Development Project</td>
<td>779</td>
<td>1,477</td>
<td>16,645</td>
<td>2,205</td>
</tr>
</tbody>
</table>
The trip generation for each use and building must be determined using the rates, including the internal capture and pass-by discount rates, as set forth in the most current edition of the Institute of Traffic Engineer’s Traffic General Manual. Trip adjustments for internal capture and pass-by reductions will be in accordance with the adjustments in the Traffic Impact Study in the FEIR (EA No. 631) approved on March 1, 2005. Trip adjustments for transit credit, will be in accordance with the adjustments in the Traffic Impact Study in the Addendum to the FEIR (EA No. 768) approved on February 19, 2008.

DEDICATIONS AND FEES

19. Condition No. 34A of Council Resolution No. 4415 is added to read as follows:

“The applicant must provide either 1) an irrevocable offer to dedicate a maximum of a six-foot wide bicycle lane to be located along the entire Rosecrans Avenue frontage of the subject property; or 2) a maximum of six-foot wide easement for a bicycle path to be located in the landscaped front setback of the subject property in compliance with the Circulation Element of the General Plan and South Bay Bicycle Plan to the satisfaction of the Public Works Department and the Planning and Building Safety Department. The exact alignment will be determined by the Public Works Department and the Planning and Building Safety Department. Alternatively, if the Public Works Department and the Planning and Building Safety Department determine that it is infeasible to provide a bicycle lane or bicycle path on any or all of the Rosecrans frontage, signage and striping as a bicycle route may be required. The City has the right to exercise its right to accept the property subject to the offer of dedication on or after, the earlier of, October 17, 2018, or 15 years following the date on which the certificate of occupancy was issued for the last building on the property.”

20. Condition No. 36 of Council Resolution No. 4415 is amended in its entirety to read as follows:

TRANSPORTATION/CIRCULATION/PARKING

21. Condition No. 61A is added to read as follows:

Before the City issues a certificate of occupancy for any building constructed south of the Union Pacific/Burlington Northern Santa Fe Railroads, the new on-site and off-site roadway improvements, including any medians, sidewalks, curbs, and gutters must be constructed in accordance with applicable Department of Public Works construction standards for a public roadway with the minimum dimensions required by the Circulation Element of the El Segundo General Plan to the satisfaction of the Director of Public Works and the Director of Planning and Building Safety, and must comply with applicable
requirements of the Americans with Disabilities Act (ADA), as well as City requirements for traffic signage, street lighting, drainage plans, and underground utility service, subject to the review and approval of the Director of Public Works. Additionally, the roadway improvements along Rosecrans Avenue must be consistent with the design analyzed in the Addendum to the FEIR, including, but not limited to the lane configurations, deceleration lane design at Village Drive, and lengths of left turn pockets at Rosecrans Avenue and Sepulveda Boulevard and at Rosecrans Avenue and Village Drive. The application must be responsible for the design and construction of the new roadways.”

WATER

22. Condition No. 100 of Council Resolution No. 4542 is amended to read as follows:

“Water meters must be provided for each lot by the applicant in accordance with City policies and approved by the Water Division before installation. This condition does not prohibit the use of private water meters for individual buildings or individual tenancies.”

ADMINISTRATIVE USE PERMIT/ALCOHOL SERVICE (FOR PHASE 1B)

23. New Conditions 101 through 120 are added to read as follows:

101. The proposed hours of operation and hours of alcohol service for the restaurants and kiosks, including the outdoor dining patios are limited to: Sunday through Thursday from 10:00 a.m. to 12:00 a.m. and Friday through Saturday from 10:00 a.m. to 2:00 a.m. Food service must be available in the indoor dining areas and the outdoor patios 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.

102. Up to a maximum of 12,000 gross square feet of restaurant space may open as early as 6:00 a.m. daily for breakfast service.

103. Any subsequent modification to the project as approved in this Administrative Use Permit, 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.
104. 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.

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

106. 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.

107. 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.

108. 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.

109. 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.

110. There cannot be 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.

111. 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.

112. 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.

113. 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.

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

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

116. 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).

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designee. The camera specification notes must be included on the schematic plan.

118. 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.

119. The buildings cannot be occupied by more persons than allowed by the California Building Code, as adopted by the ESMC.

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

**ADJUSTMENT (FOR PHASE 1B)**

24. A new Condition No. 121 is added to read as follows:

“The applicant must post clear signs at each of the required loading spaces designating them as loading spaces during the hours of 6:00 a.m. to 10:00 a.m. The signs must clearly prohibit employee and/or customer parking
during those hours. The applicant may extend the loading hours beyond 10:00 a.m. at his discretion. The parking spaces must be marked clearly to delineate the parking and loading spaces to the satisfaction of the Director of Planning and Building Safety."

25. A new Condition No. 122 is added to read as follows:

"Any subsequent modification to the project as approved in this Adjustment, including the plans 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."

VARIANCE (FOR PHASE 1B)

26. A new Condition No. 123 is added to read as follows:

"Before the City issues building permits, the applicant must submit detailed plans of the two retaining walls along the north property line adjacent to the UPRR right-of-way. The retaining walls and their non-retaining portions cannot exceed 12 feet in height, with the exception that a metal open work fence up to a maximum of 42 inches in height may be installed on top of the walls."

27. A new Condition No. 124 is added to read as follows:

"Any subsequent modification to the project as approved in this Variance, including the plans 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."

INDEMNIFICATION

28. A new Condition No. 125 is added to read as follows:

PES Partners, LLC and Street Retail, Inc. (collectively, the "Applicant") agree 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-993, Development Agreement Amendment No. DA 12-03, Zone Text Amendment No. 12-04, Adjustment No. ADJ 13-03, Variance No. VAR 13-01, and Administrative Use Permit No. AUP 13-04. 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-993, Development Agreement Amendment No. DA 12-03, Zone Text Amendment No. 12-04, Adjustment No. ADJ 13-03, Variance No. VAR 13-01, and Administrative
Use Permit No. AUP 13-04 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.

PES Partners, LLC and Street Retail, Inc. must acknowledge receipt and acceptance of the Project Conditions by executing the acknowledgement below.

By signing this document, PES Partners, LLC, and Street Retail, Inc. certify that they have read, understood, and agrees to the Project Conditions listed in this document and represent and warrant that it has the authority to execute this document on behalf of the property owner and acknowledge that the conditions set forth above run with the land and are binding upon all owners and occupants of the land.

PESP
PES Partners, LLC, a Delaware limited liability company

By: Rosecrans-Sepulveda Partners 3, LLC, a Delaware limited liability company

Its: Sole Member

By: Street Retail, Inc., a Maryland corporation

Its Manager

By: ____________________________

Jeffrey S. Berkes, Vice President – Western Region

STREET
STREET RETAIL, INC., a Maryland corporation

By: ____________________________

Jeffrey S. Berkes, Vice President – Western Region

{If Corporation or similar entity, needs two officer signatures or evidence that one signature binds the company}
CITY COUNCIL RESOLUTION No. 4838 Exhibit D

CITY COUNCIL ORDINANCE No. 1481 Exhibit B

CONDITIONS OF APPROVAL

In addition to all applicable provisions of the El Segundo Municipal Code ("ESMC"), Street Retail, Inc. and PES Partners, LLC, the property owner(s) and their successors in interest, agree to comply with the following provisions as conditions for the City of El Segundo's approval of Environmental Assessment No. 993, Zone Text Amendment No. 12-04, Amendment to Development Agreement No. 12-03, Adjustment No. 13-03, Variance No. 13-01, and Administrative Use Permit No. 13-04 ("Project Conditions").

1. All mitigation measures in the Final Environmental Impact Report (SCH No. 2003121037) that are reflected in the Mitigation Monitoring and Reporting Program for the proposed Sepulveda/Rosecrans Site Rezoning Reduced Traffic Generation Alternative and Plaza El Segundo Development Reduced Traffic Generation Alternative are incorporated by this reference into these conditions of approval.

2. All conditions of approval of Environmental Assessment No. 631, Development Agreement No. 03-1, General Plan Amendment No. 03-4 & 03-5, Zone Change No. 03-2 & 03-3, Zone Text Amendment No. 04-1, and Subdivision No. 03-7, except as modified below.

3. All conditions of approval of Environmental Assessment No. 768, Zone Text Amendment No. 08-01, and Development Agreement No. 07-03, except as modified below.

4. Condition No. 2 of Council Resolution No. 4415 is amended in its entirety to read as follows:

DEFINITIONS

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in these conditions.

A. “P.B.S. Director” means the City of El Segundo Director of Planning and Building Safety, or designee.

B. “EIR” means the Final Environmental Impact Report for the proposed Sepulveda/Rosecrans Site Rezoning and Plaza El Segundo development project (SCH No. 2003121037), El Segundo, California.


D. “Development Agreement” refers to Development Agreement No. 03-1 and any amendments thereto.
E. "Project Area" refers to each of the developable lots on the Plaza El Segundo development Project Site as shown on Vesting Tentative Map No. 061630 in the City of El Segundo, County of Los Angeles as per map filed on June 6, 2012, Book 1370, pages 41-51, and refers to Lot 1 of Lot Line Adjustment No. 13-04 as reflected in that Certificate of Compliance, in the City of El Segundo, County of Los Angeles, State of California, recorded on July 29, 2013, as Instrument No. 2013-1105767, of official records in the office of the County Recorder of said County.

F. "Project Site" refers to the 51.7 gross/46.60 net (after street dedications) acre site generally located south of Hughes Way, east of Sepulveda Boulevard, west of Nash Street, and north of Rosecrans Avenue.

F-1. "Project Site Phase 1B" refers to the 13.050 gross/12.63 net-acre site as shown as Lot 1 of Lot Line Adjustment No. 13-04 as reflected in that Certificate of Compliance, in the City of El Segundo, County of Los Angeles, State of California, recorded on July 29, 2013, as Instrument No. 2013-1105767, of official records in the office of the County Recorder of said County, generally located south of the Union Pacific Railroad, east of Sepulveda Boulevard, west of Douglas Street, and north of Rosecrans Avenue.

F-2. "Phase 1A" refers to the portion of the Project Area located north of the Union Pacific Railroad right-of-way.

F-3. "Phase 1B" refers to the portion of the Project Area located south of the Union Pacific Railroad right-of-way.

G. "Sepulveda/Rosecrans Rezoning Site" refers to the approximately 110 acres generally located south of Hughes Way, east of Sepulveda Boulevard, west of Douglas Street, and north of Rosecrans Avenue which is the subject of a General Plan and Zoning Code Amendment that is being considered concurrently with the land use entitlements for the Project Area and the Project Site.

H. Except as otherwise specified in these Conditions of Approval, conditions must be satisfied before the issuance of a Building Permit for each building within the Project Area.

AESTHETICS

Signs

5. Condition No. 9.B-1 of Council Resolution No. 4415 is amended to read as follows:

Not withstanding any other provisions in the ESMC, a maximum of two ground or monument signs with a maximum height of 25 feet each are permitted along the
CITY COUNCIL RESOLUTION No. 4838  Exhibit D

CITY COUNCIL ORDINANCE No. 1481 Exhibit B

CONDITIONS OF APPROVAL

Sepulveda Boulevard street frontage of the Project Area south of the Union Pacific Railroad;

6. A new Condition No. 9.B-2 is added to read as follows:

"Notwithstanding any other provisions in the ESMC, one roof sign with an area up to a maximum of 450 square is allowed in the Phase 1B area. The area of said roof sign is not included in the maximum permitted freestanding building or store front sign area. Additional roof signs must comply with the maximum permitted store front sign area (fifteen (15%) percent of the face of each shop front)."

FIRE

7. A new Condition No. 13.A is added to read as follows:

"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 ESMC. The City will adopt the 2013 California Building and Fire Codes, effective January 1, 2014. All permits issued after January 1, 2014 must comply with the requirements of the 2013 Editions, as adopted by the ESMC."

8. Condition No. 15 of Council Resolution No. 4415 is amended in its entirety to read as follows:

"Before the City issues a building permit, the applicant must provide Fire Life Safety Plans to the PBS Director and the Fire Chief for review and approval, which include, without limitation, the following:

A. Fire lanes,
B. Fire lane signing,
C. Fire lane access easements or other recorded documents to the reasonable satisfaction of the City Attorney,
D. Fire lane accessibility,
E. Gas detection systems,
F. Minimum acceptable flow from any fire hydrant must be 2,500 gallon per minute, calculated at 20 psi,
G. Sprinklers within structures Underground looped fire mains, sprinklers, fire pumps, and fire alarms,"
CITY COUNCIL RESOLUTION No. 4838 Exhibit D

CITY COUNCIL ORDINANCE No. 1481 Exhibit B

CONDITIONS OF APPROVAL

I. Emergency generators,

J. Any above ground or underground storage tanks including elevator sumps and condensation tanks,

K. Documentation that the on-site fire mains will be maintained,

L. Fire safety precautions during demolition and construction,

M. Emergency site access during construction,

N. Permanent fire department access,

O. Fire hydrant locations,

P. Any proposed fire sprinkler and fire alarm systems, and

Q. Before the City issues a certificate of occupancy, the applicant must demonstrate to the Fire Department that the development complies with the Fire Life Safety Plan, and that any required easements were properly dedicated and recorded."

9. A new Condition No. 16.A is added to read as follows:

"The applicant must provide an automatic fire sprinkler system throughout each building, installed in accordance with California Fire Code Chapter 9 and the currently adopted edition of NFPA 13."

10. A new Condition No. 16.B is added to read as follows:

"The applicant must provide an automatic fire alarm system throughout each building, installed in accordance with California Fire Code Chapter 9 and the currently adopted edition of NFPA 72."

11. A new Condition No. 16.C is added to read as follows:

"The applicant must provide a certification from the underground petroleum pipeline owner/operator that the proposed project will not encroach into any foundations or structures within the pipeline right-of-way without the underground petroleum pipeline owner/operator's approval. The certification must be provided with the initial plan review documents."

12. A new Condition No. 16.D is added to read as follows:

"There is a railroad right-of-way on the north side of the property. Access doors and ladders with a maximum 300-foot spacing must be provided to provide access to the"
railroad right of way in case of a train derailment or incident to the satisfaction of the
Fire Department. The access doors and ladders must have approved Knox
Company Knox Padlocks installed."

13. A new Condition No. 16.E is added to read as follows:

"If any fire features are proposed for the project, the applicant must provide the
following conditions for any fire feature:

i. A barrier must be provided around the fire feature to prevent accidental
   access to the fire feature.

ii. The distance between the fire feature and combustible material and
    furnishings must meet the fire feature’s listing and manufacturer’s
    requirements.

iii. If the fire feature’s protective barrier exceeds ambient temperatures, all
    exit paths and occupant seating must be a minimum 36 inches from the
    fire feature."

14. Condition No. 19 of Council Resolution No. 4415 is amended in its entirety to read
as follows:

"Pursuant to ESMC §§ 15-27A-1, et seq., and before building permits are issued,
the applicant must pay a one-time fire services mitigation fee as provided in City
Council Resolution No. 4687."

POLICE/SAFETY

15. Condition No. 27 of Council Resolution No. 4415 is amended in its entirety to read
as follows:

"Pursuant to ESMC §§ 15-27A-1, et seq., and before building permits are issued,
the applicant must pay a one-time police services mitigation fee as provided in
City Council Resolution No. 4687."

16. A new Condition No. 27.A is added to read as follows:

"The applicant must provide, at no cost to the City of El Segundo, a minimum of 240
square feet of office space to be used by the El Segundo Police Department as
satellite office space to provide Police services on the east side of Sepulveda
Boulevard."
17. Condition No. 29 of Council Resolution No. 4415 is amended to read as follows:

"The Plaza El Segundo development project is allowed to develop up to a maximum of 498,442 gross square feet including a maximum of 119,613 gross/109,575 net square feet for the Plaza El Segundo Phase 1B development project, consisting of a combination of uses as permitted by the Plaza El Segundo Reduced Traffic Generation Alternative described in the Final EIR, the C-4 Zone and as limited by the Development Agreement as long as the total AM, PM peak, daily, and Saturday midday peak trip generation established in the EIR for the Plaza El Segundo development project as a whole is not exceeded."

18. Condition No. 30 of Council Resolution No. 4415 is amended in its entirety to read as follows:

"The maximum project size may be reduced as determined by the vehicle trip generation for each use. The Sepulveda/Rosecrans Site Rezoning and Plaza El Segundo development project permit the following vehicle trips:

<table>
<thead>
<tr>
<th>MAXIMUM PERMITTED TRIPS</th>
<th>AM</th>
<th>PM</th>
<th>Daily</th>
<th>Saturday Midday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sepulveda/Rosecrans Site Rezoning</td>
<td>1,033</td>
<td>2,346</td>
<td>25,859</td>
<td>3,379</td>
</tr>
<tr>
<td>Plaza El Segundo Development Project</td>
<td>779</td>
<td>1,477</td>
<td>16,645</td>
<td>2,205</td>
</tr>
</tbody>
</table>

The trip generation for each use and building must be determined using the rates as set forth in the current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Trip adjustments for internal capture and pass-by reductions will be in accordance with the adjustments in the Traffic Impact Study in the FEIR (EA No. 631) approved on March 1, 2005. Trip adjustments for transit reductions will be in accordance with the adjustments in the Traffic Impact Study in the Addendum to the FEIR (EA No. 768) approved on February 19, 2008.

DEDICATIONS AND FEES

19. Condition No. 34A of Council Resolution No. 4415 is added to read as follows:

"The applicant must provide an irrevocable offer to dedicate a maximum of a six-foot wide bicycle lane to be located along the entire Rosecrans Avenue frontage of the subject property or for a bicycle path to be located in the landscaped front setback of the subject property in compliance with the Circulation Element of the General Plan and South Bay Bicycle Plan to the satisfaction of the Public Works Department and the Planning and Building Safety Department. The exact alignment will be
determined by the Public Works Department and the Planning and Building Safety Department. Alternatively, if the Public Works Department and the Planning and Building Safety Department determine that it is infeasible to provide a bicycle lane or bicycle path on any portion or all of the Rosecrans frontage, signage and striping as a bicycle route may be required. The City has the right to exercise its right to accept the property subject to the offer of dedication on or after, October 17, 2013, but no later than 20 years following the date on which the certificate of occupancy was issued for the last building on the property.”

20. Condition No. 36 of Council Resolution No. 4415 is amended in its entirety to read as follows:

“Pursuant to ESMC §§ 15-27A-1, et seq., and before building permits are issued, the applicant must pay a one-time parks facilities mitigation fee as provided in City Council Resolution No. 4687.”

TRANSPORTATION/CIRCULATION/PARKING

21. Condition No. 61A is added to read as follows:

Before the City issues a certificate of occupancy for any building constructed south of the Union Pacific/Burlington Northern Santa Fe Railroads, the new on-site and off-site roadway improvements, including any medians, sidewalks, curbs, and gutters must be constructed in accordance with applicable Department of Public Works construction standards for a public roadway with the minimum dimensions required by the Circulation Element of the El Segundo General Plan to the satisfaction of the Director of Public Works and the Director of Planning and Building Safety, and must comply with applicable requirements of the Americans with Disabilities Act (ADA), as well as City requirements for traffic signage, street lighting, drainage plans, and underground utility service, subject to the review and approval of the Director of Public Works. Additionally, the roadway improvements along Rosecrans Avenue must be consistent with the design analyzed in the Addendum to the FEIR, including, but not limited to the lane configurations, deceleration lane design at Village Drive, and lengths of left turn pockets at Rosecrans Avenue and Sepulveda Boulevard and at Rosecrans Avenue and Village Drive. The application must be responsible for the design and construction of the new roadways.”

WATER

22. Condition No. 100 of Council Resolution No. 4542 is amended to read as follows:

“Water meters must be provided for each lot by the applicant in accordance with City policies and approved by the Water Division before installation. This condition does not prohibit the use of private water meters for individual buildings or individual tenancies.”

8/15/13
PROJECT CONDITIONS THAT APPLY TO PHASE 1B ONLY

22. New Condition No. 101 is added to read as follows:

"101. Up to a maximum of 12,000 gross square feet of restaurant space may open as early as 6:00 a.m. daily for breakfast service."

ADMINISTRATIVE USE PERMIT/ALCOHOL SERVICE (FOR PHASE 1B)

23. New Conditions 102 through 120 are added to read as follows:

"102. The proposed hours of operation and hours of alcohol service for the restaurants and kiosks, including the outdoor dining patios are limited to: Sunday through Thursday from 10:00 a.m. to 12:00 a.m. and Friday through Saturday from 10:00 a.m. to 2:00 a.m. Food service must be available in the indoor dining areas and the outdoor patios 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.

103. Any subsequent modification to the project as approved in this Administrative Use Permit, 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.

104. The applicant for the Alcohol Beverage Control License 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 or a Type 47 license, whichever is applicable.

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

106. 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.

107. The applicant for the Alcohol Beverage Control License 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.
108. The applicant for the Alcohol Beverage Control License 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.

109. The applicant for the Alcohol Beverage Control License 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.

110. There cannot be 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.

111. 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.

112. 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.

113. The applicant for the Alcohol Beverage Control License 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.

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

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

116. The applicant for the Alcohol Beverage Control License 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).

117. 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.

118. 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.
CONDITIONS OF APPROVAL

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.

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119. The buildings cannot be occupied by more persons than allowed by the California Building Code, as adopted by the ESMC.

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

ADJUSTMENT (FOR PHASE 1B)

121. A new Condition No. 121 is added to read as follows:

"The applicant must post clear signs at each of the required loading spaces designating them as loading spaces during the hours of 6:00 a.m. to 10:00 a.m. The signs must clearly prohibit employee and/or customer parking during those hours. The applicant may extend the loading hours beyond 10:00 a.m. at his discretion. The parking spaces must be marked clearly to delineate the parking and loading spaces to the satisfaction of the Director of Planning and Building Safety."

122. A new Condition No. 122 is added to read as follows:

"Any subsequent modification to the project as approved in this Adjustment, including the plans 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."

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"Before the City issues building permits, the applicant must submit detailed plans of the two retaining walls along the north property line adjacent to the UPRR right-of-way. The retaining walls and their non-retaining portions cannot exceed 12 feet in
height, with the exception that a metal open work fence up to a maximum of 42 inches in height may be installed on top of the walls.”

124. A new Condition No. 124 is added to read as follows: “Any subsequent modification to the project as approved in this Variance, including the plans 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.”

INDEMNIFICATION

125. A new Condition No. 125 is added to read as follows:

PES Partners, LLC and Street Retail, Inc. (collectively, the “Applicant”) agree 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-993, Development Agreement Amendment No. DA 12-03, Zone Text Amendment No. 12-04, Adjustment No. ADJ 13-03, Variance No. VAR 13-01, and Administrative Use Permit No. AUP 13-04. 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-993, Development Agreement Amendment No. DA 12-03, Zone Text Amendment No. 12-04, Adjustment No. ADJ 13-03, Variance No. VAR 13-01, and Administrative Use Permit No. AUP 13-04 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.
PES Partners, LLC and Street Retail, Inc. must acknowledge receipt and acceptance of the Project Conditions by executing the acknowledgement below.

By signing this document, PES Partners, LLC, and Street Retail, Inc. certify that they have read, understood, and agrees to the Project Conditions listed in this document and represent and warrant that it has the authority to execute this document on behalf of the property owner and acknowledge that the conditions set forth above run with the land and are binding upon all owners and occupants of the land.

PESP
PES Partners, LLC, a Delaware limited liability company

By: Rosecrans-Sepulveda Partners 3, LLC, a
    Delaware limited liability company

Its: Sole Member

    By: Street Retail, Inc., a Maryland corporation
    Its Manager

    By: __________________________________
        Jeffrey S. Berkes, Vice President – Western Region

STREET
STREET RETAIL, INC., a Maryland corporation

By: ________________________________
    Jeffrey S. Berkes, Vice President – Western Region

{If Corporation or similar entity, needs two officer signatures or evidence that one signature binds the company}
AGENDA DESCRIPTION:
Consideration and possible action regarding acceptance of a grant from the Federal Aviation Administration (FAA) of up to $10 Million to be used for the Residential Sound Insulation (RSI) Program.

RECOMMENDED COUNCIL ACTION:
1. Accept a grant from the Federal Aviation Administration (FAA) of up to $10,000,000;
2. Authorize the Mayor to execute the FAA Grant Agreement; and/or
3. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None

FISCAL IMPACT: Potential
Amount Budgeted: N/A
Additional Appropriation: N/A
Account Number(s): N/A

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

BACKGROUND AND DISCUSSION:
On March 13, 2013, City staff submitted a grant application to the Federal Aviation Administration (FAA) for $10,000,000 to support the City’s Residential Sound Insulation (RSI) Program.

Although City staff had not received the formal grant offer at the time this staff report was written, as is typical of similar agenda items in the past, City staff has been verbally told that the City is likely to receive $5,000,000 or $5,500,000 based on that application, but the grant “must be executed no later than September 18, 2013.” (Due to the end of the Fiscal Year) Due to this condition, acceptance of a grant could not be placed on an agenda for a later City Council meeting.

The offer is in keeping with previous terms and conditions of the most recent FAA grants accepted by the City, including the conditions that FAA funding is used for a maximum of 80% of eligible expenditures and is only to be used for El Segundo homes north of the “block rounded” Alternative D 65 dB CNEL (Community Noise Equivalent Level) contour, shown in green on the attached map. Homes south of that line, which were previously eligible for FAA funding (and are located in the areas highlighted in yellow and red), are no longer eligible for FAA funding. It is important to note, to avoid confusion, that City staff continues to work on securing additional funding from Los Angeles World Airports to provide some funding for sound insulation efforts for homes located in the area highlighted in yellow on the attached map.
As a precautionary measure, the recommended City Council action is to “Accept a grant from the Federal Aviation Administration (FAA) of up to $10,000,000” to avoid the need for a special City Council meeting and/or action in the event the formal grant offer received is for an amount different than $5,000,000 or $5,500,000. (The formal grant offer cannot exceed the amount requested, and therefore “up to $10,000,000” was used.)

It is anticipated that a $5,000,000 grant, coupled with a 20% match from a grant from Los Angeles World Airports (LAWA), would fund sound insulation efforts for approximately 165 homes, and the additional $500,000 (if a $5,500,000 grant were awarded) would be used to help fund design efforts for an additional 165 homes. (The original $10,000,000 grant application anticipated treatment of 330 homes).
RESOLUTION NO. ___

A RESOLUTION AUTHORIZING THE CITY TO RECEIVE AND APPROPRIATE GRANT FUNDS IN SUPPORT OF THE CITY’S RESIDENTIAL SOUND INSULATION PROGRAM

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

SECTION 1: Whereas, the Sponsor (City of El Segundo) has submitted to the FAA a Project Application dated March 13, 2013, for a grant of Federal funds for a project at or associated with the Los Angeles International Airport, which Project Application, as approved by the FAA, is hereby incorporated herein and made a part hereof; and

SECTION 2: Whereas, the FAA has approved a project for the Airport (or Planning Area) (herein called the “Project”) consisting of the following:

  Noise Mitigation Measures for Residences within 65 – 69 DNL (City of El Segundo), approximately 165 dwelling units; and Design Only for an additional 165 units, all as more particularly described in the Project Application.

SECTION 3: The Mayor is authorized to execute any required documents to receive the grant for the purposes identified within.

SECTION 4: The City Clerk will certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

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

PASSED AND ADOPTED this 17th day of September, 2013.

Bill Fisher,
Mayor

ATTEST:

Tracy Weaver, City Clerk

APPROVED AS TO FORM:

Mark Hensley, City Attorney
AGENDA DESCRIPTION:

Consideration and possible action regarding a request from the El Segundo Kiwanis Club to operate a Beer Garden adjacent to the food court section of the Kiwanis Club sponsored 37th Annual Richmond Street Fair on Saturday, September 28, 2013 from 11:00 a.m. – 5:00 p.m. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Approve the request from the El Segundo Kiwanis Club to operate a Beer Garden adjacent to the food court section of the 37th Annual Richmond Street Fair, subject to compliance with all Alcohol Beverage Commission regulations and permits;
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

None

FISCAL IMPACT: $

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PREPARED BY: Jackie Day, Administrative Specialist
REVIEWED BY: Bob Cummings, Director of Recreation and Parks
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND & DISCUSSION:

The El Segundo Kiwanis Club is sponsoring the 37th Annual Richmond Street Fair to be held in Downtown El Segundo on Saturday, September 28, 2013. As a component of the event, the El Segundo Kiwanis Club has requested to operate a Beer Garden adjacent to the food court section of the Fair from 11:00 a.m. – 5:00 p.m. subject to state Alcohol Beverage Commission regulations and permits.

The El Segundo Kiwanis Club is experienced in operating Beer Gardens at local special events, including the Hometown and Richmond Street Fairs. It is staff’s request that due to their proven track record in upholding state regulations and the addition of a well received event component by the public, that the City Council grant the approval of the Beer Garden at the 2013 Richmond Street Fair.
15. Consideration and possible action to approve the City's responses to the Los Angeles County Grand Jury Reports entitled “Chevron-El Segundo” and 2012-2013 “Civil Grand Jury Final Report-El Segundo.”

(Fiscal Impact: none)

Recommendation – 1) Approve the City's responses to the Los Angeles County Grand Jury Reports; 2) Alternatively discuss and take other action related to this item.

ITEM TO BE DELIVERED UNDER SEPARATE COVER
AGENDA DESCRIPTION:

Consideration and possible action to update the El Segundo Municipal Code regulating general penalties for Title 6 of the City Code specific to animal control. These changes are desirable to ensure effective enforcement by the El Segundo Police Department. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Second reading by title only and adopt an Ordinance amending Chapter 6-1-5 of the El Segundo Municipal Code regarding the general penalty for violations of animal regulations.

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

ATTACHED SUPPORTING DOCUMENTS:

Ordinance amending the Municipal Code

FISCAL IMPACT: Included in Adopted Budget

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ORIGINATED BY: Brian Evanski, Police Captain

REVIEWED BY: Mitch Tavera, Chief of Police

APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

Staff recommends the City Council consider an amendment to the ESMC as to general penalties and the process for prosecuting individuals who violate animal regulations as identified in the ESMC. With the downturn in the economy, and shrinking budgets, the Los Angeles County District Attorney’s office is declining to prosecute any ESMC violations. To ensure that the City continues its enforcement activities, the Police Department believes that all ESMC violations related to animal regulations can be enforced by police officers as infractions. This is similar to the process for enforcing other specified ESMC violations.

In order to facilitate such a process, violations of animal regulations within the ESMC must change from misdemeanors to infractions; and the general bail schedule for violations of animal regulations of the ESMC shall be 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, it is important that the City have all the tools it needs for enforcement. By adopting this ordinance, the City is able to both effectively enforce the ESMC and provide a deterrence for potential violators.
ORDINANCE NO. ___

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE § 6-1-5 REGULATING VIOLATIONS OF ANIMAL REGULATIONS WITHIN THE CITY'S JURISDICTION.

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

SECTION 1: Section 6-1-5 of the El Segundo Municipal Code ("ESMC") is amended to read as follows:

"6-1-5: GENERAL PENALTY: Any person violating any provision of this title is guilty of an infraction, punishable as provided in chapter 1-2 of this code."

SECTION 2: Summaries of Information. All summaries of information in the findings, which precede this Section, are based on the substantial evidence in the record including, without limitation, verbal and documentary evidence submitted to the El Segundo City Council. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 3: Savings Clause. Repeal or amendment of any provision of this Ordinance 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 4: Severability. 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 4: 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 5: This Ordinance will become effective thirty (30) days following its passage and adoption.

PASSED AND ADOPTED this ___ day of __________, 2013.

Bill Fisher, 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