AGENDA
EL SEGUNDO CITY COUNCIL
COUNCIL CHAMBERS – 350 MAIN STREET

The City Council, with certain statutory exceptions, can only take action upon properly posted and listed agenda items. Any writings or documents given to a majority of the City Council regarding any matter on this agenda that the City received after issuing the agenda packet are available for public inspection in the City Clerk’s office during normal business hours. Such Documents may also be posted on the City’s website at www.elsegundo.org and additional copies will be available at the City Council meeting.

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

Before speaking to the City Council, please come to the podium and state: Your name and residence and the organization you represent, if desired. Please respect the time limits.

Members of the Public may place items on the Agenda by submitting a Written Request to the City Clerk or City Manager’s Office at least six days prior to the City Council Meeting (by 2:00 p.m. the prior Tuesday). The request must include a brief general description of the business to be transacted or discussed at the meeting. Playing of video tapes or use of visual aids may be permitted during meetings if they are submitted to the City Clerk two (2) working days prior to the meeting and they do not exceed five (5) minutes in length.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Clerk, 524-2305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, OCTOBER 7, 2014 – 5:00 PM

CANCELLED

5:00 P.M. SESSION

CALL TO ORDER

ROLL CALL

PUBLIC COMMUNICATION – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250.

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov't Code §54956.9(d) (3): -0- matter

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

Initiation of litigation pursuant to Government Code §54956.9(c): -0- matter.

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

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

PUBLIC EMPLOYEMENT (Gov't Code § 54957) -0- matter

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

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

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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, OCTOBER 7, 2014 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Lee Carlile, Pastor, United Methodist Church

PLEDGE OF ALLEGIANCE – Council Member Dugan
PRESENTATIONS

a) Presentation - Annual Volunteer Recognition Event, the City of El Segundo recognizes volunteers who provide community service throughout the year.
c) Presentation – SBCCOG Work Program, Jacki Bacharach, SBCCOG Executive Director.

ROLL CALL

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

CITY COUNCIL COMMENTS – (Related to Public Communications)

A. PROCEDURAL MOTIONS

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

Recommendation – Approval.

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)
1. Consideration and possible action (Public Hearing) regarding the introduction and first reading of an Ordinance approving Environmental Assessment No. EA-1076 and Zone Text Amendment No. 14-03 to amend the El Segundo Municipal Code (“ESMC”) §§15-1-6, 15-2-7 and 15-21-6(B) to allow Architectural Landscape Features; Architectural Building Features; unroofed patios and decks; stairs, ramps, and safety guardrails to encroach into required setbacks in the Urban Mixed-Use (MU-S) Zone and to amend the definition of Architectural Landscape Features. Applicant: 2120 Park Place, LP, 2121 Park Place, LP, 800 Apollo, LP - c/o Patrick A. Perry. 
(Fiscal Impact: None)
Recommendation – 1) Open Public Hearing; 2) Discussion; 3) Introduce and waive first reading of an Ordinance approving Environmental Assessment No. EA-1076 and Zone Text Amendment No. ZTA 14-03; 4) Schedule second reading and adoption of the Ordinance on October 21, 2014; 5) Alternatively, discuss and take other possible action related to this item.

C. UNFINISHED BUSINESS

2. Consideration and possible action to amend El Segundo Municipal Code (“ESMC”) §§15-1-6, 15-6A-2, 15-6A-11, and 15-8-2 to add a definition of “Emergency Shelters”; to allow Emergency Shelters as a Permitted Use in the Light Industrial (M-1) Zone; to establish Emergency Shelter Development Standards; and, to remove the managed production of resources on Agricultural Lands as a permitted use in the Open Space (O-S) Zone. Applicant: City of El Segundo 
(Fiscal Impact: None)
Recommendation – 1) Open the continued Public Hearing; 2) Discussion; 3) Introduce, and waive first reading of an Ordinance for Environmental Assessment No. EA-1066 and Zone Text Amendment No. ZTA 14-02; 4) Schedule second reading and adoption of the Ordinance on October 21, 2014; 5) Alternatively, discuss and take other possible action related to this item.

3. Consideration and possible action to receive and file this update regarding the Potable Water Reservoir Feasibility Study recommendations and provide additional direction to staff as needed. 
(Fiscal Impact: None)
Recommendation – 1) Receive and file this update on the Potable Water Reservoir Feasibility Study recommendations; 2) Provide additional direction to staff regarding the feasibility of designing and construction a new potable water reservoir; 3) Alternatively, discuss and take other possible action related to this item.
4. Consideration and possible action to approve a revised schedule for 1) mailing out Proposition 218 protest ballots for proposed water and sewer rates, 2) setting a Public Hearing to consider an ordinance for increasing water and sewer rates and fees to December 9, 2014 to receive protest ballots and 3) approval of a standard professional services agreement with Martin & Chapman Co. for support and services for Proposition 218 balloting.
(Fiscal Impact: $60,000.00)

Recommendation – 1) Approve a revised schedule for sending out Proposition 218 ballot protest for proposed water and sewer rates; 2) Reschedule the previously approved November 18, 2014 Public Hearing date to consider an ordinance for increasing water and sewer rates and fees to a Special Meeting on December 9, 2014; 3) Authorize the City Manager to execute a standard professional services agreement, in form approved by the City Attorney, with Martin & Chapman Co. to provide Proposition 218 support and services; 4) Alternatively, discuss and take other possible action related to this item.

5. Rescission of Brown Act Commitment - In Accordance with Government Code Section 54960.2 (e), consideration and possible action to rescind the commitment made by the City Council on November 5, 2013, not to hold further closed session meetings regarding real property negotiations with regard to ESCenterCal, LLC's (CenterCal”) proposal to enter into a Due Diligence and Ground Lease Agreement (“Agreement”) to lease the driving range portion of the Lakes Golf Course from the City for the purpose of developing a Top Golf facility (Fiscal Impact: unknown – depends on whether legal proceedings are commenced.)

Recommendation – 1) Consideration and possible action to rescind the commitment made by the City Council on November 5, 2013, to not hold further closed session meetings regarding real property negotiations with regard to CenterCal's proposal to enter into an Agreement to lease the driving range portion of the Lakes Golf Course from the City for the purpose of developing a Top Golf facility; 2) Delay consideration of this item to a future date and give notice of such delay to Ms. Geist in accordance with Government Code Section 54960.2; 3) Alternatively, discuss and take other possible action related to this item.

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS
6. Consideration and possible action to appoint a candidate(s) previously interviewed on June 3, 2014 to the Economic Development Advisory Council (EDAC). (Fiscal Impact: None)

Recommendation – 1) Announce to appoint a candidate(s) to the Economic Development Advisory Council (EDAC), if any; 2) Alternatively, discuss and take other possible action related to this item.

E. CONSENT AGENDA

All items listed are to be adopted by one motion without discussion and passed unanimously. If a call for discussion of an item is made, the item(s) will be considered individually under the next heading of business.

7. Warrant Numbers 3002569 through 3002886 on Register No. 24 in the total amount of $1,910,306.99 and Wire Transfers from 09/01/2014 through 09/28/2014 in the total amount of $4,224,639.80.

Recommendation – Approve Warrant Demand Register and authorize staff to release. Ratify Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.


Recommendation – Approval.

9. Consideration and possible action to receive and file this report regarding cleaning and repairing drywall and carpet as well as restoring furniture in the north portion of City Hall without the need for bidding in accordance with Public Contracts Code §§ 20168 and 22050 and El Segundo Municipal Code ("ESMC") §§ 1-7-12 and 1-7A-4.
(Fiscal Impact: $37,000.00)

Recommendation – 1) Receive and file this report regarding cleaning and repairing drywall and carpet as well as restoring furniture in the north portion of City Hall without the need for bidding in accordance with Public Contracts Code §§ 20168 and 22050 and El Segundo Municipal Code ("ESMC") §§ 1-7-12 and 1-7A-4; 2) Alternatively, discuss and take other possible action related to this item.
10. Consideration and possible action to receive and file this report regarding the emergency repair to remove debris in the attic space of City Hall without the need for bidding in accordance with Public Contracts Code §§ 20168 and 22050 and El Segundo Municipal Code (“ESMC”) §§ 1-7-12 and 1-7A-4.

(Fiscal Impact: $82,354.00)

Recommendation – 1) Receive and file this report regarding the emergency repair to remove debris in the attic space of City Hall without the need for bidding in accordance with Public Contracts Code §§ 20168 and 22050 and El Segundo Municipal Code (“ESMC”) §§ 1-7-12 and 1-7A-4; 2) Alternatively, discuss and take other possible action related to this item.

11. Consideration and possible action to approve and adopt South Bay Workforce Investment Board’s (SBWIB) proposed Amendment No. 6 to the Joint Powers Agreement No. 83-100 approving the cities of Torrance and Lomita as member cities of the SBWIB.

(Fiscal Impact: None)

Recommendation – 1) Staff recommends that the City Council approve and adopt the proposed Amendment No. 6 to the Joint Powers Agreement No. 83-100 as amended; 2) Authorize the Mayor to sign the Amendment No. 5 to the Joint Powers Agreement No. 83-100 as amended; 3) Alternatively, discuss and take other possible action related to this item.

12. Consideration and possible action to authorize the City Manager to execute a fourth amendment to Agreement No. 4242, in a form approved by the City Attorney, with Willdan Homeland Solutions to (1) continue to provide professional, technical, and consulting support for the City’s Emergency Management program; (2) extend the term of the agreement to September 30, 2015; (3) modify and increase the total amount of the Agreement to $60,530.00.

(Fiscal Impact: $60,530.00)

Recommendation – 1) Authorize the City Manager to execute an amendment to Agreement No. 4242 with Willdan in the amount not to exceed $60,530.00; 2) Alternatively, discuss and take other possible action related to this item.
13. Consideration and possible action regarding authorization for the Police Department to 1) replace the current Animal Control Ford F350 utility vehicle (Unit #4002) with a 2014 Ford F150 pick-up truck from National Auto Fleet; (2) purchase one slide-in animal control unit from Jones Trailer Company; and (3) purchase overhead emergency lighting equipment for the proposed vehicle, using Equipment Replacement Funds. (Fiscal Impact: $36,300.00)

Recommendation – 1) Authorize the Police Department to purchase one Ford F150 pick-up truck from National Auto Fleet Group under an existing contract with NJPA (National Joint Powers Alliance) contract #102811 for an estimated cost of $25,500; 2) Authorize staff to purchase one slide-in animal control unit from Jones Trailer Company in an amount not to exceed $8,300; 3) Authorize staff to purchase and install Animal Control and City seal decals, and overhead emergency lighting for the proposed new Animal Control vehicle from the South Bay Regional Public Communications Authority at an estimated cost of $2,500; 4) Alternatively, discuss and take other possible action related to this item.

14. Consideration and possible action to adopt a resolution approving plans and specifications for installation of fiber optic cable crossing Sepulveda Boulevard, Project No. PW 14-08.  (Fiscal Impact: $312,263.00)

Recommendation – 1) Authorize staff to transfer $71,526 from the Equipment Replacement Fund to the Capital Improvement Fund (I-Net Fiber Optic) to be used for the installation of fiber optic cable crossing Sepulveda Boulevard, Project No. PW 14-08; 2) Adopt attached resolution approving Plans and Specifications for the Installation of Fiber Optic Cable crossing Sepulveda Boulevard (I-Net Fiber Project); 3) Authorize staff to request construction bids in response to the Fiber Optic Cable Plans and Specifications; 4) Alternatively, discuss and take other possible action related to this item.

15. Consideration and possible action regarding a request for a new Alcoholic Beverage Control (ABC) License to allow the on-site sale and consumption of beer, wine and distilled spirits (Type 47 State of California Alcoholic Beverage Control License) at a new restaurant (H BAR Sip + Savors), and the sale of beer and wine for off-site consumption at an existing market at 810 South Douglas Street (Hyatt House Hotel). Applicant: Steve Rawlings (Fiscal Impact: N/A)

Recommendation – 1) Receive and file this report without objecting to the issuance of an alcohol license for on-site sale of beer, wine and distilled spirits for on-site consumption at a new restaurant, and the sale of beer and wine for off-site consumption at an existing guest market in a hotel at 810 South Douglas Street; 2) Alternatively, discuss and take other possible action related to this item.
16. Consideration and possible action to 1) accept the work as complete and 2) authorize the City Clerk to file a Notice of Completion in the County Recorder's Office for Project No. PW 13-20.
   (Fiscal Impact: $360,688.00)
   Recommendation – 1) Accept the work as complete; 2) Authorize the City Clerk to file a Notice of Completion in the County Recorder’s Office for Project No. PW13-20. 3) Alternatively, discuss and take other possible action related to this item.

17. Consideration and possible action to approve Amendment No. 1 to the Water Service Agreement between the City, Chevron Products Company and the West Basin Municipal Water District with regard to extending the original Water Service Agreement which provides for the City’s charges for recycled water meters and a rate surcharge on recycled water utilized at the Chevron Refinery.
   (Fiscal Impact: rate surcharge results in approximately $2,919,362 revenues projected for FY 2014/2015 to the City’s Water Enterprise Fund)
   Recommendation – 1) Consideration and possible action to approve Amendment No. 1 to the Water Service Agreement between the City, Chevron Products Company and the West Basin Municipal Water District with regard to extending the original Water Service Agreement which provides for the City’s charge for meters and a rate surcharge on recycled water utilized at the Chevron Refinery; 2) Alternatively, discuss and take other possible action related to this item.

F. NEW BUSINESS

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY

I. REPORTS – CITY CLERK

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Dugan -
Council Member Fellhauer –

18. Consideration and possible action to discuss benefits provided to members of the City Council and whether such should be reduced or eliminated either voluntarily or through formal action. (Fiscal Impact: Varies based on options)
Recommendation – 1) Receive and file report; 2) Alternatively, discuss and take other possible action related to this item.

Council Member Atkinson –

Mayor Pro Tem Jacobson –

Mayor Fuentes –

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MEMORIALS –

CLOSED SESSION

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

REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)

ADJOURNMENT
Presentation

Annual Volunteer Recognition Event

The City of El Segundo recognizes volunteers who provide community service throughout the year.
Proclamation

City of El Segundo, California

WHEREAS, home fires killed more than 2,300 people in the United States in 2012, according to the latest research from the nonprofit National Fire Protection Association (NFPA), and fire departments in the United States responded to more than 365,000 home fires; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, three out of five home fire deaths result from fires in properties without working smoke alarms; and

WHEREAS, in one-fifth of all homes with smoke alarms, none were working; and

WHEREAS, when smoke alarms should have operated but did not do so it was usually because batteries were missing, disconnected, or dead; and

WHEREAS, Residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, The El Segundo Fire Department, which is dedicated to the safety of life and property from the devastating effects of fires and other emergencies, is joined by concerned citizens of our community, as well as businesses, the school district, service clubs and other organizations, in its fire safety efforts.

NOW, THEREFORE, the Mayor and Members of the City Council of the City of El Segundo, California, in commemoration of the great Chicago Fire of 1871, which killed 250 persons, left 100,000 homeless, and destroyed more that 17,400 buildings, and in order to raise the awareness in the community of the importance of practicing fire prevention and fire safety to avoid needless loss of property and life, do hereby proclaim the week of October 5 through October 11, 2014 as:

FIRE PREVENTION WEEK

FURTHER, the Mayor and Members of the City Council join Fire Chief Kevin Smith in inviting the El Segundo community to observe Fire Prevention Week by practicing fire prevention and fire safety year-round and heeding the message “Working Smoke Alarms Save Lives, Test Yours Every Month!”

Mayor Suzanne Fuentes

Mayor Pro Tem Carl Jacobson

Council Member Marie Fellhauer

Council Member Dave Atkinson

Council Member Michael Dugan
Presentation
SBCCOG Work Program
Presented by Jacki Bacharach, SBCCOG Executive Director
AGENDA DESCRIPTION:

Consideration and possible action (Public Hearing) regarding the introduction and first reading of an Ordinance approving Environmental Assessment No. EA-1076 and Zone Text Amendment No. 14-03 to amend the El Segundo Municipal Code ("ESMC") §§15-1-6, 15-2-7 and 15-21-6(B) to allow Architectural Landscape Features; Architectural Building Features; unroofed patios and decks; stairs, ramps, and safety guardrails to encroach into required setbacks in the Urban Mixed-Use (MU-S) Zone and to amend the definition of Architectural Landscape Features.
Applicant: 2120 Park Place, LP, 2121 Park Place, LP, 800 Apollo, LP - c/o Patrick A. Perry. (Fiscal Impact: None).

RECOMMENDED COUNCIL ACTION:

1. Open Public Hearing;
2. Discussion;
3. Introduce and waive first reading of an Ordinance approving Environmental Assessment No. EA-1076 and Zone Text Amendment No. ZTA 14-03;
4. Schedule second reading and adoption of the Ordinance on October 21, 2014; and/or
5. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Draft Ordinance
2. Draft Ordinance (strike-out/underline version)
3. Planning Commission Staff Report Dated August 14, 2014 and Attachments
4. Draft Planning Commission Minutes

FISCAL IMPACT: None

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

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

BACKGROUND AND DISCUSSION:

I. Introduction

The proposed project is a Zone Text Amendment amending the ESMC regulations to allow Architectural Landscape Features (as defined in ESMC § 15-1-6); Architectural Building Features (as defined in ESMC § 15-1-6); unroofed patios and decks; stairs, ramps and safety guardrails to encroach into required setback areas in the Urban Mixed-
Use South (MU-S) Zone; and to amend the definition of Architectural Landscape Features.

II. Background

The applicant owns three parcels improved with five buildings in the MU-S Zone (located in the southeastern portion of the City). The applicant recently acquired these properties and intends to remodel the interior and exterior of the existing buildings and the parking and landscaping areas around the existing buildings. The exterior work includes: a) Architectural Building Features, such as balconies, awnings, curtain walls, and architectural screens added to the existing building façades facing public streets; b) unroofed, enclosed patios and decks; c) Architectural Landscape Features, such as benches, seat walls, and landscape planter walls; and d) walkways, stairs, ramps, and related safety guardrails. Some of the proposed work would encroach into the required setback areas in the MU-S.

The proposed work would not meet setback standards (or allowed encroachments into those setbacks) for three reasons: 1) the required front and street-side setbacks in the MU-S Zone are 30 feet and are required to be fully landscaped, with few exceptions; 2) three of the existing buildings on the applicant’s properties were built under previous zoning and do not meet the current standards; and 3) the proposed improvements discussed above are intended to create a more pedestrian friendly scale of development with more activity occurring outside the buildings and closer to the streets.

III. Analysis

Site/Project Description and Surrounding Land Uses

The project area consists of the Urban Mixed-Use South (MU-S) Zone which occupies approximately 70 acres in the southeastern portion of the City. The existing uses in the MU-S Zone include primarily light industrial, office, restaurant, and some retail uses. Additionally, the MU-S Zone uses include a movie theater, a hotel, and a health club/fitness facility. These uses are located in 32 buildings (including parking structures) that were developed between 1964 and 2001.

The MU-S Zone is bounded by the Commercial Center (C-4) Zone to the west, the Light Industrial (M-1) and Heavy Industrial (M-2) Zones to the north, the Aviation Specific Plan (ASP) to the east, and a commercial Planned Development (PD) Zone in Manhattan Beach to the south.

Zoning History

The project area was originally zoned Heavy Industrial (M-2) until 1978, when it became Commercial Manufacturing (CM). The area remained in the CM Zone until it was designated Mixed Use (MU) by the 1992 General Plan. Subsequently, in 1997, it was designated Urban Mixed-Use South (MU-S) and that zoning has remained in place until today. As mentioned above, the area was developed over time and the development standards when most of the buildings were constructed were different from the current
MU-S development standards. Specifically, the setback requirements when most of the development occurred were less restrictive than the current MU-S setback standards. The following table lists the setback standards for the M-2, the CM, and MU-S zones for comparison.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Dates</th>
<th>Front Setback</th>
<th>Side</th>
<th>Street Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>M-2</td>
<td>1958-1978</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>CM</td>
<td>1978-1992</td>
<td>28 Feet</td>
<td>None</td>
<td>5 Feet</td>
<td>None</td>
</tr>
<tr>
<td>MU/MU-S</td>
<td>1992-present</td>
<td>30 Feet</td>
<td>25 Feet</td>
<td>30 Feet</td>
<td>5 Feet</td>
</tr>
</tbody>
</table>

As shown in the table, the current MU-S standards are significantly more restrictive than the M-2 standards and the CM standards, with the exception of the front yard setback in the CM Zone, which is closer to the MU-S standard.

In addition to the changes to the zoning of the area, the City approved several Precise Plans (the precursor to Specific Plans) for specific properties in the project area. The Precise Plans established specific standards for the development of the subject properties, which superseded the underlying zone standards at the time. These Precise Plans have been amended several times since their original approval to accommodate new development and/or modifications to the existing development. The following table lists the Precise Plans (original only without later amendments) that apply to the area and the specific properties that they apply to.

<table>
<thead>
<tr>
<th>Precise Plan</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>PP 72-12</td>
<td>2041-2141 Rosecrans Avenue</td>
</tr>
<tr>
<td>PP 73-07</td>
<td>2041 Rosecrans Avenue / 831-871 S. Nash Street</td>
</tr>
<tr>
<td>PP 74-08</td>
<td>800 Apollo Street / 2170 Park Place</td>
</tr>
<tr>
<td>PP 81-01</td>
<td>2101-2141 Rosecrans Avenue</td>
</tr>
<tr>
<td>PP 87-01</td>
<td>2301-2381 Rosecrans Avenue / 810-820 S. Douglas Street</td>
</tr>
<tr>
<td>PP 89-02</td>
<td>810 S. Douglas Street / 2301 Rosecrans Avenue</td>
</tr>
</tbody>
</table>

**Physical Description**

As mentioned above the MU-S Zone area is developed with 32 buildings, including light industrial, offices, commercial uses, and parking structures. The following table lists all the buildings by address, the year they were built, and the applicable Zoning District at the time of construction.
<table>
<thead>
<tr>
<th>Address</th>
<th>Year Built</th>
<th>Zoning District</th>
<th>Address</th>
<th>Year Built</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Park Place</td>
<td></td>
<td></td>
<td>Apollo Street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2120**</td>
<td>1980</td>
<td>CM</td>
<td>800**</td>
<td>1980</td>
<td>CM</td>
</tr>
<tr>
<td>2121**</td>
<td>1971</td>
<td>M-2</td>
<td>840</td>
<td>1980</td>
<td>CM</td>
</tr>
<tr>
<td>2145**</td>
<td>1970</td>
<td>M-2</td>
<td>841</td>
<td>1983</td>
<td>CM</td>
</tr>
<tr>
<td>2175**</td>
<td>1970</td>
<td>M-2</td>
<td>860</td>
<td>1978</td>
<td>CM</td>
</tr>
<tr>
<td>2200</td>
<td>1968</td>
<td>M-2</td>
<td>880</td>
<td>1978</td>
<td>CM</td>
</tr>
<tr>
<td>2201</td>
<td>1964</td>
<td>M-2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2221</td>
<td>1966</td>
<td>M-2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Nash Street</td>
<td></td>
<td></td>
<td>South Douglas Street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>831*</td>
<td>1996</td>
<td>MU</td>
<td>810*</td>
<td>1995</td>
<td>MU</td>
</tr>
<tr>
<td>871*</td>
<td>1973</td>
<td>M-2</td>
<td>931</td>
<td>1966</td>
<td>M-2</td>
</tr>
<tr>
<td>Rosecrans Avenue</td>
<td></td>
<td></td>
<td>Rosecrans Avenue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2041*</td>
<td>1974/1976</td>
<td>M-2</td>
<td>2301*</td>
<td>2001</td>
<td>MU-S</td>
</tr>
<tr>
<td>2101-2141*</td>
<td>1982/1983</td>
<td>CM</td>
<td>2311*</td>
<td>2001</td>
<td>MU-S</td>
</tr>
<tr>
<td>2201</td>
<td>1967</td>
<td>M-2</td>
<td>2351*</td>
<td>1991</td>
<td>CM</td>
</tr>
<tr>
<td>2231</td>
<td>1996</td>
<td>MU</td>
<td>2381*</td>
<td>1991</td>
<td>CM</td>
</tr>
</tbody>
</table>

* Properties subject to a Precise Plan
** Buildings owned by the applicant

In summary, 13 buildings were built between 1964 and 1976 when the area was zoned M-2; 12 buildings were built between 1978 and 1991 when the area was zoned CM; and seven buildings were built between 1995 and 2001 when the area was zoned MU/MU-S.
As a result, several of the buildings in the area do not meet the MU-S Zone setback requirements and are considered legal nonconforming.

The project applicant owns five of the buildings listed in the table above. All five of the buildings were built between 1970 and 1980 before the MU-S standards became effective. As a result, three of the buildings are legal nonconforming with regard to setbacks. The three buildings are located at 2121, 2145, and 2175 East Park Place.

IV. Zone Text Amendment

The applicant is requesting the proposed Zone Text Amendment to allow Architectural Building Features, Architectural Landscape Features; unroofed patios and decks; stairs, pedestrian ramps, and related safety guardrails, to encroach farther into the required setbacks than currently allowed. The intent is to: 1) improve the physical appearance of the properties; 2) provide enhanced building features and amenities; and 3) to bring more pedestrian activity outside the buildings and closer to the street. The improved appearance, enhanced building amenities, and more pedestrian-friendly environment will make the properties more attractive to creative office and/or clean light industrial uses.

Architectural Landscape Features. Architectural Landscape Features is a term defined in ESMC § 15-1-6 (Definitions). The applicant proposes to construct several benches, bench walls, and landscape planter walls within the street-facing setbacks on their properties. The ESMC allows architectural landscape features to encroach within the required setbacks, provided they maintain a minimum setback of five feet (ESMC §15-2-14). However, the ESMC definition for architectural landscape features does not include benches, bench walls, and landscape planter walls. As a result, the applicant proposes to modify the definition of Architectural Landscape Features to include benches, bench walls, and landscape planter walls not exceeding three feet in height.

Architectural Building Features. Architectural Building Features is a term defined in ESMC § 15-1-6 (Definitions). The applicant proposes to add certain architectural building features, such as balconies, awnings, curtain walls, and architectural screens to the existing building façades facing public streets. The ESMC allows architectural building features to encroach up to two feet into required setbacks and up to six inches into nonconforming setbacks (ESMC § 15-2-7). The applicant proposes to amend ESMC §15-21-6(B) to allow architectural building features to encroach further into required setback areas in the MU-S Zone. Architectural Building Features would be allowed to encroach up to five feet from the existing building face into the required setback areas, but must maintain at least a 15-foot distance to the lot line.

Unroofed patios and decks. The applicant proposes to add several unroofed and partly enclosed patios and decks within the street-facing setbacks. The ESMC does not allow such accessory uses/structures to be located within street-facing setbacks. The applicant proposes to amend ESMC § 15-2-7 to allow unroofed patios and decks in the MU-S Zone that are enclosed by walls, fences, and/or hedges to encroach into front and street-side setback areas. Those patios and decks with walls, fences, and/or hedges up to three (3') feet and six (6') inches in height must maintain at least a ten-foot (10') distance to a lot
line and those with walls, fences, and/or hedges exceeding three (3') feet and six (6') inches in height must maintain at least a 15-foot distance to a lot line.

Stairs, pedestrian ramps, and safety guardrails. The applicant proposes to construct stairs, pedestrian ramps, and related guardrails within the street-facing setbacks to improve access to: a) the buildings on the property; and b) a public sidewalk that the applicant agreed to build on private property. The ESMC allows ramps and guard rails to encroach up to two feet into a required setback. It also allows stairs leading to porches and platforms to encroach further into a setback, but maintain at least a three-foot (3') distance to a lot line. The applicant proposes to amend ESMC § 15-2-7 to allow stairs, pedestrian ramps, and related safety guardrails in the MU-S Zone to encroach farther into required setbacks provided they maintain at least a three-foot (3') distance to a lot line.

The attached August 14, 2014 Planning Commission staff report includes a detailed discussion of the General Plan and Zoning Consistency, Environmental Review, and application findings.

V. Planning Commission Action

On August 14, 2014, the Planning Commission held a public hearing on the proposed amendments to the El Segundo Municipal Code (ESMC).

The Planning Commission received public testimony from the applicant and the general public at the hearing. A representative of Continental Development Corporation spoke in support of the project. After receiving testimony and documentary information, the Commission adopted Resolution No. 2753, recommending City Council approve Environmental Assessment No. EA-1076 and Zone Text Amendment No. ZTA 14-03, with conditions.

VI. Recommendation

Staff recommends that the City Council introduce and waive first reading of a draft Ordinance approving Environmental Assessment No. EA-1076 and Zone Text Amendment No. ZTA 14-03. Second reading and adoption of the Ordinance would occur on October 21, 2014.
ORDINANCE NO. ___

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE §§ 15-1-6, 15-2-7, AND 15-21-6 TO ALLOW ARCHITECTURAL LANDSCAPE FEATURES, ARCHITECTURAL BUILDING FEATURES; UNROOFED PATIOS AND DECKS; STAIRS; RAMPS; AND SAFETY GUARDRAILS TO ENCROACH INTO REQUIRED SETBACKS IN THE URBAN MIXED-USE SOUTH (MU-S) ZONE; AND TO AMEND THE DEFINITION OF ARCHITECTURAL LANDSCAPE FEATURES.

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

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

A. On July 28, 2014, the applicant, 2120 Park Place, LP, 2121 Park Place, LP, and 800 Apollo, LP, submitted an application for Environmental Assessment No. EA-1076 and Zone Text Amendment No. ZTA 14-03 to the El Segundo Municipal Code (“ESMC”) to allow Architectural Landscape Features, Architectural Building Features, unroofed patios and decks, stairs, ramps and safety guardrails to encroach into required setbacks in the Urban Mixed-Use South (MU-S) Zone; and to amend the definition of Architectural Landscape Features;

B. The application was reviewed by the City’s Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the ESMC;

C. The City reviewed the project’s environmental impacts under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the “CEQA Guidelines”), and the City’s Environmental Guidelines (City Council Resolution No. 3805, adopted March 16, 1993);

D. The Planning and Building Safety Department completed its review and scheduled the public hearing regarding the application before the Planning Commission for August 14, 2014;

E. On August 14, 2014, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed amendment, including, without limitation, information provided to the Planning Commission by City staff and public testimony;

F. On August 14, 2014, the Planning Commission adopted Resolution No. 2753 recommending the City Council approve Environmental Assessment
No. EA-1076 and Zone Text Amendment No. ZTA 14-03;

G. On October 7, 2014, the City Council held a public hearing and considered the information provided by City staff and public testimony regarding this Ordinance; and

H. This Ordinance and its findings are made based upon the entire administrative record including, without limitation, testimony and evidence presented to the City Council at its October 7, 2014 hearing and the staff report submitted by the Planning and Building Safety Department.

SECTION 2: Environmental Assessment. Adopting this Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303; 15304(e); 15305; and 15311. Further, the adoption of this Ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Ordinance is for general policies and procedure-making. This Ordinance does not authorize any new development entitlements, but simply establishes policies and procedures for allowing the previously approved project to be constructed. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

SECTION 3: Findings. The City Council incorporates by reference all of the findings and conclusions set forth in Planning Commission Resolution No. 2753 as if fully set forth including, without limitation, the Environmental Assessment set forth in Section 3 of Resolution No. 2753.

SECTION 4: The definition of “Architectural Landscape Features: set forth in ESMC §15-1-6 is amended to read as follows:

“* * * *

ARCHITECTURAL LANDSCAPE FEATURES: Small landscape structures, such as fountains, arbors, trellises, pergolas, colonnades, statuary, benches, bench walls, landscape planter walls not exceeding three feet in height, and other similar features, as well as works of art which do not contain floor area. Arbors, trellises, pergolas, colonnades, and other similar features, as well as works of art cannot consist of a roof or side walls greater than twenty percent (20%) component solid portions when considered as Architectural Landscape Features. These features are not “structures,” as defined in this section, for setback purposes.

* * * *”
SECTION 5: A new subsection E is added to ESMC §15-2-7 to read as follows:

E. Urban Mixed-Use South (MU-S) Zone: In addition to other encroachments in nonresidential zoning districts, stairs; pedestrian ramps; and related safety guardrails; and unroofed patios; and decks may be located within setback areas as follows:

1. Stairs, pedestrian ramps, and related safety guardrails must maintain at least a three-foot (3’) distance to a lot line.

2. Unroofed patios and decks must be enclosed by walls, fences, and/or hedges. These may be up to three (3’) feet and six (6”) inches in height maintain at least a ten-foot (10’) distance to a property line. Unroofed patios and decks enclosed by walls, fences, and/or hedges exceeding three (3’) feet and six (6”) inches in height must maintain at least a 15-foot distance to a lot line.”

SECTION 6: ESMC §15-21-6(B) “Nonresidential Restrictions,” is amended to read as follows:

B. After May 6, 2006, a nonconforming building or nonconforming use within any commercial or industrial zoning category may be increased up to the maximum allowable floor area ratio (FAR) as determined by this title or the El Segundo general plan. The expansion must meet the requirements of this title related to setbacks, lot coverage, height and parking, but is not required to compensate for any deficiency or nonconformity in the original building or use, except as follows:

1. In the Urban Mixed-Use South (MU-S) Zone, Architectural Building Features may project up to five (5’) feet from the existing building face into required setback areas, but must maintain at least a 15-foot distance to a lot line.”

SECTION 7: CONSTRUCTION. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 8: ENFORCEABILITY. Repeal of any provision of the El Segundo Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.
SECTION 9: VALIDITY OF PREVIOUS CODE SECTIONS. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the ESMC or other city ordinance by this Ordinance will be rendered void and cause such previous ESMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 10: 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 11: 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 12: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this ___ day of ____________, 2014.

____________________________________
Suzanne Fuentes, 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 ____________, 2014, 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 ____________, 2014, 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
ORDINANCE NO. ___

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE §§ 15-1-6, 15-2-7, AND 15-21-6 TO ALLOW ARCHITECTURAL LANDSCAPE FEATURES, ARCHITECTURAL BUILDING FEATURES; UNROOFED PATIOS AND DECKS; STAIRS; RAMPS; AND SAFETY GUARDRAILS TO ENCROACH INTO REQUIRED SETBACKS IN THE URBAN MIXED-USE SOUTH (MU-S) ZONE; AND TO AMEND THE DEFINITION OF ARCHITECTURAL LANDSCAPE FEATURES.

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

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

A. On July 28, 2014, the applicant, 2120 Park Place, LP, 2121 Park Place, LP, and 800 Apollo, LP, submitted an application for Environmental Assessment No. EA-1076 and Zone Text Amendment No. ZTA 14-03 to the El Segundo Municipal Code ("ESMC") to allow Architectural Landscape Features, Architectural Building Features, unroofed patios and decks, stairs, ramps and safety guardrails to encroach into required setbacks in the Urban Mixed-Use South (MU-S) Zone; and to amend the definition of Architectural Landscape Features;

B. The application was reviewed by the City's Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the ESMC;

C. The City reviewed the project's environmental impacts under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "CEQA Guidelines"), and the City's Environmental Guidelines (City Council Resolution No. 3805, adopted March 16, 1993);

D. The Planning and Building Safety Department completed its review and scheduled the public hearing regarding the application before the Planning Commission for August 14, 2014;

E. On August 14, 2014, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed amendment, including, without limitation, information provided to the Planning Commission by City staff and public testimony;

F. On August 14, 2014, the Planning Commission adopted Resolution No. 2753 recommending the City Council approve Environmental Assessment
No. EA-1076 and Zone Text Amendment No. ZTA 14-03;

G. On October 7, 2014, the City Council held a public hearing and considered the information provided by City staff and public testimony regarding this Ordinance; and

H. This Ordinance and its findings are made based upon the entire administrative record including, without limitation, testimony and evidence presented to the City Council at its October 7, 2014 hearing and the staff report submitted by the Planning and Building Safety Department.

SECTION 2: Environmental Assessment. Adopting this Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303; 15304(e); 15305; and 15311. Further, the adoption of this Ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Ordinance is for general policies and procedure-making. This Ordinance does not authorize any new development entitlements, but simply establishes policies and procedures for allowing the previously approved project to be constructed. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

SECTION 3: Findings. The City Council incorporates by reference all of the findings and conclusions set forth in Planning Commission Resolution No. 2753 as if fully set forth including, without limitation, the Environmental Assessment set forth in Section 3 of Resolution No. 2753.

SECTION 4: The definition of "Architectural Landscape Features: set forth in ESMC §15-1-6 is amended to read as follows:

"** * * *

ARCHITECTURAL LANDSCAPE FEATURES: Small landscape structures, such as fountains, arbors, trellises, pergolas, colonnades, statuary, benches, bench walls, landscape planter walls not exceeding three feet in height, and other similar features, as well as works of art which do not contain floor area; or a roof or side walls consisting of greater than twenty percent (20%) component solid portions. Arbors, trellises, pergolas, colonnades, and other similar features, as well as works of art cannot consist of a roof or side walls greater than twenty percent (20%) component solid portions when considered as Architectural Landscape Features. These features shall not be considered "structures," as defined in this section, for setback purposes."
SECTION 5: A new subsection E is added to ESMC §15-2-7 to read as follows:

E. Urban Mixed-Use South (MU-S) Zone: In addition to other encroachments in nonresidential zoning districts, stairs; pedestrian ramps; and related safety guardrails; and unroofed patios; and decks may be located within setback areas as follows:

1. Stairs, pedestrian ramps, and related safety guardrails must maintain at least a three-foot (3') distance to a lot line.

2. Unroofed patios and decks must be enclosed by walls, fences, and/or hedges. These may be up to three (3') feet and six (6') inches in height maintain at least a ten-foot (10') distance to a property line. Unroofed patios and decks enclosed by walls, fences, and/or hedges exceeding three (3') feet and six (6') inches in height must maintain at least a 15-foot distance to a lot line.”

SECTION 6: ESMC §15-21-6(B) “Nonresidential Restrictions,” is amended to read as follows:

B. After May 6, 2006, a nonconforming building or nonconforming use within any commercial or industrial zoning category may be increased up to the maximum allowable floor area ratio (FAR) as determined by this title or the El Segundo general plan. The expansion must meet the requirements of this title related to setbacks, lot coverage, height and parking, but is not required to compensate for any deficiency or nonconformity in the original building or use-, except as follows:

1. In the Urban Mixed-Use South (MU-S) Zone, Architectural Building Features may project up to five (5') feet from the existing building face into required setback areas, but must maintain at least a 15-foot distance to a lot line.”

SECTION 7: CONSTRUCTION. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 8: ENFORCEABILITY. Repeal of any provision of the El Segundo Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.
SECTION 9: VALIDITY OF PREVIOUS CODE SECTIONS. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the ESMC or other city ordinance by this Ordinance will be rendered void and cause such previous ESMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 10: 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 11: 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 12: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this ___ day of ____________, 2014.

____________________________________
Suzanne Fuentes, 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 ____________, 2014, 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 ____________, 2014, 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
CITY OF EL SEGUNDO

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: August 14, 2014

SUBJECT: Environmental Assessment No. EA-1076, and Zone Text Amendment No. ZTA 14-03

APPLICANT: 2120 Park Place, LP, 2121 Park Place, LP, and 800 Apollo, LP (Patrick Perry)

PROPERTY OWNER: Various

REQUEST: Zone Text Amendment to amend the El Segundo Municipal Code (“ESMC”) §§15-1-6, 15-2-7 and 15-21-6(B) to allow Architectural Landscape Features; Architectural Building Features; unroofed patios and decks; stairs, ramps, and safety guardrails to encroach into required setbacks in the Urban Mixed-Use (MU-S) Zone and to amend the definition of Architectural Landscape Features.

PROPERTY INVOLVED: Citywide; Urban-Mixed Use South (MU-S) Zone

I. **Introduction**

The proposed project is a Zone Text Amendment amending the ESMC regulations to allow Architectural Landscape Features (as defined in ESMC § 15-1-6); Architectural Building Features (as defined in ESMC § 15-1-6); unroofed patios and decks; stairs ramps and safety guardrails to encroach into required setback areas in the Urban Mixed-Use South (MU-S) Zone; and to amend the definition of Architectural Landscape Features.

II. **Recommendation**

Planning staff recommends that the Planning Commission conduct a public hearing; consider the documentary and testimonial evidence including this report; and then adopt Resolution No. 2753 recommending that the City Council approve Environmental Assessment No. EA-1076 and Zone Text Amendment No. ZTA 14-03.
III. **Background**

The project applicant owns three parcels containing five buildings in the MU-S Zone, which is located in the southeastern portion of the City. The applicant recently acquired these properties and intends to remodel the interior and exterior of the existing buildings and the parking and landscaping areas around the existing buildings. The exterior work includes: a) Architectural Building Features, such as balconies, awnings, curtain walls, and architectural screens added to the existing building façades facing public streets; b) unroofed, enclosed patios and decks; c) Architectural Landscape Features, such as benches, seat walls, and landscape planter walls; and d) walkways, stairs, ramps, and related safety guardrails. Some of the proposed work would encroach into the required setback areas in the MU-S.

The proposed work would not meet setback standards (or allowed encroachments into those setbacks) for three reasons: 1) the required front and street-side setbacks in the MU-S zone are 30 feet and are required to be fully landscaped, with few exceptions; 2) three of the existing buildings on the applicant's properties were built under previous zoning and do not meet the current standards; and 3) the proposed improvements discussed above are intended to create a more pedestrian-friendly scale of development with more activity occurring outside the buildings and closer to the streets.

The following analysis contains a description of MU-S Zone area ("Project Area"), the Zoning History for the project area, the development history in the project area, and a detailed description of the proposed ESMC amendments.

IV. **Analysis**

**SITE DESCRIPTION AND SURROUNDING LAND USES**

The project area consists of the Urban Mixed-Use South (MU-S) Zone which occupies approximately 70 acres in the southeastern portion of the City. The existing uses in the MU-S Zone include primarily light industrial, office, restaurant, and some retail uses. Additionally, the MU-S Zone uses include a movie theater, a hotel, and a health club/fitness facility. These uses are located in 32 buildings (including parking structures) that were developed between 1964 and 2001.

The MU-S Zone is bounded by the Commercial Center (C-4) Zone to the west, the Light Industrial (M-1) and Heavy Industrial (M-2) Zones to the north, the Aviation Specific Plan (ASP) to the east, and a commercial Planned Development (PD) Zone in Manhattan Beach to the south.

**ZONING HISTORY**

The project area was originally zoned Heavy Industrial (M-2) until 1978, when it became Commercial Manufacturing (CM). The area remained in the CM Zone until it was designated Mixed Use (MU) by the 1992 General Plan. Subsequently, in 1997, it was designated Urban Mixed-Use South (MU-S) and that zoning has remained in place until today. As mentioned above, the area was developed over time and the
development standards when most of the buildings were constructed were different from the current MU-S development standards. Specifically, the setback requirements when most of the development occurred were less restrictive than the current MU-S setback standards. The following table lists the setback standards for the M-2, the CM, and MU-S zones for comparison.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Dates</th>
<th>Front Setback</th>
<th>Side</th>
<th>Street Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>M-2</td>
<td>1958-1978</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>CM</td>
<td>1978-1992</td>
<td>28 Feet</td>
<td>None</td>
<td>5 Feet</td>
<td>None</td>
</tr>
<tr>
<td>MU/MU-S</td>
<td>1992-present</td>
<td>30 Feet</td>
<td>25 Feet</td>
<td>30 Feet</td>
<td>5 Feet</td>
</tr>
</tbody>
</table>

As shown in the table, the current MU-S standards are significantly more restrictive than the M-2 standards and the CM standards, with the exception of the front yard setback in the CM Zone, which is closer to the MU-S standard.

In addition to the Zoning of the area over time, the City approved several Precise Plans (the precursor to Specific Plans) for specific properties in the project area. The Precise Plans established specific standards for the development of the subject properties, which superseded the underlying zone standards at the time. These Precise Plans have been amended several times since their original approval to accommodate new development and/or modifications to the existing development. The following table lists the Precise Plans (original only without later amendments) that apply to the area and the specific properties that they apply to.

<table>
<thead>
<tr>
<th>Precise Plan</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>PP 72-12</td>
<td>2041-2141 Rosecrans Avenue</td>
</tr>
<tr>
<td>PP 73-07</td>
<td>2041 Rosecrans Avenue / 831-871 S. Nash Street</td>
</tr>
<tr>
<td>PP 74-08</td>
<td>800 Apollo Street / 2170 Park Place</td>
</tr>
<tr>
<td>PP 81-01</td>
<td>2101-2141 Rosecrans Avenue</td>
</tr>
<tr>
<td>PP 87-01</td>
<td>2301-2381 Rosecrans Avenue / 810-820 S. Douglas Street</td>
</tr>
<tr>
<td>PP 89-02</td>
<td>810 S. Douglas Street / 2301 Rosecrans Avenue</td>
</tr>
</tbody>
</table>

**PROJECT PHYSICAL DESCRIPTION**

As mentioned above the MU-S Zone area is developed with 32 buildings, including light industrial, offices, commercial uses, and parking structures. The following table lists all the buildings by address, the year they were built, and the applicable Zoning District at the time of construction.

<table>
<thead>
<tr>
<th>Address</th>
<th>Year Built</th>
<th>Zoning District</th>
<th>Address</th>
<th>Year Built</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Park Place</td>
<td></td>
<td></td>
<td>Apollo Street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2120**</td>
<td>1980</td>
<td>CM</td>
<td>800**</td>
<td>1980</td>
<td>CM</td>
</tr>
<tr>
<td>2121**</td>
<td>1971</td>
<td>M-2</td>
<td>840</td>
<td>1980</td>
<td>CM</td>
</tr>
<tr>
<td>2145**</td>
<td>1970</td>
<td>M-2</td>
<td>841</td>
<td>1983</td>
<td>CM</td>
</tr>
<tr>
<td>2175**</td>
<td>1970</td>
<td>M-2</td>
<td>860</td>
<td>1978</td>
<td>CM</td>
</tr>
<tr>
<td>2200</td>
<td>1968</td>
<td>M-2</td>
<td>880</td>
<td>1978</td>
<td>CM</td>
</tr>
<tr>
<td>2201</td>
<td>1964</td>
<td>M-2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Nash Street</td>
<td>South Douglas Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>---------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>831* 1996 MU</td>
<td>810* 1995 MU</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>871* 1973 M-2</td>
<td>931 1966 M-2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rosecrans Avenue</td>
<td>Rosecrans Avenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2041* 1974/1976 M-2</td>
<td>2301* 2001 MU-S</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2101-2141* 1982/1983 CM</td>
<td>2311* 2001 MU-S</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2201 1967 M-2</td>
<td>2351* 1991 CM</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2231 1996 MU</td>
<td>2381* 1991 CM</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Properties subject to a Precise Plan
** Buildings owned by the applicant

In summary, 13 buildings were built between 1964 and 1976 when the area was zoned M-2; 12 buildings were built between 1978 and 1991 when the area was zoned CM; and seven buildings were built between 1995 and 2001 when the area was zoned MU/MU-S. As a result, several of the buildings in the area do not meet the MU-S Zone setback requirements and are considered legal nonconforming.

The project applicant owns five of the buildings listed in the table above. All five of the buildings were built between 1970 and 1980 before the MU-S standards became effective. As a result, three of the buildings are legal nonconforming with regard to setbacks. The three buildings are located at 2121, 2145, and 2175 East Park Place.

Zone Text Amendment

The applicant is requesting the proposed Zone Text Amendment to allow Architectural Building Features, Architectural Landscape Features; unroofed patios and decks; stairs, pedestrian ramps, and related safety guardrails, to encroach farther into the required setbacks than currently allowed. The intent is to: 1) improve the physical appearance of the properties; 2) provide enhanced building features and amenities; and 3) to bring more pedestrian activity outside the buildings and closer to the street. The improved appearance, enhanced building amenities, and more pedestrian-friendly environment will make the properties more attractive to creative office and/or clean light industrial uses.
Architectural Landscape Features. Architectural Landscape Features is a term defined in ESMC § 15-1-6 (Definitions). The applicant proposes to construct several benches, bench walls, and landscape planter walls within the street-facing setbacks on his properties. The ESMC allows architectural landscape features to encroach within the required setbacks, provided they maintain a minimum setback of five feet (ESMC §15-2-14). However, the ESMC definition for architectural landscape features does not include benches, bench walls, and landscape planter walls. As a result, the applicant proposes to modify the definition of Architectural Landscape Features to include benches, bench walls, and landscape planter walls not exceeding three feet in height.

Architectural Building Features. Architectural Building Features is a term defined in ESMC § 15-1-6 (Definitions). The applicant proposes to add certain architectural building features, such as balconies, awnings, curtain walls, and architectural screens to the existing building façades facing public streets. The ESMC allows architectural building features to encroach up to two feet into required setbacks and up to six inches into nonconforming setbacks (ESMC § 15-2-7). The applicant proposes to amend ESMC §15-21-6(B) to allow architectural building features to encroach further into required setback areas in the MU-S Zone. Architectural Building Features would be allowed to encroach up to five feet from the existing building face into the required setback areas, but must maintain at least a 15-foot distance to the lot line.

Unroofed patios and decks. The applicant proposes to add several unroofed and partly enclosed patios and decks within the street-facing setbacks. The ESMC does not allow such accessory uses/structures to be located within street-facing setbacks. The applicant proposes to amend ESMC § 15-2-7 to allow unroofed patios and decks in the MU-S Zone that are enclosed by walls, fences, and/or hedges to encroach into front and street-side setback areas. Those patios and decks with walls, fences, and/or hedges up to three (3') feet and six (6') inches in height must maintain at least a ten-foot (10') distance to a lot line and those with walls, fences, and/or hedges exceeding three (3') feet and six (6') inches in height must maintain at least a 15-foot distance to a lot line.

Stairs, pedestrian ramps, and safety guardrails. The applicant proposes to construct stairs, pedestrian ramps, and related guardrails within the street-facing setbacks to improve access to: a) the buildings on the property; and b) a public sidewalk that the applicant agreed to build on private property. The ESMC allows ramps and guard rails to encroach up to two feet into a required setback. It also allows stairs leading to porches and platforms to encroach further into a setback, but maintain at least a three (3')-foot distance to a lot line. The applicant proposes to amend ESMC § 15-2-7 to allow stair, pedestrian ramps, and related safety guardrails in the MU-S Zone to encroach farther into required setbacks provided they maintain at least a three-foot (3') distance to a lot line.
V. General Plan And Zoning Consistency

Consistency with the El Segundo Municipal Code

Pursuant to ESMC Title 15, Chapter 26 (Amendments), in order to recommend City Council approval of the proposed amendments, the Planning Commission must find that the amendments are necessary to carry out the general purpose of ESMC Title 15. The purpose of this Title (ESMC § 15-1-1) is to serve the public health, safety, and general welfare and to provide economic and social advantages resulting from an orderly planned use of land resources. Planning staff believes that the Planning Commission can make the findings in order to recommend City Council approval of the proposed amendment. The findings are discussed in the proposed resolution.

Consistency with the El Segundo General Plan

ESMC § 15-1-1 (Purpose, Title) states that Title 15 is the primary tool for implementation of the goals, objectives, and policies of the El Segundo General Plan. Accordingly, the Planning Commission must find that the proposed Zone Text Amendment is consistent with those goals, objectives, and policies. Planning staff believes that the Planning Commission can make the findings in order to recommend City Council approval of the proposed amendment. The findings are discussed in the proposed resolution.

VI. ENVIRONMENTAL REVIEW

The proposed zone text amendment is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303; 15304(e); 15305; and 15311. Further, the adoption of this Ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Ordinance is for general policies and procedure-making. This Ordinance does not authorize any new development entitlements, but simply establishes policies and procedures for allowing the previously approved project to be constructed. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

VII. Application Findings

In order to approve the project, the City Council must take certain actions related to the proposed project. The Planning Commission’s responsibility is to make recommendations to the City Council related to the CEQA and the Zone Text Amendment application. The required findings for each application are included in the attached draft resolution (Exhibit 1).
VIII. Conclusion

Staff recommends that the Planning Commission recommend that the City Council approve the proposed project, subject to the conditions contained in Draft Resolution No. 2753.

IX. Exhibits

1. Draft Planning Commission Resolution No. 2753
2. Draft Ordinance

Prepared by: Paul Samaras, Principal Planner

[Signature]
Kimberly Christensen, AICP, Planning Manager
Planning and Building Safety Department

[Signature]
Sam Lee, Director
Planning and Building Safety Department
RESOLUTION NO. 2753

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE §§ 15-1-6, 15-2-7, AND § 15-21-6(B) TO ALLOW ARCHITECTURAL LANDSCAPE FEATURES; ARCHITECTURAL BUILDING FEATURES; UNROOFED PATIOS AND DECKS; STAIRS; RAMPS; AND SAFETY GUARDRAILS TO ENCROACH INTO REQUIRED SETBACKS IN THE URBAN MIXED-USE SOUTH (MU-S) ZONE; AND TO AMEND THE DEFINITION OF ARCHITECTURAL LANDSCAPE FEATURES.

(EA NO. 1076 and ZTA NO. 14-03)

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

SECTION 1: The Planning Commission finds and declares that:

A. On July 28, 2014, the applicant, 2120 Park Place, LP, 2121 Park Place, LP, and 800 Apollo, LP, submitted an application for Environmental Assessment No. EA-1076 and Zone Text Amendment No. ZTA 14-03 to the El Segundo Municipal Code (“ESMC”) to allow Architectural Landscape Feature; Architectural Building Features; unroofed patios and decks; stairs, ramps and safety guardrails to encroach into required setbacks in the Urban Mixed-Use South (MU-S) Zone; and to amend the definition of architectural landscape features;

B. The application was reviewed by the City’s Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the ESMC;

C. The City reviewed the project’s environmental impacts under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the “CEQA Guidelines”), and the City’s Environmental Guidelines (City Council Resolution No. 3805, adopted March 16, 1993);

D. The Planning and Building Safety Department completed its review and scheduled the public hearing regarding the application before the Planning Commission for August 14, 2014;

E. On August 14, 2014, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed amendment, including, without limitation, information provided to the Planning Commission by City staff and public testimony; and

F. This Resolution and its findings are made based upon the evidence presented to the Commission at its August 14, 2014, hearing including, without limitation, the staff report submitted by the Planning and Building
Safety Department.

SECTION 2: Factual Findings And Conclusions. The Commission finds that implementing the proposed ordinance would result in the following:

A. Amend the definition of Architectural Landscape Features to include benches, bench walls, and landscape planter walls up to three feet in height.

B. Allow stairs, pedestrian ramps, and related safety guardrails to be located within required setback areas of the MU-S Zone, provided they maintain at least a three-foot (3') distance to a lot line.

C. Allow unroofed patios and decks enclosed by walls, fences, and/or hedges up to three (3') feet and six (6') inches in height in the MU-S Zone to be located within required front and street-side setback areas, provided they maintain at least a ten-foot (10') distance to a property line.

D. Allow unroofed patios and decks enclosed by walls, fences, and/or hedges exceeding three (3') feet and six (6') inches in height in the MU-S Zone to be located within required front and street-side setback areas, provided they maintain at least a 15-foot distance to a lot line.

E. Allow Architectural Building Features in the MU-S Zone to project up to five (5') feet from the existing building face into required setback areas, provided they maintain at least a 15-foot distance to a lot line.

SECTION 3: Environmental Assessment. Because of the facts set forth in Section 2, the proposed zone text amendment is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. This Resolution, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303; 15304(e); 15305; and 15311. Further, the adoption of this Resolution is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Resolution is for general policies and procedure-making. This Resolution does not authorize any new development entitlements, but simply establishes policies and procedures for allowing the previously approved project to be constructed. Any proposed project that will utilize the changes set forth in this Resolution will be subject to CEQA review as part of the entitlement review of the project. The Resolution will not adversely impact the environment and is therefore exempt from the provisions of CEQA.
SECTION 4: General Plan Findings. As required under Government Code § 65860, the ESMC amendments proposed by the Ordinance are consistent with the El Segundo General Plan as follows:

A. The proposed zone text amendment conforms with the Land Use Element Goals, Objectives and Policies. Specifically, the zone text amendment is consistent with Land Use Element Goal LU5 and Objectives LU5-1, LU5-2 and LU5-3 in that the amendment will help retain and attract clean and safe commercial and industrial uses and will facilitate the rehabilitation of currently substandard properties by allowing industrial and commercial property owners to efficiently use their properties when siting architectural landscape and building features, unroofed patios and decks, and stairs, ramps, and related safety guardrails.

B. The proposed zone text amendment is consistent with the Economic Development Element Goals, Objectives and Policies. Specifically, it is consistent with Economic Development Element Objective ED1-2 and Policies ED1-2.1 and ED1-2.2 in that the use of architectural landscape features, architectural building features, and unroofed patios and decks within required street-facing setbacks will help improve properties aesthetically and promote a more pedestrian oriented environment in the MU-S Zone. These physical improvements will help maintain existing uses and attract more retail and office uses, which expand the City's tax base and improve its fiscal condition.

C. The proposed zone text amendment is consistent with Circulation Element Goals, Objectives and Policies. Specifically, it is consistent with Circulation Element Objective C2-1 and Policies C2-1.1 and C2-1.3. Specifically, the use of landscape architectural features, unroofed patios and decks, and pedestrian ramps and stairs within street-facing setbacks will encourage walking, including, without limitation, to and from the existing Green Line station in the MU-S Zone. In addition, the project applicant will incorporate a public sidewalk along his property's frontage on Park Place as part of the overall planned improvements.

D. The proposed zone text amendment is consistent with Open Space and Recreation Policy OS 1-2.8 in that the use of landscape architectural features, unroofed patios and decks encourages the creation of active and passive open space areas within non-residential developments east of Sepulveda Boulevard.

SECTION 5: Zone Text Amendment Findings. In accordance with ESMC § 15-26-4 and based on the findings set forth in Section 2, the proposed Zone Text Amendment is
consistent with the goals, policies, and objectives of the General Plan as follows:

A. It is consistent with the purpose of the ESMC, which is to serve the public health, safety, and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources. In addition, it is consistent with the purpose of the Urban Mixed-Use South (MU-S) Zone to provide an area where a mixture of compatible uses can locate and develop in a mutually beneficial manner. Furthermore, it is consistent with the intent of the MU-S Zone to encourage businesses to provide street level uses which allow for, and facilitate, pedestrian activity for area workers and visitors.

B. It is necessary to facilitate the development process and ensure the orderly development of architectural building features, architectural landscape features, unroofed patios and decks, and stairs, pedestrian ramps and associated guard rails on properties in the MU-S Zone that are compatible with surrounding properties and the public right-of-way.

SECTION 6: Recommendations. The Planning Commission recommends that the City Council adopt the ordinance set forth in attached Exhibit "A," which is incorporated into this resolution by reference.

SECTION 7: Reliance On Record. Each and every one of the findings and determination in this Resolution 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 Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8: Limitations. The Planning Commission’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 Planning Commission’s lack of 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 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: The Commission secretary is directed to mail a copy of this Resolution to any person requesting a copy.
SECTION 11: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

PASSED AND ADOPTED this 14th day of August 2014.

David Wagner, Chairperson
City of El Segundo Planning Commission

ATTEST:

Sam Lee, Secretary

Wagner -
Baldino -
Newman -
Nicol -
Nisley -

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

By: Karl H. Berger, Assistant City Attorney
ORDINANCE NO. ___

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE §§ 15-1-6, 15-2-7, AND 15-21-6 TO ALLOW ARCHITECTURAL LANDSCAPE FEATURES, ARCHITECTURAL BUILDING FEATURES; UNROOFED PATIOS AND DECKS; STAIRS; RAMPS; AND SAFETY GUARDRAILS TO ENCOACH INTO REQUIRED SETBACKS IN THE URBAN MIXED-USE SOUTH (MU-S) ZONE; AND TO AMEND THE DEFINITION OF ARCHITECTURAL LANDSCAPE FEATURES.

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

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

A. On July 28, 2014, the applicant, 2120 Park Place, LP, 2121 Park Place, LP, and 800 Apollo, LP, submitted an application for Environmental Assessment No. EA-1076 and Zone Text Amendment No. ZTA 14-03 to the El Segundo Municipal Code ("ESMC") to allow Architectural Landscape Features, Architectural Building Features, unroofed patios and decks, stairs, ramps and safety guardrails to encroach into required setbacks in the Urban Mixed-Use South (MU-S) Zone; and to amend the definition of Architectural Landscape Features;

B. The application was reviewed by the City's Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the ESMC;

C. The City reviewed the project's environmental impacts under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "CEQA Guidelines"), and the City's Environmental Guidelines (City Council Resolution No. 3805, adopted March 16, 1993);

D. The Planning and Building Safety Department completed its review and scheduled the public hearing regarding the application before the Planning Commission for August 14, 2014;

E. On August 14, 2014, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed amendment, including, without limitation, information provided to the Planning Commission by City staff and public testimony;

F. On August 14, 2014, the Planning Commission adopted Resolution No. 2753 recommending the City Council approve Environmental Assessment
No. EA-1076 and Zone Text Amendment No. ZTA 14-03;

G. On September 16, 2014, the City Council held a public hearing and considered the information provided by City staff and public testimony regarding this Ordinance; and

H. This Ordinance and its findings are made based upon the entire administrative record including, without limitation, testimony and evidence presented to the City Council at its September 16, 2014 hearing and the staff report submitted by the Planning and Building Safety Department.

SECTION 2: Environmental Assessment. Adopting this Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303; 15304(e); 15305; and 15311. Further, the adoption of this Ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Ordinance is for general policies and procedure-making. This Ordinance does not authorize any new development entitlements, but simply establishes policies and procedures for allowing the previously approved project to be constructed. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

SECTION 3: Findings. The City Council incorporates by reference all of the findings and conclusions set forth in Planning Commission Resolution No. 2753 as if fully set forth including, without limitation, the Environmental Assessment set forth in Section 3 of Resolution No. 2753.

SECTION 4: The definition of “Architectural Landscape Features: set forth in ESMC §15-1-6 is amended to read as follows:

** * * * **

ARCHITECTURAL LANDSCAPE FEATURES: Small landscape structures, such as fountains, arbors, trellises, pergolas, colonnades, statuary, benches, bench walls, landscape planter walls not exceeding three feet in height, and other similar features, as well as works of art which do not contain floor area; or a roof or side walls consisting of greater than twenty percent (20%) component solid portions. Arbors, trellises, pergolas, colonnades, and other similar features, as well as works of art cannot consist of a roof or side walls greater than twenty percent (20%) component solid portions when considered as Architectural Landscape Features. These features shall not be considered “structures,” as defined in this section, for setback purposes.
SECTION 5: A new subsection E is added to ESMC §15-2-7 to read as follows:

E. Urban Mixed-Use South (MU-S) Zone: In addition to other encroachments in nonresidential zoning districts, stairs; pedestrian ramps; and related safety guardrails; and unroofed patios; and decks may be located within setback areas as follows:

1. Stairs, pedestrian ramps, and related safety guardrails must maintain at least a three-foot (3') distance to a lot line.

2. Unroofed patios and decks must be enclosed by walls, fences, and/or hedges. These may be up to three (3') feet and six (6") inches in height maintain at least a ten-foot (10') distance to a property line. Unroofed patios and decks enclosed by walls, fences, and/or hedges exceeding three (3') feet and six (6") inches in height must maintain at least a 15-foot distance to a lot line.

SECTION 6: ESMC §15-21-6(B) "Nonresidential Restrictions," is amended to read as follows:

B. After May 6, 2006, a nonconforming building or nonconforming use within any commercial or industrial zoning category may be increased up to the maximum allowable floor area ratio (FAR) as determined by this title or the El Segundo general plan. The expansion must meet the requirements of this title related to setbacks, lot coverage, height and parking, but is not required to compensate for any deficiency or nonconformity in the original building or use, except as follows:

1. In the Urban Mixed-Use South (MU-S) Zone, Architectural Building Features may project up to five (5') feet from the existing building face into required setback areas, but must maintain at least a 15-foot distance to a lot line.

SECTION 7: CONSTRUCTION. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 8: ENFORCEABILITY. Repeal of any provision of the El Segundo Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.
SECTION 9: VALIDITY OF PREVIOUS CODE SECTIONS. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the ESMC or other city ordinance by this Ordinance will be rendered void and cause such previous ESMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 10: 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 11: 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 12: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this ___ day of ______________, 2014.

______________________________
Suzanne Fuentes, 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 ______________, 2014, 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 ______________, 2014, 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
MINUTES OF THE MEETING
OF THE PLANNING COMMISSION
OF THE CITY OF EL SEGUNDO, CALIFORNIA

August 14, 2014

Chair Wagner called the El Segundo Planning Commission meeting to order at
5:30 p.m. in the El Segundo City Hall’s Council Chambers, 350 Main Street, El
Segundo, California.

Chair Wagner led the Pledge of Allegiance to the Flag.

PRESENT: WAGNER, NEWMAN, and NICOL

ABSENT: BALDINO and NISLEY

PRESENT: BALDINO arrived at 5:34 p.m.

None.

Chair Wagner presented the Consent Calendar.

None.

Commissioner Newman moved, seconded by Commissioner Nicol, to approve the
July 24, 2014 Meeting Minutes. Motion approved (4-0).

Kimberly Christensen read three items into the record: Agenda Item H-2 Letter
from Alex Rose of Continental Development Corporation dated August 14, 2014.
Agenda H-3 and H-4 revised Resolution No. 2754 and 2755.

Chair Wagner presented Agenda Item H-2, Environmental Assessment No. EA-
1076, and Zone Text Amendment No. ZTA 14-03 Zone Text Amendment to amend
the El Segundo Municipal Code ("ESMC") §§15-1-6, 15-2-7 and 15-21-6(B) to
allow Architectural Landscape Features; Architectural Building Features; unroofed
patios and decks; stairs, ramps, and safety guardrails to encroach into required
setbacks in the Urban Mixed-Use (MU-S) Zone; and to amend the definition of
Architectural Landscape Features. Address: Citywide. Applicant: 2120 Park
Place, LP, 2121 Park Place, LP, and 800 Apollo LP. Property Owner: Various.

Planning Manager Kimberly Christensen presented a PowerPoint presentation of
the staff report (of record.)

Commissioner Newman inquired about how many buildings the applicant owns.

Ms. Christensen stated that the applicant owns 5 building out of the 32 buildings in
the MU-S Zone.
Patrick Perry, representative for applicant

Mr. Perry gave a brief statement regarding the project and stated that he is available for questions.

Jack Spound, SSV Properties, applicant

Mr. Spound gave a presentation to briefly discuss the project and stated that he is available to answer any questions.

Ms. Newman asked whether the office space will be all creative uses or will there be retail and restaurants uses as well.

Mr. Spound stated that there has been a discussion in his company regarding retail and restaurant possibly being added onsite.

Chair Wagner inquired about the time frame to complete the project.

Mr. Spound indicated that some of his tenants should be up and running within fourteen months.

Toni Reina, Continental Development Corporations

Ms. Reina stated that she was in support of the project on behalf of Continental Development Corporation and she is available for any questions.

Vice Chair Baldino moved, seconded by Commissioner Newman, for the Planning Commission to approve Resolution No. 2753 approving Environmental Assessment No. EA-1076 and Zone Text Amendment No. ZTA 14-03. Motion carried (4-0).

Chair Wagner presented Agenda Item H-3, Environmental Assessment No. EA-1077, and Adjustment No. ADJ 14-06 Adjustment to allow a two-foot, six-inch tall bench wall to encroach 30 feet into the required 30-foot street side setback in the Urban Mixed-Use South (MU-S) Zone. Address: 2121 East Park Place. Applicant: 2120 Park Place, LP c/o Patrick Perry. Property Owner: 2120 Park Place, LP.

Planning Manager Kimberly Christensen presented a PowerPoint presentation of the staff report (of record.)

Patrick Perry, representative for applicant

Mr. Perry gave a brief statement regarding the project and stated that he is available for questions.

Chair Wagner asked Assistant City Attorney David King if the motions for Agenda Items H-3 and H-4 can be combined.

Mr. King stated that the two Agenda Items can be combined simultaneously for adoption.

Vice Chair Baldino moved, seconded by Commissioner Nicol, for the Planning Commission to approve Resolution No. 2754 approving Environmental Assessment No. EA-1077 and Adjustment No. ADJ 14-06. Motion carried (4-0).
Planning Commissioner considered the two adjustment agenda items simultaneously.

Chair Wagner presented Agenda Item H-4, Environmental Assessment No. EA-1078, and Adjustment No. ADJ 14-07 Adjustment to allow a three-foot, six-inch tall landscape planter wall with four three-foot, six-inch tall benches to encroach 30 feet into the required 30-foot street side setback in the Urban Mixed-Use South (MU-S) Zone. Address: 2121, 2145, and 2175 East Park Place. Applicant: 2121 Park Place, LP c/o Patrick Perry. Property Owner: 2121 Park Place, LP.

Planning Manager Kimberly Christensen presented a PowerPoint presentation of the staff report (of record.)

Vice Chair Baldino moved, seconded by Commissioner Nicol, for the Planning Commission to approve Resolution No. 2755 approving Environmental Assessment No. EA-1078 and Adjustment No. ADJ 14-07. Motion carried (4-0).

Planning Commissioner considered the two adjustment agenda items simultaneously.

None.

Planning and Building Safety Director Sam Lee stated that there will be a regularly scheduled meeting on August 28th. Mr. Lee gave congratulations to the design team and City Staff for everyone working diligently to make this project possible for the item on this evening’s agenda to move forward.

Commissioner Nicol stated that this is the new generation of future office buildings.

None.

Chair Wagner adjourned the meeting. Motion carried (4-0).

The meeting adjourned at 6:52 p.m.

PASSED AND APPROVED ON THIS 28TH DAY OF AUGUST 2014.
EL SEGUNDO CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA STATEMENT

AGENDA DESCRIPTION:
Consideration and possible action to amend El Segundo Municipal Code ("ESMC") §§15-1-6, 15-6A-2, 15-6A-11, and 15-8-2 to add a definition of "Emergency Shelters"; to allow Emergency Shelters as a Permitted Use in the Light Industrial (M-1) Zone; to establish Emergency Shelter Development Standards; and, to remove the managed production of resources on Agricultural Lands as a permitted use in the Open Space (O-S) Zone. Applicant: City of El Segundo (Fiscal Impact: None).

RECOMMENDED COUNCIL ACTION:

1. Open the continued Public Hearing;
2. Discussion;
3. Introduce, and waive first reading of an Ordinance for Environmental Assessment No. EA-1066 and Zone Text Amendment No. ZTA 14-02;
4. Schedule second reading and adoption of the Ordinance on October 21, 2014; and/or
5. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Revised Draft Ordinance
2. Revised Draft Ordinance (strike-out/underline version)
3. 100-foot Radius Map of Potential Locations for Emergency Shelters in the M-1 Zone
4. 300-foot Radius Map of Potential Locations for Emergency Shelters in the M-1 Zone
5. 500-foot Radius Map of Potential Locations for Emergency Shelters in the M-1 Zone

FISCAL IMPACT: N/A

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

ORIGINATED BY: Kimberly Christensen, AICP, Planning Manager

REVIEWED BY: Sam Lee, Planning and Building Safety Director

APPROVED BY: Greg Carpenter, City Manager

SUMMARY:

On September 16, 2014, the El Segundo City Council directed staff to modify the draft Ordinance for Environmental Assessment No.EA-1066 and Zone Text Amendment No. ZTA 14-02 to eliminate Emergency Shelters as a Conditional Use in the Medium Manufacturing (MM) Zone and to add distance criteria for the establishment of an Emergency Shelter as a Permitted Use in the Light Industrial (M-1) Zone. The draft Ordinance no longer includes Emergency
Shelters as a Conditional Use in the Medium Manufacturing (MM) Zone and stipulates distance criteria in the Light Industrial (M-1) Zone that prohibits Emergency Shelters from within three hundred (300) feet of residentially zoned property, public or private schools, public parks and open space, and child care facilities (see attached map of potential emergency shelter locations in the M-1 Zone). Staff believes that a sufficient number of parcels are available to meet the City’s housing need for emergency shelter in compliance with Government Code § 65583.

Zone Text Amendment No. ZTA 14-02 also removes “the managed production of resources on agricultural lands” (“Agriculture”) as a permitted use in the Open Space (O-S) Zone. The City has no agricultural land uses, operations, or production. Government Code §65583 and §65583.2 requires that a local agency’s Housing Element provide for a variety of housing types including housing for agricultural employees. Thus, removing the “Agriculture” designation as a permitted use in the Open Space (O-S) Zone would eliminate this obsolete designation and bring the ESMC into compliance with the Housing Element Update. No changes are proposed to the draft ordinance regarding the removal of the managed production of resources on agricultural lands from the Open Space (O-S) Zone.

BACKGROUND:

On February 4, 2014, the El Segundo City Council adopted a new Housing Element which was subsequently certified by the California Department of Housing and Community Development (HCD). To implement the Housing Element, the City Council should consider adopting the proposed ordinance adding regulations regarding emergency shelters to the El Segundo Municipal Code (“ESMC”). California law requires that the City allow emergency shelters to operate within its jurisdiction pursuant to the requirements in Government Code § 65583.

Compliance with Government Code § 65583 is a component of the City’s newly adopted Housing Element and was one of the criteria the HCD used in certifying the City’s Housing Element. The City’s new Housing Element includes a commitment to allow Emergency Shelters as a permitted use no later than October 1, 2014. Failure to meet this commitment would risk non-compliance with State law. This could result in loss of potential State funding opportunities and could negatively impact certification of the City’s Housing Element in future review cycles.

On August 28, 2014, the Planning Commission held a public hearing on the proposed Environmental Assessment No. EA-1066 and Zone Text Amendment No. ZTA 14-02 amending the El Segundo Municipal Code (“ESMC”) zoning regulations to add a definition “Emergency Shelters,” to allow Emergency Shelters as a Permitted Use in the Light Industrial (M-1) Zone and as a Conditional Use in the Medium Manufacturing (MM); and to establish development standards for Emergency Shelters and adopted Resolution No. 2756 recommending approval of the draft zone text amendment.

ANALYSIS:

On September 16, 2014, the El Segundo City Council directed staff to modify the draft Ordinance to add distance criteria for the establishment of an Emergency Shelter as a Permitted Use in the Light Industrial (M-1) Zone and to evaluate different options regarding appropriate distance criteria between emergency shelters and various types of uses (residentially zoned property, public or private schools, public parks and open space, and child care facilities). Staff
evaluated three options that include: a 100-foot distance requirement, a 300-foot distance requirement and a 500-foot distance requirement. Staff determined the number of parcels that would meet the distance requirement for each of the three distance scenarios in total and the number of parcels if government and utility-owned parcels were excluded (see chart below). Staff has provided this second number since government and utility-owned parcels would require agency approval and would be more difficult to purchase or lease to an outside party. These parcels are generally owned by the City of El Segundo, Metro, various private railroads and similar entities. Staff believes that this number is a more realistic number of parcels that might be used to establish an emergency shelter.

<table>
<thead>
<tr>
<th>RADIUS</th>
<th>TOTAL PARCELS</th>
<th>PUBLIC/UTILITY</th>
<th>PRIVATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>500 FT</td>
<td>40</td>
<td>13</td>
<td>27</td>
</tr>
<tr>
<td>300 FT</td>
<td>59</td>
<td>16</td>
<td>43</td>
</tr>
<tr>
<td>100 FT</td>
<td>78</td>
<td>21</td>
<td>57</td>
</tr>
</tbody>
</table>

As illustrated above, there are 57 parcels, 43 parcels and 27 parcels excluding government and utility-owned parcels for the 100-foot, 300-foot and 500-foot distance requirements respectively. The draft ordinance also has 300-foot spacing requirements between emergency shelters. Therefore, Staff recommends a 300-foot distance requirement to provide a sufficient number of parcels where an emergency shelter could be established in the M-1 Zone in compliance with State law.

RECOMMENDATION:

Staff recommends that the City Council introduce and waive first reading of the attached revised draft Ordinance to approve Environmental Assessment No. EA-1066 and Zone Text Amendment No. 14-02. Second reading and adoption of the Ordinance would occur on October 21, 2014.
ORDINANCE NO. ___

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE ("ESMC") §§15-1-6, 15-6A-2, 15-6A-11, AND 15-8-2 TO ADD A DEFINITION OF "EMERGENCY SHELTERS"; TO ALLOW EMERGENCY SHELTERS AS A PERMITTED USE IN THE LIGHT INDUSTRIAL (M-1) ZONE; TO ESTABLISH DEVELOPMENT STANDARDS FOR EMERGENCY SHELTERS; AND TO REMOVE THE MANAGED PRODUCTION OF RESOURCES ON AGRICULTURAL LANDS AS A PERMITTED USE IN THE OPEN SPACE (O-S) ZONE FOR THE PURPOSE OF COMPLYING WITH THE 2013-2021 HOUSING ELEMENT OF THE EL SEGUNDO GENERAL PLAN.

(EA NO. 1066 and ZTA NO. 14-02)

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

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

A. On May 14, 2014, the City of El Segundo filed an application for Environmental Assessment No. EA-1066 and Zone Text Amendment No. ZTA 14-02. The application proposes an ordinance to amend the El Segundo Municipal Code ("ESMC") to add a definition of "Emergency Shelters"; to allow Emergency Shelters as a Permitted Use in the Light Industrial (M-1) Zone; to establish development standards for Emergency Shelters; and to remove the managed production of resources on agricultural lands as a permitted use in the Open-Space (OS) Zone for the purpose of compliance with the 2013-2021 Housing Element of the El Segundo General Plan (the "project");

B. The application was prepared and reviewed by the City’s Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with ESMC;

C. The City reviewed the project’s environmental impacts under the California Environmental Quality Act (California Public Resources Code §§21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§15000, et seq., the CEQA Guidelines") and the City’s Environmental Guidelines (City Council Resolution No. 3805, adopted March 16, 1993);

D. On August 28, 2014, the El Segundo Planning Commission adopted Resolution No. 2756 recommending that the City Council adopt this Ordinance;

E. On September 16, 2014 the City Council held a public hearing and considered the information provided by City staff, public testimony, and the Planning Commission’s recommendations regarding this Ordinance and continued the Public Hearing to October 7, 2014;

F. On October 7, 2014 the City Council held a continued public hearing and
considered the information provided by City staff including a revised draft Ordinance, public testimony, and the Planning Commission's recommendation regarding this Ordinance; and

G. The ESMC amendments effectuated by this Ordinance are made based upon the entire administrative record including, without limitation, testimony and evidence presented to the City Council at its September 16, 2014 and October 7, 2014 hearings and the staff reports submitted by the Planning and Building Safety Department.

SECTION 2: ESMC § 15-1-6 is amended to add the following definitions:

"15-1-6: DEFINITIONS:

* * *

DIRECTOR: The director of planning and building safety, or designee.

* * *

EMERGENCY SHELTER: Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay in accordance with Health and Safety Code § 50801(e).

* * *

HOMELESS PERSON: Has the same definition set forth in 42 U.S.C. § 11302.

* * *

SECTION 3: ESMC § 15-6A-2 is amended to read as follows:

"15-6A-2: PERMITTED USES:

The following uses are permitted in the M-1 Zone:

A. Emergency shelters.

B. Fiberglass products, continuous filament lamination of.

C. General offices and establishments for research, professional and technical services.

D. General storage, warehousing and ministorage.

E. High and medium bay labs.
F. Light manufacturing uses and related offices.

G. Manufacturing and assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacturing of small tools and parts such as coils, condensers, transformers, crystal holders, etc.

H. Manufacturing of cleaning agents, waxes and finishes.

I. Manufacturing of cutlery, hardware, and hand tools and kitchen utensils.

J. Manufacturing, processing and packaging of pharmaceuticals, drugs, toiletries and cosmetics, except soap.

K. Public facilities, including, but not limited to, fire and police facilities, post offices, and libraries.

L. Public utilities, including, but not limited to, power substations and telephone exchanges.

M. Recreation facilities (public and private).

N. Restaurants and cafes.

O. Other similar uses approved by the director as provided by Chapter 22 of this title."

SECTION 4: ESMC § 15-6A-11 is added to read as follows:

"15-6A-11: EMERGENCY SHELTERS DEVELOPMENT STANDARDS:

A. Emergency Shelters. Emergency Shelters are subject to the following development standards:

1. Not more than one emergency shelter is permitted within a radius of three hundred (300) feet from another emergency shelter.

2. No emergency shelter will be permitted within three hundred (300) feet of residentially zoned property, El Segundo public or private schools, El Segundo parks and open space, or child care facilities.

3. The emergency shelter facility may provide one or more of the following specific facilities and services including, without limitation:

   a. Child care facilities.

   b. Commercial kitchen facilities designed and operated in compliance with Health and Safety Code §§ 113700, et seq.;
c. Dining area;

d. Laundry;

e. Recreation room; and

f. Support services (e.g., training, counseling).

4. Not more than twelve persons can be served on a nightly basis.

5. Maximum length of stay of a person in an emergency shelter is limited to one hundred eighty (180) days in any 12-month period.

6. The facility must provide a minimum of 50 gross square feet of personal living space per person served, not including space for common areas.

7. Emergency shelters may operate 24-hours a day to provide sleeping facilities and other facilities and services. Admittance and intake processing of emergency shelter clients is limited to 7:00 AM to 10:00 PM daily. Delivery hours are limited to 7:00 AM to 6:00 PM daily. Refuse collection is limited to 7:00 AM to 8:00 PM daily.

8. Each emergency shelter must have an on-site management office, with at least one (1) employee present at all times the emergency shelter is in operation. A minimum of two (2) employees must be on duty when more than ten (10) beds are occupied.

9. Each emergency shelter must have on-site security employees, with at least one (1) security employee present at all times the emergency shelter is in operation.

10. Staging drop-off, intake, and pick-up of emergency shelter clients must take place inside a building, at a rear or side entrance not adjacent to a public right-of-way, or in an interior courtyard. Any exterior waiting areas must be physically and visually separated from public view of a right-of-way with a minimum six (6) foot tall decorative masonry wall and/or a six (6) foot tall hedge or similar mature landscaping as approved by the director. Floor plans for the emergency shelter must be submitted with the building plans that show the size and location of any proposed interior and/or exterior waiting or resident intake areas.

11. Outdoor recreation activities may be conducted at the facility subject to the same physical and visual separation requirements as exterior waiting areas as set forth in this Section.

12. Off-street parking must be provided as set forth in this Code, except that the number off-street parking spaces provided must be one (1) parking space per three (3) beds, plus one (1) parking space per employee on duty with a minimum of three (3) employee parking spaces. Notwithstanding this requirement, the
required number of off-street parking spaces cannot exceed the spaces required for similar uses of the same size in the M-1 Zone.

13. Exterior lighting must be provided at all building entrances and outdoor activity areas, and must be activated between sunset and sunrise of each day. All exterior lighting must comply with this Code.

14. Facilities must provide a storage area for refuse and recyclables and must be fully screened from public view of any public right-of-way and be enclosed by a solid wall or fence, in accordance with this Code. The refuse and recyclable storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

15. Emergency Shelter application requests and building plans for emergency shelters must be submitted to the director, and if the application and building plans meets all applicable standards in this Code, including design, development, and any other state or local requirement, the Emergency Shelter application may be approved by the director. Emergency Shelter applications must be approved before a building permit may be issued."

SECTION 5: ESMC § 15-8-2 is amended to read as follows:

"15-8-2: PERMITTED USES:

The following uses are permitted in the O-S Zone:

A. Public outdoor recreation, including, without limitation, ball parks and bleachers, swimming pools, parks and other areas of active or passive recreational usage; trails and other suitable corridors including off-road bicycle paths.

B. The preservation and conservation of natural resources, including, without limitation, areas required for the preservation of plant and animal life and areas required to provide visual relief from intense urban development and growth.

C. The managed production of mineral deposits.

D. The regulation of areas for public health and safety, including, without limitation, areas which require special management or regulation because of hazardous or special conditions.

E. Other similar uses approved by the director, as provided by Chapter 22 of this title."

SECTION 6: Environmental Determination: The City Council determines that this Ordinance is exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures for construction and operation of new small
commercial facilities. Specifically, the proposed ordinance would allow Emergency Shelters as a permitted use in the Light Industrial (M-1) Zone; remove managed production of resources on agricultural lands as a permitted use in the Open-Space (OS) Zone; and implement minor revisions and clarifications to existing regulations and specification of procedures related to housing and will not have the effect of substantially changing regulatory standards or findings. The project, therefore, is categorically exempt from further CEQA review under CEQA Guidelines § 15303. Further, the project is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the project is for general policies and procedure-making. The project does not authorize any new development entitlements, but simply establishes policies and procedures. Any proposed project that will utilize the changes set forth in the proposed ordinance will be subject to CEQA review as part of the entitlement review of that project. The project will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

SECTION 7: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8: 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. 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 9: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.
SECTION 10: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this _____ day of ________, 2014.

Suzanne Fuentes, Mayor

ATTEST:

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

I, Tracy S. 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 is five; that the foregoing Ordinance No. ______ was duly introduced by said City Council at a regular meeting held on the 7th day of October, 2014, 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 __________, 2014, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tracy S. Weaver, City Clerk

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

By: Karl H. Berger, Assistant City Attorney
ORDINANCE NO. 62

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE ("ESMC") §§15-1-6, 15-6A-2, 15-6A-11, AND 15-8-2 TO ADD A DEFINITION OF "EMERGENCY SHELTERS"; TO ALLOW EMERGENCY SHELTERS AS A PERMITTED USE IN THE LIGHT INDUSTRIAL (M-1) ZONE; TO ESTABLISH DEVELOPMENT STANDARDS FOR EMERGENCY SHELTERS; AND TO REMOVE THE MANAGED PRODUCTION OF RESOURCES ON AGRICULTURAL LANDS AS A PERMITTED USE IN THE OPEN SPACE (O-S) ZONE FOR THE PURPOSE OF COMPLYING WITH THE 2013-2021 HOUSING ELEMENT OF THE EL SEGUNDO GENERAL PLAN.

(EA NO. 1066 and ZTA NO. 14-02)

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

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

A. On May 14, 2014, the City of El Segundo filed an application for Environmental Assessment No. EA-1066 and Zone Text Amendment No. ZTA 14-02. The application proposes an ordinance to amend the El Segundo Municipal Code ("ESMC") to add a definition of "Emergency Shelters"; to allow Emergency Shelters as a Permitted Use in the Light Industrial (M-1) Zone; to establish development standards for Emergency Shelters; and to remove the managed production of resources on agricultural lands as a permitted use in the Open-Space (OS) Zone for the purpose of compliance with the 2013-2021 Housing Element of the El Segundo General Plan (the "project");

B. The application was prepared and reviewed by the City's Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with ESMC;

C. The City reviewed the project's environmental impacts under the California Environmental Quality Act (California Public Resources Code §§21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§15000, et seq., the CEQA Guidelines") and the City's Environmental Guidelines (City Council Resolution No. 3805, adopted March 16, 1993);

D. On August 28, 2014, the El Segundo Planning Commission adopted Resolution No. 2756 recommending that the City Council adopt this Ordinance;

E. On September 16, 2014 the City Council held a public hearing and considered the information provided by City staff, public testimony, and the Planning Commission's recommendations regarding this Ordinance and continued the Public Hearing to October 7, 2014;

F. On October 7, 2014 the City Council held a continued public hearing and
considered the information provided by City staff including a revised draft Ordinance, public testimony, and the Planning Commission's recommendation regarding this Ordinance; and

G. The ESMC amendments effectuated by this Ordinance are made based upon the entire administrative record including, without limitation, testimony and evidence presented to the City Council at its September 16, 2014 and October 7, 2014 hearings and the staff reports submitted by the Planning and Building Safety Department.

SECTION 2: ESMC § 15-1-6 is amended to add the following definitions:

“15-1-6: DEFINITIONS:

* * *

DIRECTOR: The director of planning and building safety, or designee.

* * *

EMERGENCY SHELTER: Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay in accordance with Health and Safety Code § 50801(e).

* * *

HOMELESS PERSON: Has the same definition set forth in 42 U.S.C. § 11302.

* * *"

SECTION 3: ESMC § 15-6A-2 is amended to read as follows:

“15-6A-2: PERMITTED USES:

The following uses are permitted in the M-1 Zone:

A. Emergency shelters.

A-B. Fiberglass products, continuous filament lamination of.

B-C. General offices and establishments for research, professional and technical services.

C-D. General storage, warehousing and ministorage.

D-E. High and medium bay labs.
E.F. Light manufacturing uses and related offices.

F.G. Manufacturing and assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacturing of small tools and parts such as coils, condensers, transformers, crystal holders, etc.

G.H. Manufacturing of cleaning agents, waxes and finishes.

H.I. Manufacturing of cutlery, hardware, and hand tools and kitchen utensils.

I.J. Manufacturing, processing and packaging of pharmaceuticals, drugs, toiletries and cosmetics, except soap.

J.K. Public facilities, including, but not limited to, fire and police facilities, post offices, and libraries.

K.L. Public utilities, including, but not limited to, power substations and telephone exchanges.

L.M. Recreation facilities (public and private).

M.N. Restaurants and cafes.

N.O. Other similar uses approved by the director of community, economic and development services as provided by chapter 22 of this title.

SECTION 4: ESMC § 15-6A-11 is added to read as follows:

"15-6A-11: EMERGENCY SHELTERS DEVELOPMENT STANDARDS:

A. Emergency Shelters. Emergency Shelters are subject to the following development standards:

1. Not more than one emergency shelter is permitted within a radius of three hundred (300) feet from another emergency shelter.

2. No emergency shelter will be permitted within three hundred (300) feet of residentially zoned property, El Segundo public or private schools, El Segundo parks and open space, or child care facilities.

3. The emergency shelter facility may provide one or more of the following specific facilities and services including, without limitation:

   a. Child care facilities.

   b. Commercial kitchen facilities designed and operated in compliance with Health and Safety Code §§ 113700, et seq.;
c. Dining area;
d. Laundry;
e. Recreation room; and
f. Support services (e.g., training, counseling).

4. Not more than twelve persons can be served on a nightly basis.

5. Maximum length of stay of a person in an emergency shelter is limited to one hundred eighty (180) days in any 12-month period.

6. The facility must provide a minimum of 50 gross square feet of personal living space per person served, not including space for common areas.

7. Emergency shelters may operate 24-hours a day to provide sleeping facilities and other facilities and services. Admittance and intake processing of emergency shelter clients is limited to 7:00 AM to 10:00 PM daily. Delivery hours are limited to 7:00 AM to 6:00 PM daily. Refuse collection is limited to 7:00 AM to 8:00 PM daily.

8. Each emergency shelter must have an on-site management office, with at least one (1) employee present at all times the emergency shelter is in operation. A minimum of two (2) employees must be on duty when more than ten (10) beds are occupied.

9. Each emergency shelter must have on-site security employees, with at least one (1) security employee present at all times the emergency shelter is in operation.

10. Staging drop-off, intake, and pick-up of emergency shelter clients must take place inside a building, at a rear or side entrance not adjacent to a public right-of-way, or in an interior courtyard. Any exterior waiting areas must be physically and visually separated from public view of a right-of-way with a minimum six (6) foot tall decorative masonry wall and/or a six (6) foot tall hedge or similar mature landscaping as approved by the director. Floor plans for the emergency shelter must be submitted with the building plans that show the size and location of any proposed interior and/or exterior waiting or resident intake areas.

11. Outdoor recreation activities may be conducted at the facility subject to the same physical and visual separation requirements as exterior waiting areas as set forth in this Section.

12. Off-street parking must be provided as set forth in this Code, except that the number off-street parking spaces provided must be one (1) parking space per three (3) beds, plus one (1) parking space per employee on duty with a minimum of three (3) employee parking spaces. Notwithstanding this requirement, the
required number of off-street parking spaces cannot exceed the spaces required
for similar uses of the same size in the M-1 Zone.

13. Exterior lighting must be provided at all building entrances and outdoor
activity areas, and must be activated between sunset and sunrise of each day.
All exterior lighting must comply with this Code.

14. Facilities must provide a storage area for refuse and recyclables and must
be fully screened from public view of any public right-of-way and be enclosed by
a solid wall or fence, in accordance with this Code. The refuse and recyclable
storage area must be large enough to accommodate the number of bins that are
required to provide the facility with sufficient service so as to avoid the overflow
of material outside of the bins provided.

15. Emergency Shelter application requests and building plans for emergency
shelters must be submitted to the director, and if the application and building
plans meet all applicable standards in this Code, including design, development,
and any other state or local requirement, the Emergency Shelter application may
be approved by the director. Emergency Shelter applications must be approved
before a building permit may be issued."

SECTION 5: ESMC § 15-8-2 is amended to read as follows:

"15-8-2: PERMITTED USES:

The following uses are permitted in the O-S Zone:

A. Public outdoor recreation, including, but not limited to, the following limitation, ball parks and
bleachers, swimming pools, parks and other areas of active or passive recreational
usage; trails and other suitable corridors including off-road bicycle paths.

B. The preservation and conservation of natural resources, including, but not limited
to, areas required for the preservation of plant and animal life and
areas required to provide visual relief from intense urban development and growth.

C. The managed production of resources, including, but not limited to, agricultural lands
and mineral deposits.

D. The regulation of areas for public health and safety, including, but not limited
to, areas which require special management or regulation because of
hazardous or special conditions.

E. Other similar uses approved by the Director of Community, Economic and
Development Services director, as provided by Chapter 22 of this Title."
CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures for construction and operation of new small commercial facilities. Specifically, the proposed ordinance would allow Emergency Shelters as a permitted use in the Light Industrial (M-1) Zone; remove managed production of resources on agricultural lands as a permitted use in the Open-Space (OS) Zone; and implement minor revisions and clarifications to existing regulations and specification of procedures related to housing and will not have the effect of substantially changing regulatory standards or findings. The project, therefore, is categorically exempt from further CEQA review under CEQA Guidelines § 15303. Further, the project is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the project is for general policies and procedure-making. The project does not authorize any new development entitlements, but simply establishes policies and procedures. Any proposed project that will utilize the changes set forth in the proposed ordinance will be subject to CEQA review as part of the entitlement review of that project. The project will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

SECTION 7: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8: 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. 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 9: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.
SECTION 10: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this ____ day of ________, 2014.

Suzanne Fuentes, Mayor

ATTEST:

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

I, Tracy S. 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 is five; that the foregoing Ordinance No. _____ was duly introduced by said City Council at a regular meeting held on the 7th day of October, 2014, 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 __________, 2014, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tracy S. Weaver, City Clerk

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

By:
Karl H. Berger, Assistant City Attorney
Consideration and possible action to receive and file this update regarding the Potable Water Reservoir Feasibility Study recommendations and provide additional direction to staff as needed. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Receive and file this staff report update on the Potable Water Reservoir Feasibility Study recommendations;
2. Provide addition direction to staff regarding the feasibility of designing and constructing a new potable water reservoir; or
3. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None

FISCAL IMPACT: None

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ORIGINATED BY: Stephanie Katsouleas, Public Works Director

REVIEWED BY: Stephanie Katsouleas, Public Works Director

APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

On September 2, 2014, staff presented the results of the Potable Water Reservoir Feasibility Study to City Council. As you may recall, the purpose of the study was to determine the amount of additional storage El Segundo should have for disaster preparedness and identify possible locations for where such a reservoir could be constructed. The study identified and assessed 18 sites within the City where a new potable reservoir could be constructed and evaluated them based on a set of desired criteria. Three sites were identified as the top candidates, which included The Lakes Golf Course, Recreation Park and Hilltop Park where the abandoned reservoir currently resides. Following the presentation, City Council directed staff to further investigate three additional sites which included Chevron (#6), the Hilltop abandoned reservoir (#9), and the Los Angeles County storm drain basin at the southwest corner of Center Street and Grand Ave. (#10). Included here is a summary of findings.

The Chevron Site
Staff and Councilmember Mike Dugan reached out to Chevron staff in mid-September to further explore whether they had any interest in allowing use of Chevron's property for construction of city-owned and operated potable water reservoir.
Chevron representatives reconfirmed that they did not have any existing tanks that could be converted for potable water storage, but did indicate they were open to further exploring the issues (location, infrastructure, etc.) regarding the potential for locating a City water storage tank on refinery property. A more in-depth assessment of potential site locations will need to occur before we can determine whether Chevron property is a viable location. It is important to note that the discussions with Chevron have been very preliminary at this point, and (per Chevron) it would be premature to suggest that this is a workable option until further investigated.

**Hilltop Reservoir**
The abandoned Hilltop Reservoir was selected as one of the top three candidate locations for consideration due to its proximate location to the other potable water reservoir in use and because the land is already owned by the City and available for use. However, the study proposed construction of only a 4 MG buried reservoir with a dual use park above. Upon review of this site, Tetra Tech has confirmed that a larger, partially above ground reservoir could be constructed to achieve 7.5 MG with modifications to the pumps and operations of the current water yard. Dual use of the space would no longer be an option, however. The estimated cost would hover around $22 million for this size reservoir.

**Los Angeles County Floor Control Basin**
On September 23rd, staff reached out to the Los Angeles County Business Relations – City Services representative to inquire about the possibility of leasing or purchasing the County-owned land located at the southwest corner of Center St. and Grand Ave. The land is currently used as a storm water retention basin for flood control purposes. The County representative has indicated that post-Katrina the Army Corp of Engineers has significantly limited disposition or lease of flood control property. As of the writing of this report, the County has not confirmed whether the land is available. Staff has not reached out to the owner of the privately held property located adjacent to the county property pending a more definitive response from the County.

Staff recommends that City Council receive and file this update on the three candidate sites mentioned above for a new potable water reservoir and direct staff to proceed with completing a more detailed analysis of the pros and cons of these sites. Concurrently, staff will continue to work with Chevron staff on potential site locations within the plant boundaries and expand the discussion to include size and service intent. Staff will also continue investigating whether the County is a viable location for a potable water reservoir pending the available opportunity to lease or purchase the storm water detention basin located at the southwest corner of Grand Ave. and Center Street.

As this project progresses, staff will also investigate opportunities for state and federal grant funding. Any applications submitted will be subject to the site ultimately chosen as well as the terms and conditions of the grant itself.
EL SEGUNDO CITY COUNCIL

AGENDA STATEMENT

AGENDA DESCRIPTION:
Consideration and possible action to approve a revised schedule for 1) mailing out Proposition 218 protest ballots for proposed water and sewer rates, 2) setting a Public Hearing to consider an ordinance for increasing water and sewer rates and fees to December 9, 2014 to receive protest ballots and 3) approval of a standard professional services agreement with Martin & Chapman Co. for support and services for Proposition 218 balloting. (Fiscal Impact: $60,000.00)

RECOMMENDED COUNCIL ACTION:
1. Approve a revised schedule for sending out Proposition 218 ballot protest for proposed water and sewer rates
2. Reschedule the previously approved November 18, 2014 Public Hearing date to consider an ordinance for increasing water and sewer rates and fees from to a Special Meeting on December 9, 2014.
3. Authorize the City Manager to execute a standard professional services agreement, in form approved by the City Attorney, with Martin & Chapman Co. to provide Proposition 218 support and services.
4. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None

FISCAL IMPACT: Included in Adopted Budget
Amount Budgeted: $60,000,000
Additional Appropriation: N/A
Account Number(s): N/A

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

BACKGROUND AND DISCUSSION:
On September 16, 2014 staff presented the results of the water and sewer rate studies to City Council in consideration of raising water and sewer rate and fees for the next five years. Following that presentation, City Council directed staff to proceed with the Proposition 218 protest ballot process and set a Public Hearing date of November 18, 2014 to count protest ballots and consider an ordinance setting rates through FY 2018/19. At the time of the presentation, staff was unaware that the company the City uses to merge parcel data, bar code ballots and conduct mailing procedures would be unable to meet the City's proposed deadline due to its own workload for the November general election being held. Staff immediately investigated other recommended mail house services and was again informed the earliest date recommended to secure proper mailing of our water and sewer ballots would be October.
20, 2014. Given this mailing date, the earliest date a Public Hearing can be held is Friday, December 5th. The company routinely used by the City said its earliest date would be October 24, 2014, leaving a Public Hearing date of Tuesday, December 9, 2014. Because City Council meetings and elections are held on Tuesdays, staff felt that scheduling the Public Hearing on a Tuesday was the best approach given public familiarity and expectations. This indicates that there is no timing advantage in selecting one mailing company over another among those considered. Because the mailing of these Prop 218 protest ballots is somewhat complicated,¹ the City Clerk’s office has a strong preference for continuing to use the company that has successfully completed water and sewer Prop 218 services for the City in the past. This is particularly important given the quality control necessary to ensure ballots are properly bar coded and counted without introducing the risk of duplicate counting.

The following table highlights the originally proposed schedule and the new dates now proposed. These new proposed dates will result in a two week delay in implementation of water rates for the next five years.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Original Date</th>
<th>New Date</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Mail Protest Ballots</td>
<td>October 2, 2014</td>
<td>October 24, 2014</td>
<td>3 week delay</td>
</tr>
<tr>
<td>Public Hearing Date; introduction of Ordinance</td>
<td>November 18, 2014</td>
<td>December 9, 2014</td>
<td>Requires setting Special Meeting</td>
</tr>
<tr>
<td>Second Reading of Ordinance (Adoption)</td>
<td>December 2, 2014</td>
<td>December 16, 2014</td>
<td>2 week delay</td>
</tr>
<tr>
<td>Water Rates Become Effective</td>
<td>January 2, 2015</td>
<td>January 16, 2015</td>
<td>2 week delay</td>
</tr>
<tr>
<td>Future Rate Adjustments Implemented</td>
<td>July 1st and January 1st of each year</td>
<td>No delays</td>
<td></td>
</tr>
</tbody>
</table>

Staff therefore recommends that City Council approve the proposed new schedule for mailing out Proposition 218 protest ballots for proposed water and sewer rates and fees increases and set a new Public Hearing date to be held during a Special City Council meeting on Tuesday, December 9, 2014. As part of our outreach to residents, staff will run an ad in the El Segundo Herald and ensure that the new hearing date is printed on the return envelopes so that it is immediately and clearly visible to those wishing to attend (see example below).

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¹ The City Attorney has advised that, even though a parcel can be counted only once, protest ballots must be mailed to each parcel owner as well as each water service account. For many parcels, there are multiple water service accounts linked to a single property. Each of these service accounts must be given the opportunity to vote. This means, for example, that if a single parcel has six units each with its own water service, if any of the six units submits a protest ballot, the entire property is logged as one protest vote. Careful consideration must be given to bar coding the service addresses so that multiple units are properly logged to a single parcel.
EL SEGUNDO CITY COUNCIL

AGENDA ITEM STATEMENT

MEETING DATE: October 7, 2014

AGENDA DESCRIPTION:

Rescission of Brown Act Commitment - In Accordance with Government Code Section 54960.2 (e), consideration and possible action to rescind the commitment made by the City Council on November 5, 2013, not to hold further closed session meetings regarding real property negotiations with regard to ESCenterCal, LLC’s (CenterCal”) proposal to enter into a Due Diligence and Ground Lease Agreement (“Agreement”) to lease the driving range portion of the Lakes Golf Course from the City for the purpose of developing a Top Golf facility. (Fiscal Impact: unknown – depends on whether legal proceedings are commenced.)

RECOMMENDED COUNCIL ACTION:

1. Consideration and possible action to rescind the commitment made by the City Council on November 5, 2013, not to hold further closed session meetings regarding real property negotiations with regard to CenterCal’s proposal to enter into an Agreement to lease the driving range portion of the Lakes Golf Course from the City for the purpose of developing a Top Golf facility; or
2. Delay consideration of this item to a future date and give notice of such delay to Ms. Geist in accordance with Government Code Section 54960.2; or
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

August 5, 2014, and November 5, 2013, Staff Reports (with attachments); and, letter of August 18, 2014 to Ms. Geist

FISCAL IMPACT: $

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

PREPARED BY: Mark D. Hensley, City Attorney
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND & DISCUSSION:

This item is being brought back for Council consideration based upon direction given by Council at its August 5, 2014, regular City Council meeting (Staff Report Attached). At that time, staff provided background information to Council including the fact that the City Council had approved the Agreement on November 5, 2013 and subsequently approved minor amendments to the Agreement as well as a reimbursement agreement on March 18, 2014. Staff reported that Center Cal had not signed and returned the Agreement to the City which could be interpreted as a rejection of the Agreement.
Council was also reminded that on November 5, 2013, the Council took action to notify Deborah Geist that it would not have further closed session discussions regarding the Agreement without first following a process of providing Ms. Geist 30 days written notice that the Council will be holding a public session meeting to consider rescinding its commitment to not have further closed session discussions regarding the Agreement (Staff Report Attached). The Council would then need to meet thirty or more days later and consider a public agenda item which, if passed by a majority of the members of the City Council, would rescind the prior commitment made by Council and the Council could then schedule a closed session meeting to discuss different lease payments or payment terms. If the Council does rescind the letter it would restore Ms. Geist’s rights (as well as any other interested party’s right, including the District Attorney’s), if any, to commence a legal action for alleged Brown Act violations.

Following Discussion, the City Council directed staff to: 1) Pending further direction from the Council, to not proceed with execution of the Draft Agreement should Top Golf execute and return the document to the City; 2) Place the item on the August 19 City Council meeting for the purpose of discussing the financial aspects of the proposed transaction and potentially give staff direction how to proceed at that time; and, 2) Notify Ms. Geist that the City may be considering a public agenda item to schedule a closed session meeting to potentially discuss the financial aspects of the transaction.

On August 18, 2014, a letter was transmitted to Ms. Geist (with a copy to the District Attorney’s Office as required by the Brown Act), informing her that the Council would be meeting to discuss the potential of rescinding it prior action regarding closed session negotiations relating to the Top Golf Agreement.

The November 5, 2013, staff report and attachments provide the details regarding Ms. Geist’s allegations of Brown Act violations and the City’s response to same. It did not appear that there were any Brown Act violations but in order to avoid unnecessary legal actions, particularly since the City understood the negotiations were completed, the Council approved staff’s recommendation to issue the commitment that it would not hold further closed session meetings regarding the Agreement. However, the action referenced, and the Brown Act provides that the Council may rescind such a commitment at a public meeting.

At this time the Council has requested further financial analysis of the CenterCal/Top Golf proposal for purposes of determining how it wants to proceed with this item. Accordingly, the Council may wish to delay taking action on this particular issue until that financial analysis is completed. The Council can either take action on this item at this time or delay such to a future date and the City will provide Ms. Geist with another thirty day notice of such meeting date.
AGENDA DESCRIPTION:

Update and possible action on the ESCenterCal LLC (CenterCal) proposal to enter into a Due Diligence and Ground Lease Agreement ("Agreement") to lease the driving range portion of the Lakes Golf Course for the purpose of developing a Top Golf facility. CenterCal has not executed the Agreement approved by the Council at its March 18, 2014 meeting and staff is requesting Council direction regarding how to proceed regarding the Lakes Golf Course. (Fiscal Impact: none associated with this agenda item.)

RECOMMENDED COUNCIL ACTION:

1. Direct staff to notify CenterCal its failure to timely execute the Agreement is being accepted as rejection of the Agreement; or
2. Provide public direction regarding how Council would like to proceed regarding the Agreement; or
3. Provide thirty day notice to Debra Geist under the Brown Act (Government Code Section 54960.2) that Council intends to meet to consider rescinding its commitment to not have further closed session meeting regarding the Agreement for purposes of holding discussions in closed session to discuss different lease payments or terms of payment under the Agreement. (Ms. Geist had sent correspondences to the City alleging various Brown Act violations regarding the closed session negotiations regarding the Agreement); and/or
4. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

November 5, 2013 and March 18, 2014 Staff Reports

FISCAL IMPACT: $

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PREPARED BY: Greg Carpenter, City Manager
REVIEWED BY: Mark D. Hensley, City Attorney
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND & DISCUSSION:

Following over a year of discussions, negotiations and consideration by the City, on November 5, 2013, the City Council approved the Agreement between the City and CenterCal. The Agreement sets forth a list of conditions to be met during the due diligence period. Once these conditions are met and potentially reviewed by the Planning Commission and reviewed and approved by the Council, the ground lease portion of the Agreement to become effective.

Following the initial approval of the Agreement, CenterCal requested several modifications to
the original agreement, and the City asked CenterCal to enter into a reimbursement agreement that would allow the City to be compensated for its expenses associated with processing the land use approvals and other expenses related to due diligence. The revised Agreement and the reimbursement agreement were approved by the City Council on March 18, 2014. The City’s understanding at that time was that CenterCal would and the City would sign the agreement and begin the 12-month due diligence period.

To date, CenterCal has not signed and returned the Agreement to the City which could be interpreted as a rejection of the Agreement. While staff and CenterCal have had periodic discussions regarding various elements of the proposal, such has not resulted in CenterCal executing the Agreement.

Staff believes that CenterCal has probably not executed the Agreement given the change of the Council in April or for other business reasons as some of the approvals that are ultimately necessary for approval for the project are discretionary Council approvals. There is significant expense to CenterCal associated with proceeding with the due diligence requirements. There were never any guarantees offered by the City that the project would ultimately be approved as the City cannot provide such guarantees. The due diligence was intended to provide significant information to both parties so determinations could be made as to whether to proceed with the project or not.

At this point City Council options include: (1) directing staff to formally notify CenterCal that CenterCal’s failure to timely sign the Agreement is considered by the Council to be a rejection of the Agreement and that Council no longer desires to proceed with the Agreement; (2) publicly discussing what steps the Council may wish to take regarding the project and inform CenterCal of such and set a deadline for executing the Agreement or an amended Agreement (3) returning to closed session to determine if there is a different lease price and payment terms that Council is desirous of negotiating with CenterCal (however, before the Council can return to closed session it must follow the procedure outlined below); or (4) take other action regarding the Agreement. In order to appropriately plan for the future of the facility, and prioritize workload, staff is requesting City Council direction on how to proceed with the project.

Regarding further closed session discussion, Debra Geist issued a couple of letters to the City Council prior to the November 5, 2013, Council Meeting that contained numerous allegations of Brown Act violations regarding the closed session real property negotiations meetings that were held regarding the Agreement. The Council on November 5, 2013, issued an unconditional commitment letter to Deborah Geist to not have further closed session discussions regarding the Agreement. This decision was made because the negotiations had been concluded and while the Council did not commit any Brown Act violations (see staff report from November 5, 2013 which responded to the substance of Ms. Geist’s allegations), issuing the letter avoided unnecessary and potentially significant legal expenses. Accordingly, if the Council wants to potentially return to closed session to discuss different lease payments and/or payment terms, it must first give Ms. Geist 30 days written notice that the Council will be holding a public session meeting to consider rescinding its commitment to not have further closed session discussions regarding the Agreement. The Council would then need to meet thirty or more days later and consider a public agenda item which if passed would rescind the
prior commitment made by Council and the Council could then schedule a closed session meeting to discuss different lease payments or payment terms. If the Council does rescind the letter it would restore Ms. Geist's rights, if any, to commence a legal action for alleged Brown Act violations.
EL SEGUNDO CITY COUNCIL

AGENDA STATEMENT

MEETING DATE: November 5, 2013
AGENDA HEADING: New Business

AGENDA DESCRIPTION:
Consideration and possible action to authorize the Mayor to execute a letter in response to a "cease and desist" letters received on October 1, 2013 and October 17, 2013 from Debra Geist alleging various violations of the Ralph M. Brown Act relating to City's negotiations to lease out a portion of "the Lakes" golf course. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Receive and file the letters dated October 1, 2013 and October 15, 2013 alleging various violations of the Ralph M. Brown Act;
2. Authorize the Mayor to execute the draft response letter;
3. Take such additional, related; action that may be desirable.

ATTACHED SUPPORTING DOCUMENTS:
1. Letter dated October 15, 2013 (received October 17, 2013);

FISCAL IMPACT: N/A

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

ORIGINATED BY: Mark D. Hensley, City Attorney
Karl H. Berger, Assistant City Attorney

BACKGROUND AND DISCUSSION:
On October 1, 2013 and October 17, 2013, the City Clerk's office received letters alleging that the City Council violated various provisions of the Ralph M. Brown Act when it considered the future of "the Lakes" municipal golf course (see attached Exhibit A – the letters are identical except for with respect to the dates set forth on the letters). These are referred to as the "October 2013 Letters."

As the City Council is aware – and is quite public – the City was approached by two private companies in 2012 regarding a proposal for the Lakes municipal golf course. In general, the proposal is for Centercal, LLC to make various improvements to the golf course and the driving range; for Top Golf to operate the golf course; and for the City to receive a significant increase in rent over a period of potentially fifty years. The details of this deal is set forth in the due diligence and lease agreement that is being considered by the City Council as a separate agenda item for November 5, 2013.

Since first being approached by these companies, the City Council undertook a number of actions to not only negotiate potential deal points to implement a proposal (as set forth in the
draft lease agreement), but also to solicit public input and dialogue regarding the desirability of undertaking such an arrangement. Such activities include, without limitation:

- Public meetings by the City Council and Golf Course Subcommittee in August 2012 regarding the Lakes including a Powerpoint presentation regarding the proposal and direction from the City Council to seek public input.

- Meetings in September 2012 between City staff and various community organizations including the El Segundo Chamber of Commerce and Kiwanis Club.

- Multiple meetings before the City’s Recreation and Parks Commission in September and December 2012.


- Posting the Powerpoint® presentation, draft schematics, and other matters on the City’s website (elsegundo.org/news/displaynews.asp?NewsID=1149&TargetID=1).

- Posting all disclosable public communications regarding the Lakes matter on the City’s website (www.elsegundo.org/depts/cityclerk/documents.asp).

Moreover, these proposals were widely publicized in the media and on various social networks (e.g., Facebook). And, as a result, there was significant public participation in the process including regular public comment during City Council meetings.

The October 2013 Letters do not acknowledge the City Council’s effort to solicit public input regarding the Lakes or the widespread public interest in the subject. Rather, the October 2013 Letters allege that the City Council violated the Brown Act when it discussed the matter in closed session on several occasions in 2012 and 2013.

As you are aware, the California Legislature enacted the Ralph M. Brown Act (Government Code1 §§ 54950-54963) in 1953. The Legislature adopted the Brown Act to ensure that deliberations and actions of local public agencies are performed at meetings open to the public and free from any veil of secrecy.2 To further this overall goal, the Brown Act requires that the City’s meetings be properly noticed and generally open to the public.

There are certain exceptions to the general requirement that all meetings be held in public. These are referred to as “closed session” matters. One of these is the ability for the City Council to meet

“with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.”3

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1 Further references to an unspecified code are to the Government Code.

2 § 54950.

3 § 54956.8 (emphasis added).
The October 2013 Letters makes various complaints regarding the City Council exercising its ability to discuss price and terms of leasing the Lakes during closed session. In summary, these allegations are: (1) failure to appoint real property negotiators in open session as required by the Brown Act; (2) incorrect agenda descriptions as to closed session items; and (3) discussing items in closed session beyond the scope of what the Brown Act allows.

The October 2013 Letters is the first step needed to file a lawsuit against the City for alleged violations of the Brown Act. In sum, the law requires a persons seeking to enforce the Brown Act to first send a “cease and desist” letter to a public agency within nine months of the alleged violations before filing a lawsuit. Upon receiving a “cease and desist” letter, the public agency has thirty days within which to consider the matter and, if it chooses, respond with “with an unconditional commitment to cease, desist from, and not repeat the past action that is alleged to violate” the Brown Act. Such a response must be approved by the legislative body in open session and be substantially in a form required by law. If the legislative body opts to undertake such a response, it removes the ability of a person to file a lawsuit.

As noted more completely in the draft letter attached to this staff report, several of the alleged violations occurred more than nine months ago and are therefore time-barred from litigation. Moreover, all of the closed session agenda descriptions correctly identified the City’s real property negotiators and described what was being discussed. Most importantly, however, the City Council has not yet committed to taking any action – the draft lease agreement properly contemplated during closed session is a separate agenda item for this meeting. And, as set forth in that draft agreement, there are multiple matters that must be resolved – in open session – before the City (or any other party) is obligated to undertake any real property transaction.

However, in order to avoid potentially unnecessary and costly litigation, it is recommended that the City Council authorize the Mayor to execute the draft letter attached to this staff report (Exhibit B). As may be read, the draft letter constitutes the City Council’s “unconditional commitment” not to undertake the actions identified by the October 2013 Letters. Under the Brown Act it is specifically recognized that sending this type of response is not an admission of guilt and it cannot be used against the City in any future legal proceedings. Given that this matter, as described above, has been a very public process and since the draft agreement is on the agenda for public consideration by the Council, it seems very prudent to simply agree, without admitting fault or that such occurred, to not undertake any further alleged action that violates the Brown Act. This will ensure that the City avoids the need to defend against a lawsuit alleging that the City Council violated the Brown Act.

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1 § 54960.2.
2 The City Council may also provide such a response after thirty days, and even during litigation, which would cause a lawsuit to be dismissed. However, the court could under such circumstances award attorneys fees and costs (§ 54960.2(b)).
3 § 54960.2(c).
4 Id.
5 Id.
Exhibit A

October 1, 2013 and October 15, 2013 Letters
Via Personal Delivery

Hon. Bill Fisher, Mayor
Mr. Carl Jacobson, Mayor Pro Tem
Ms. Suzanne Fuentes
Mr. Dave Atkinson
Ms. Marie Fellhauer

City Council
City of El Segundo
350 Main Street,
El Segundo, CA 90245

Re: Demand to Cease and Desist from Practices Violating the Ralph M. Brown Act

Mr. Fisher and Members of the El Segundo City Council:

This notice is to caution you that the El Segundo City Council (the "ESCC") has violated the Ralph M. Brown Act (California Government Code Sec. 54050 et. seq.), which mandates open and publicized meetings of local government at which the public may be present and comment on relevant matters. ESCC is abusing the "safe harbor" provisions of Government Code Section 54956.8, which allow a limited exception to the general mandate of open meetings only "to grant authority to its negotiator regarding the price and terms of payment for... (a real property lease)." The specific violations are as follows:

1. Conducting Closed Sessions On The Proposed Lease of The Lakes Prior to a Public Hearing

On three separate occasions, June 19, 2012, June 25, 2012 and June 17, 2012, the ESCC conducted closed sessions for the stated purpose of discussions with Greg Carpenter, City Manager, concerning The Lakes, a municipal golf course owned by the City of El Segundo. Although the stated purpose of such meetings, as noted on the relevant Agendas, was "discussion with Real Property Negotiator" ESCC had not yet conducted a public session as required by Government Code Section 54956.8 as follows:

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies the real property...which the negotiations may concern and the person or persons with whom its negotiator may negotiate.

Additionally, the relevant Agendas fail to identify the persons or entities Mr. Carpenter would negotiate with. These meetings patently fall outside the "safe harbor" and are illegal.

2. Conducting Closed Sessions with Top Golf on Related Issues

On two separate occasions, February 5, 2013, February 18, 2013, the ESCC conducted closed sessions with Mr. Carpenter relating to Top Golf and Centercal Properties as "negotiating parties." However, the proposed lease is with Centercal only. The City of El Segundo will have no contractual privy with Top Golf, who will sublet from Centercal to operate a golf entertainment business at The Lakes. ESCC was not negotiating a real property lease with Top Golf but rather consulting with Top Golf regarding lease issues. The Brown Act mandates that ESCC conduct any such consultations in public meeting because the "safe harbor" provision pertains only to the proposed lease on price and terms of payment. Consultations with other parties on "related issues" or "background issues" are outside the scope of the exception. See, Shapiro v. City Council of San Diego, 96 Cal. App. 4th 904 (2002).

3. Conducting Serial Closed Sessions on Matters Outside Payment and Terms of Payment

On eight separate occasions, February 5, 2013, February 19, 2013, May 7, 2013, August 6, 2013, August 20, 2013, September 3, 2013, September 17, 2013, and October 1, 2013, the ESCC conducted closed sessions with Mr. Carpenter relating to the lease with Centercal Properties as the negotiating party. The number of closed sessions alone is excessive and proves that the ESCC has trespassed beyond the "safe harbor" of price and terms of payment. This situation is analogous to Shapiro v. City Council of San Diego,
66 Cal. App. 4th 904 (2002), where the Court of Appeal held that the San Diego Council had violated the Brown Act in including discussion of a variety of "related issues" in a series of closed session held to consult with its agent in real property negotiations concerning a large redevelopment project to create a new baseball park. The Fourth District faulted the San Diego Council's expansive interpretation of the "safe harbor" as follows:

"We believe the City Council's view that no detailed disclosures should be required before closed sessions may be held to discuss a complex overall real estate based transaction is inconsistent with the express statutory requirements of section 54946.8."

The Fourth District stressed that the "safe harbor" must be narrowly and not expansively construed as follows:

"If we were to accept the City's interpretation of the Brown Act in this respect, we would be turning the Brown Act on its head, by narrowly construing the open meeting requirements and broadly construing the statutory exceptions to it. That would be incorrect. We do not denigrate the important consideration of confidentiality in negotiations. However, we believe that in this case, the City Council is attempting to use the Brown Act as a shield against public disclosure of its consideration of important public policy issues, of the type that are inevitably raised whenever such a large public redevelopment real estate based transaction is contemplated. The important policy consideration of the Brown Act, however, must be enforced, even where particular transactions do not fit neatly within its statutory categories."

Id. at 924. Here, as in Shapiro, ESBC is using closed sessions to shield important development considerations from public view. The sheer number of closed sessions, in contrast to the single open session on the proposed lease, proves that ESBC is shrinking its duty to conduct open sessions on matters of public interest that will substantially impact The Lakes future. Indeed, ESBC has disclosed relatively nothing in open sessions regarding its relationship with Centercal, Centercal's relationship with Top Golf, proposed physical changes to the golf course, proposed physical changes to the driving range, price increases, public programs, changes to the liquor license and more. Members of the public are demanding to be heard on these issues but have been relegated to bystanders in a closed process zealously guarded by ESBC against its public responsibilities under the Brown Act.

4. Substantively Misleading Agenda Description

On August 21, 2012, the ESBC conducted a single public session on the proposed lease of The Lakes which generally describes the Agenda as a direction to staff as follows:

"Consideration and possible action to direct staff to take steps necessary to seek input from various City Committees regarding a potential agreement with Centercal Properties, LLC for enhancing the driving range and dining facilities at The Lakes Golf Course which would be operated by Top Golf. The agreement would be negotiated by the City Manager and City Attorney and presented for review and potential approval by the City Council at a future date."

This description is inaccurate because it states that the ESBC was to direct staff regarding future action when, in fact, the ESBC contemplated and took immediate action to direct Mr. Carpenter to enter into negotiations with Centercal regarding a lease of The Lakes. While the Brown Act requirements for agenda item descriptions are quite lenient, this item just fails to describe the action taken by ESBC to immediately enter into a proposed lease. It's just wrong. The significance of the misdescription is magnified by the fact that this was the only open discussion on the proposed lease and therefore, it was imperative that the ESBC accurately convey notice to the public of what ESBC intended to do. Without such clear notice, those members of the public who might well have attended the meeting to address a proposed decision immediately to proceed with lease negotiations were misled into believing that there would be adequate opportunities to do so later, at meetings of either the "City Committees," the City Council or both. The ESBC failed its duties under the Brown Act and should be enjoined from proceeding further absent a material cure.
The El Segundo City Council has thirty days from receipt of this letter to provide me with an unconditional commitment to cease, desist from, and not repeat the practices noted above, compliant with Government Code Section 54960.2, subdivision (c). Its failure to do so will entitle me to file an action for declaratory judgment and injunctive relief and for attorney's fees and costs.

Respectfully,

[Signature]

Debra V. Geist
(310) 489-7761
citlegeist@verizon.net
October 15, 2013

Via U.S. Mail

Tracy Sherrill Weaver
City Clerk
City of El Segundo
350 Main Street,
El Segundo, CA 90245

Hon. Bill Fisher, Mayor
Mr. Carl Jacobson, Mayor Pro Tem
Ms. Suzanne Fuentes
Mr. Dave Atkinson
Ms. Marie Feltlaufer

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sessions with Mr. Carpenter relating to the lease with Centencal Properties as the negotiating party. The number of closed sessions alone is excessive and proves that the ESCC has trespassed beyond the “safe harbor” of price and terms of payment. This situation is analogous to Shapiro v. City Council of San Diego, 86 Cal. App. 4th 804 (2002), where the Court of Appeal held that the San Diego Council had violated the Brown Act in including discussion of a variety of “related issues” in a series of closed session held to consult with its agent in real property negotiations concerning a large redevelopment project to create a new baseball park. The Fourth District faulted the San Diego Council's expansive interpretation of the "safe harbor" as follows:

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Id. at 024. Here, as in Shapiro, ESCC is using closed sessions to shield important development considerations from public view. The sheer number of closed sessions, in contrast to the single open session on the proposed lease, proves that ESCC is shirking its duty to conduct open sessions on matters of public interest that will substantially impact The Lakes future. Indeed, ESCC has disclosed relatively nothing in open sessions regarding its relationship with Centencal, Centencal’s relationship with Top Golf, proposed physical changes to the golf course, proposed physical changes to the driving range, price increases, public programs, changes to the liquor license and more. Members of the public are demanding to be heard on these issues but have been relegated to bystanders in a closed process zealously guarded by ESCC against its public responsibilities under the Brown Act.

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Respectfully,

Debra V. Gelet
(310) 489 7751
citagelat@verizon.net
Exhibit B

Draft Response Letter
October 30, 2013

Debra V. Geist
121 16th St
Manhattan Beach, CA 90266

Re: Letter dated October 15, 2013

Dear Ms. Geist:

Thank you for your letter dated October 15, 2013 (received by the City on October 17, 2013). As you are aware, that letter (the “October 15th Letter”) alleges that the City Council violated the Ralph M. Brown Act and constitutes a “cease and desist” letter in accordance with Government Code § 54960.2.

Specifically, the October 15th letter accuses the City Council of violating the Brown Act on the following dates: June 19, 2012; June 25, 2012; July 17, 2012; August 21, 2012; February 5, 2013; February 19, 2013; May 7, 2013; August 6, 2013; August 20, 2013; September 3, 2013; September 17, 2013; and October 1, 2013. In sum, the October 15th letter alleges that the City Council’s actions relating to the municipal golf course known as “the Lakes” violated the Brown Act as follows: (1) failure to appoint real property negotiators in open session; (2) incorrect agenda descriptions as to closed session items; and (3) discussing items in closed session beyond the scope of statutory authority. In short, the City Council disagrees with the October 15th letter for several different reasons.

First, as to alleged violations occurring in 2012, these matters are time-barred pursuant to Government Code § 54960.2(a)(2). That section requires actions to be undertaken within nine months of the alleged violation.

Second, (as stated in the October 15th letter at p.2) the City Council (at the latest) did appoint real property negotiators in open session on August 21, 2012 pursuant to Agenda Item No. F9:

“Direct the City Manager and City Attorney to negotiate terms...”
of a [sic] agreement with Centercal Properties, LLC for a new TopGolf facility to be located at The Lakes in place of the existing driving range."

Moreover, the City Manager was identified on every agenda as the property negotiator for these negotiations. The City Manager has general authority pursuant to El Segundo Municipal Code § 1-5A-7 to "exercise general supervision over all public buildings, public parks and all other public property which is under the control and jurisdiction of the city council." The City Council believes this would include (at a minimum) initial negotiations regarding potentially leasing the Lakes. As previously noted, however, these matters are time barred in any event.

Third, as explained below, it is plain that the City Council's considerations regarding the Lakes were (and are) quite public. Even a cursory glance at the City's webpage, staff reports, and other public outreach documents demonstrate that the City Council sought (and continues to seek) public input regarding what should happen with the municipal golf course. Allegations, therefore, that the City Council was misleading or has somehow attempted to avoid transparency as to the Lakes matter cannot be reconciled with the City's efforts at encouraging public discourse regarding this important matter.

As you know, the City Council is considering whether to lease a portion of the Lakes municipal golf course to a private company or companies. As part of this process, the City is engaged in an extensive public outreach program seeking public participation. Among other things, the City undertook the following actions:

- August 21, 2012: the City Council heard a presentation regarding the Lakes during open session and then directed the City Manager, or designee, to seek public input regarding a potential agreement with Centercal and Top Golf.
- August 29, 2012: the City Council's Golf Course Subcommittee met in public to discuss the matter.
- September 13, 2012: City staff made a presentation to the El Segundo Chamber of Commerce.
- September 18, 2012: City staff met at the El Segundo Public Library with golf industry stakeholders.
- September 19, 2012: City staff made a presentation to the City's Recreation and Parks Commission during its regular meeting.
- September 25, 2012: City staff made a presentation to the Kiwanis Club.
- October 3, 2012: City staff provided a progress update to the City Council's Golf Course Subcommittee.
• October 4, 2012: City staff made a presentation at the Rotary Club meeting.

• October 11, 2012: a presentation regarding the matter was made to the City’s Planning Commission during its regular meeting.

• October 11, 2012: City staff made a presentation to the City’s Economic Development Advisory Council.

• November 18, 2012: the El Segundo Chamber of Commerce voted to endorse/support the Top Golf matter.

• December 5, 2012: the City Council’s Golf Course Subcommittee reviewed the matter.

• December 19, 2012: the Recreation and Parks Commission reviewed the findings and analysis.

• Between October and November 2012, City staff met with most business oriented hotels within the City of El Segundo.

• The City posted the Powerpoint® presentation, draft schematics, and other matters on the City’s website (elsegundo.org/news/displaynews.asp?NewsID=1149&TargetID=1).

• The City has posted and (continues to post) all disclosable public communications regarding the Lakes matter on the City’s website (www.elsegundo.org/depts/cityclerk/documents.asp).

Such proactive actions are in addition to the multiple opportunities taken by interested citizens to provide public comment to the City Council during its regular meetings. This matter is also being extensively scrutinized by media coverage (see e.g., www.easyreadernews.com/74699/residents-assail-topgolf/; www.dailybreeze.com/20121105/local-golfers-balk-at-proposed-changes-to-the-lakes-in-el-segundo-course) and various social media outlets.

Based upon the foregoing, the City Council respectfully disagrees with the allegations set forth in the October 15th Letter as to purported violations of the Brown Act. Moreover, as you can see from the Due Diligence and Lease Agreement ("Agreement") that the Council will consider approving at its November 5, 2013 regular meeting, the alleged Brown Act violations set forth in the October 15th Letter are without merit. There are twelve specific conditions precedent that must be accomplished before a leasehold interest could be created. Accordingly, the City is not committed to entering into the draft Agreement since there are numerous issues that must be resolved in public meetings before the Planning Commission and City Council before any leasehold could be established. Such matters include review and potential approval of a conceptual plan for the golf course and the driving range improvements; review and potential approval of
a recommended action under the California Environmental Quality Act; review and potential approval of the land use entitlements that would be needed to allow for the uses contemplated by the draft Agreement; and many other items that identified in the draft Agreement.

However, in an abundance of caution, to avoid unnecessary litigation, and without admitting any violation of the Ralph M. Brown Act, the El Segundo City Council unconditionally commits that it will cease, desist from, and not repeat the actions challenged in the October 15th Letter and briefly described above.

Note that the El Segundo City Council may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to Government Code § 54960(a). That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

Bill Fisher,
Mayor
EL SEGUNDO CITY COUNCIL

AGENDA STATEMENT

MEETING DATE: March 18, 2014

AGENDA DESCRIPTION:

Approval of an amended Due Diligence and Ground Lease Agreement to include a "shared principles" document and Reimbursement Agreement with ES CenterCal, LLC ("ES CenterCal") to lease the driving range portion of The Lakes Golf Course for the purpose of developing a TopGolf facility consisting of a driving range, restaurant, bar and lounge and event facilities. (Fiscal Impact: $425,000 annual ground lease with 10% increases compounded each five years; Reimbursement Agreement to be funded by a $367,500 Developer Reimbursed Trust Fund)

RECOMMENDED COUNCIL ACTION:

1. Approve the amended Due Diligence and Ground Lease Agreement and direct the City Manager to enter into a Reimbursement Agreement that requires ES CenterCal to pay the costs associated with the various due diligence and land use entitlement costs;

2. Authorize the City Manager to execute a Professional Service Agreement for CEQA review services related to the Due Diligence and Ground Lease Agreement approved as to form by the City Attorney in an amount not to exceed $257,500; and/or;

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

ATTACHED SUPPORTING DOCUMENTS:

1. Staff Report to City Council, dated November 5, 2013
2. Amended Due Diligence and Ground Lease
   a. Amendments to Construction and Operational Guarantees
   b. TopGolf "Shared Principles" document
3. Reimbursement Agreement for environmental review services for the CenterCal/TopGolf Project.

FISCAL IMPACT: $367,500

Amount Budgeted: N/A
Additional Appropriation: $367,500
Account Number(s): Developer Reimbursed Trust Fund to be established for this project

ORIGINATED BY: Ted Shove, Economic Development Analyst
REVIEWED BY: Sam Lee, Director of Planning and Building Safety
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

In November 2013, City Council approved a proposed Due Diligence and Ground Lease Agreement by and between the City of El Segundo and ES CenterCal, LLC ("Lease") to lease
the driving range portion of The Lakes Golf Course for the purpose of developing a TopGolf facility consisting of a driving range, restaurant, bar and lounge and event facilities. The Lease has not been executed for a couple of reasons. First, the Council directed that the “shared principals” document (Exhibit “T”) be incorporated into the Lease and it was acknowledged that these changes might necessitate the Lease coming back to the Council for approval. Additionally, ES CenterCal and 30 West Pershing and CenterCal, LLC (“Guarantors”) have requested some changes to Lease and the Guaranties. Finally, the staff has been negotiating the terms of agreement with ES Centercal for purposes of requiring ES Centercal to fund the various conditions that must be met for the Lease to potentially become effective.

The “shared principals” document generally provided for the driving range to continue to be available for use by youth groups, school sports teams, and golf professionals and their students and that the golf course improvements be built to certain standards. The availability of the driving range to these various groups is addressed in the changes set forth in Sections 11.3 and 11.4 of the Lease. Exhibit D, which has not been changed since the November 2013 City Council Meeting, sets for the development standards for the golf course.

As stated above, ES CenterCal and the Guarantors also requested some changes to the Lease language which is highlighted in the attached revised Lease. Some of the changes are just formatting or typographical changes. The more substantive change to the Lease is in Section 22.3.10 which deals with the potential of a change in the lessee and guarantor after the improvements to the golf course and driving range have been completed. The proposed change reduces the required net worth of the guarantor from $20 million to $10 million. Staff is comfortable with this change given that the improvements will have been completed. The Guarantors also requested a change to Section 15 of the Guaranties. The language in this provision provided that to the extent that there are any inconsistencies between the Lease and the Guaranties with regard to the obligations of the guarantors, that the provision that provides the greatest protection to the City would be applicable. The Guarantors do not find this language acceptable and have requested that this language be amended to provide that the Guarantors will honor provisions that are expressly in the Lease and not in the Guaranty and are applicable to the Guarantor. The City Attorney’s Office prefers the original language as it offers a greater level of protection for the City but does not believe that the language suggested by the Guarantors is unreasonable.

The City and ES CenterCal have also been negotiating a reimbursement agreement to cover the costs of various conditions precedent to the Lease (for example, financial review of the Guarantors, negotiations with SCE and Chevron, CEQA review, preparation of land use entitlement documents, etc.). Staff is seeking Council approval of the attached Reimbursement Agreement which estimates that the total costs of processing the conditions precedents at $367,500. ES CenterCal, LLC has requested a “Not to Exceed” clause within the Reimbursement Agreement. Should total environmental consultant review services and City administrative costs exceed the agreed upon amount, the City will cease processing the conditions precedent unless and until ES CenterCal agrees to pay amounts in excess of the currently estimated costs.
Finally, staff is seeking Council approval to enter into a contract for preparation of the necessary environmental review for the Lease pursuant to the California Environmental Quality Act (CEQA). The total estimated costs for environmental review services include $257,500 for an environmental review consultant (of which $75,000 was included for traffic engineering and parking analysis costs).
If you would like to view the March 18, 2014 City Council Agenda

Item #C1

Staff Report Attachments;

<CLICK HERE>

Any questions, please contact the City Clerk’s Office, 310-524-2307.
C. UNFINISHED BUSINESS

2. Update and possible action on the ESCenterCal LLC (CenterCal"") proposal to enter into a Due Diligence and Ground Lease Agreement ("Agreement") to lease the driving range portion of the Lakes Golf Course for the purpose of developing a Top Golf facility. CenterCal has not executed the Agreement approved by the Council at its March 18, 2014 meeting and staff is requesting Council direction regarding how to proceed regarding the Lakes Golf Course.

(Fiscal Impact: none associated with this agenda item)

Recommendation – 1) Direct staff to notify CenterCal its failure to timely execute the Agreement is being accepted as rejection of the Agreement; 2) Provide public direction regarding how Council would like to proceed regarding the Agreement; 3) Provide thirty day notice to Debra Geist under the Brown Act (Government Code Section 54960.2) that Council intends to meet to consider rescinding its commitment to not have further closed session meeting regarding the Agreement for purposes of holding discussions in closed session to discuss different lease payments or terms of payment under the Agreement. (Ms. Geist had sent correspondences to the City alleging various Brown Act violations regarding the closed session negotiations regarding the Agreement); 4) Alternatively, discuss and take other possible action related to this item.

Please go to the City Website: www.elsegundo.org, Departments, City Clerk, Documents

Any questions, please contact the City Clerk’s Office, 310-524-2307.
August 18, 2014

Debra V. Geist
121 16th Street
Manhattan Beach, California 90266

Re: Notice of El Segundo Council Meeting to Potentially Rescind

Dear Ms. Geist,

Please be advised that you hereby being given the thirty (30) day notice required by Government Code Section 54960.1(e) that the City Council will meet on October 7, 2014, to discuss potentially rescinding the action it took at its November 5, 2013, Regular Council Meeting. On November 5, 2013, the Council, in response to your demand (set forth in your letters of October 1st and 15th, 2013), took action and agreed pursuant to Government Code Section 5960.1 to cease and desist from engaging in the Brown Act violations that you alleged occurred regarding closed session meetings (Copy of Staff Report, Council Minutes, and your letters are enclosed). Your allegations related to closed discussions the Council had engaged in regarding real property negotiations relating to the City leasing a portion of the Lakes Golf Course to CenterCal for purposes of having a Top Golf facility operated on the property.

The Council is currently holding open session meetings to discuss and potentially provide direction to staff regarding how it wants to proceed with the CenterCal draft lease and the Top Golf facility. This issue was discussed in open session at the Council’s August 5, 2014, Regular Meeting and is scheduled for further discussion at its Regular Council Meeting tomorrow night.

In the event that the Council gives direction that would render consideration of rescinding the cease and desist action moot, then I will provide you with written notice before October 7, 2014, that the item will no longer be considered.

Please contact me should you have any questions.
August 18, 2014
Page 2
Debra V. Geist

Sincerely,

Greg Carpenter
City Manager

CC: Los Angeles County District Attorney's Office
 Attn: Public Integrity Unit
 320 West Temple St., Rm. 766
 Los Angeles, CA 90012
 (with enclosures)
AGENDA DESCRIPTION:

Consideration and possible action to appoint a candidate (s) previously interviewed on June 3, 2014 to the Economic Development Advisory Council (EDAC). (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Announce to appoint a candidate (s) to the Economic Development Advisory Council (EDAC), if any;
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

None

FISCAL IMPACT: Included in Adopted Budget

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

ORIGINATED BY: Mishia Jennings, Executive Assistant
REVIEWED BY:
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

On June 3, 2014, City Council conducted interviews for Economic Development Advisory Council and agreed to postpone appointing candidates until the EDAC Bylaws were completed. There were three candidates interviewed.

Bob Healey
Matt Tyler
Antonio Mendez

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<td>PROP &quot;C&quot; TRANSPORTATION</td>
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<td>AIR QUALITY INVESTMENT PROGRAM</td>
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<td>116</td>
<td>HOME SOUND INSTALLATION FUND</td>
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<td>HYPERION MITIGATION FUND</td>
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<td>118</td>
<td>TDA ARTICLE 3 - SB 821 BIKeway FUND</td>
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<td>119</td>
<td>MTA GRANT</td>
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<td>708</td>
<td>OUTSIDE SERVICES TRUST</td>
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**TOTAL WARRANTS** $1,910,306.99

**STATE OF CALIFORNIA**
**COUNTY OF LOS ANGELES**

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

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

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

**CODES:**
- **R** = Computer generated checks for all non-emergency/urgence payments for materials, supplies and services in support of City Operations
- **A** = Payroll and Employee Benefit checks
- **B-F** = Computer generated Early Release disbursements and/or adjustments approved by the City Manager. Such as: payments for utility services, petty cash and employee travel/expense reimbursements, various refunds, contract employee services consistent with current contractual agreements, instances where prompt payment discounts can be obtained or late payment penalties can be avoided or when a situation arises that the City Manager approves.
- **H** = Handwritten Early Release disbursements and/or adjustments approved by the City Manager.

**FINANCE DIRECTOR**

**CITY MANAGER**

**DATE**: 9/29/14

**DATE**: 9/29/14
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<th>Payee</th>
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<th>Description</th>
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**DATE OF RATIFICATION: 09/29/14**

**TOTAL PAYMENTS BY WIRE:** 4,224,639.80

Certified as to the accuracy of the wire transfers by:

Deputy City Treasurer: [Signature] 9/29/14

Director of Finance: [Signature] 9/29/14

City Manager: [Signature] 9/29/14

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, SEPTEMBER 2, 2014 – 5:00 PM

CLOSED SESSION CANCELLED

CALL TO ORDER

ROLL CALL

PUBLIC COMMUNICATION – (Related to City Business Only – 5 minute limit per
person, 30 minute limit total) Individuals who have received value of $50 or more to
communicate to the City Council on behalf of another, and employees speaking on
behalf of their employer, must so identify themselves prior to addressing the City
Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250.

SPECIAL ORDER OF BUSINESS:

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov’t Code
§54956.9(d) (3): -0- matter

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

Initiation of litigation pursuant to Government Code §54956.9(c): -0- matter.

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

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

PUBLIC EMPLOYEMENT (Gov’t Code § 54957) -0- matter

CONFERENCE WITH CITY’S LABOR NEGOTIATOR (Gov’t Code §54957.6): -0-
matters
CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov't Code §54956.8): -0-
matters
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, SEPTEMBER 2, 2014 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER – Mayor Fuentes at 7:00 PM

INVOCATION – Father Alexei Smith, St. Andrew Russian Greek Catholic Church

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Jacobson

PRESENTATIONS - None

ROLL CALL

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

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

Mike Rotolo, resident and member of the Board of Directors for the Chamber of Commerce, spoke concerning the lunchtime shuttle.

CITY COUNCIL COMMENTS – (Related to Public Communications)

A. PROCEDURAL MOTIONS

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

MOTION by Mayor Pro Tem Jacobson, SECONDED by Council Member Fellhauer to read all ordinances and resolutions on the agenda by title only. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.
B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

1. Consideration and possible action to open public hearing regarding the Presentation of the Fiscal Year 2014-2015 Preliminary Budget, including discussion and possible direction regarding all city revenues and Expenditures.
   (Fiscal Impact: Total Revenues of $133,522,300; Total Expenditures of $151,846,500, Prior Year Designations of $18,324,200; General Fund Revenues of $60,642,700, Expenditures of $64,043,100, Prior Year Designations of $3,400,400)

Mayor Fuentes stated this was the time and place to conduct a public hearing regarding the Presentation of the Fiscal Year 2014-2015 Preliminary Budget, including discussion and possible direction regarding all city revenues and Expenditures.

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

Mayor Fuentes opened the Public Hearing.

Deborah Cullen, Finance Director, gave a presentation and answered questions from the Council.

Dr. Antonio Mendez commented on the budget presentation and asked if the City has a chart of accounts that shows how the accounts move back and forth.

Deborah Cullen, Finance Director, answered Dr. Mendez's question. Deborah explained how to trace the accounts and their movement.

Council Discussion

MOTION by Council Member Fellhauer, SECONDED by Mayor Pro Tem Jacobson to continue the Public Hearing to September 16, 2014 and close the Public Hearing. 
MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

C. UNFINISHED BUSINESS

2. Consideration and possible action to 1) receive a presentation on the Potable Water Reservoir Feasibility Study and 2) discuss and provide direction to staff on whether to proceed with exploring funding options for design and construction of a new potable water reservoir.
   Project No. PW 13-09.
   (Fiscal Impact: $100,000.00)
Greg Carpenter, City Manager, introduced the item.

Stephanie Katsouleas, Public Works Director, and Ken Berard from Tetra Tech, gave a presentation and answered questions from Council.

Council Discussion

Council consensus to receive and file the presentation and bring back with additional information to Council in October.

3. Discussion and possible action to reallocate Proposition C Funds (half-cent sales tax allocation from Los Angeles County) to Public Works Projects and modify transportation services provided by Proposition A Funds (half-cent sales tax allocation from Los Angeles County).
   (Fiscal Impact: To Be Determined)

Meredith Petit, Director of Recreation and Parks, gave a presentation and answered questions from Council.

Council Consensus to reduce both the Doctor Dial A Ride and shopping trips, give riders a 2 month notice of changes, conduct a 4 month trial period and bring back the findings to the Council at the 6 month mark.

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

E. CONSENT AGENDA

All items listed are to be adopted by one motion without discussion and passed unanimously. If a call for discussion of an item is made, the item(s) will be considered individually under the next heading of business.

4. Approve Warrant Numbers 3002146 through 3002388 on Register No. 22 in the total amount of $748,935.61 and Wire Transfers from 7/28/2014 through 8/17/2014 in the total amount of $3,492,319.83. Authorized staff to release. Ratified Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.

5. Approve Special City Council Meeting Minutes (Strategic Planning Session) of August 4, 2014 and Special City Council Meeting Minutes (Closed Session) of August 26, 2014.

6. PULLED BY MAYOR PRO TEM JACOBSON
7. Waive minor irregularities in the bid from Big West Construction, Corp., award Contract No. 4673 to Big West Construction, Corp. for construction at twenty-six (26) homes related to Project No. RSI 14-11 (Group 55 of the City’s Residential Sound Insulation Program) and authorize the City Manager to execute a contract in a form approved by the City Attorney.

(Estimated Construction Costs: Not to exceed $840,865.00)

8. Waive minor irregularities in the bid from Harry H. Joh Construction, award a contract to Harry H. Joh. Construction for construction at twenty-five (25) homes related to Project No. RSI 14-12 (Group 56 of the City’s Residential Sound Insulation Program) and authorize the City Manager to execute Contract No. 4674 in a form approved by the City Attorney.

(Estimated Construction Costs: Not to exceed $973,819.00)

9. Allow Patriot Contracting & Engineering to withdraw their bid, waive minor irregularities in the bid from Spec Construction Co., award Contract No. 4675 to Spec Construction Co., Inc. for construction at twenty-three (23) homes related to Project No. RSI 14-13 (Group 57 of the City’s Residential Sound Insulation Program) and authorize the City Manager to execute a contract in a form approved by the City Attorney.

(Estimated Construction Costs: Not to exceed $843,310.00)

10. Waive minor irregularities in the bid from Harry H. Joh Construction, award Contract No. 4676 to Harry H. Joh Construction for construction of twenty-four (24) homes related to Project No. RSI 14-14 (Group 58 of the City’s Residential Sound Insulation Program) and authorize the City Manager to execute a contract in a form approved by the City Attorney.

(Estimated Construction Costs: Not to exceed $714,437.00)

11. Allow Professional Services Construction, Inc. to withdraw their bid, reject the bid from Patriot Contracting & Engineering as non-responsive, waive minor irregularities in the bid from Spec Construction Co., Inc., award Contract No. 4677 to Spec Construction Co., Inc. for construction of twenty-four (24) homes related to Project No. RSI 14-15 (Group 59 of the City’s Residential Sound Insulation Program) and authorize the City Manager to execute a contract in a form approved by the City Attorney.

(Estimated Construction Costs: Not to exceed $622,669.00)

12. Accept a grant from the Federal Aviation Administration (FAA) of up to $10 Million to be used for the Residential Sound Insulation (RSI) Program authorize the Mayor to execute the FAA Grant Agreement No. 4878.

(Fiscal Impact: $7,000,000.00 to $10,000,000.00, depending on formal grant offer)
13. Authorize the City Manager to execute Amendment No. 4569A, in a form approved by the City Attorney, to an existing Professional Services Agreement with CSG Consultants to increase the amount of the agreement from $25,000 to $35,000 for building inspection consulting services.  
(Fiscal Impact: $35,000.00)

14. Receive and file this report regarding the emergency repair to remove debris in the attic space of City Hall without the need for bidding in accordance with Public Contracts Code §§ 20168 and 22050 and El Segundo Municipal Code ("ESMC") §§ 1-7-12 and 1-7A-4.  
(Fiscal Impact: $82,354.00)

15. Receive and file this report regarding cleaning and repairing drywall and carpet as well as restoring furniture in the north portion of City Hall without the need for bidding in accordance with Public Contracts Code §§ 20168 and 22050 and El Segundo Municipal Code ("ESMC") §§ 1-7-12 and 1-7A-4.  
(Fiscal Impact: $37,000.00)

16. PULLED BY COUNCIL MEMBER FELTHAUER

17. Waive the bidding process per El Segundo Municipal Code §1-7-11, authorize the purchase of one (1) Cues Sewer Inspection Camera Unit for sewer line maintenance and inspection and authorize the City Manager to execute Agreement No. 4680, in a form approved by the City Attorney, with Plumbers Depot to purchase one (1) Cues Sewer Inspection Camera Unit for sewer line maintenance and inspection with Sewer Enterprise funds using National Joint Powers Association contract rates.  
(Fiscal Impact: $87,200.00.)

18. Accept as complete the 2013-2014 Curb, Gutter, Sidewalk and other Concrete Improvements Project, Project No. PW 13-22 and authorize the City Clerk to file a Notice of Completion in the County Recorder’s office.  
(Fiscal Impact: $50,000.00)

MOTION by Council Member Fellhauer, SECONDED by Council Member Atkinson to approve Consent Agenda items 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17 and 18.  
MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.

PULLED ITEMS:

6. Consideration and possible action regarding a request from the El Segundo Kiwanis Club to operate a portion of their Beer Garden on public property from 11:00 a.m. to 5:00 p.m. during the Kiwanis sponsored 38th Annual Richmond Street Fair on Saturday, September 27, 2014.  
(Fiscal Impact: None)
Council Discussion

MOTION by Council Member Fellhauer, SECONDED by Council Member Dugan to approve the request from the El Segundo Kiwanis Club to operate a portion of their Beer Garden on public property from 11:00 a.m. to 5:00 p.m. during the Kiwanis sponsored 38th Annual Richmond Street Fair on Saturday, September 27, 2014. MOTION PASSED BY A VOICE VOTE. 3/2 YES: ATKINSON, DUGAN, FELLHAUER NO: FUENTES, JACOBSON

16. Consideration and possible action to award a Professional Services Agreement to Professional Building Maintenance (PBM) for custodial services for the City of El Segundo's various buildings and facilities. (Fiscal Impact: $162,713 the first year with a 3% annual escalation for the next four years; $863,867 over a five-year contract duration.)

Council Discussion

MOTION by Council Member Fellhauer, SECONDED by Council Member Dugan to award a Professional Services Agreement to Professional Building Maintenance (PBM) for custodial services for the City of El Segundo's various buildings and facilities. MOTION PASSED BY A UNANIMOUS VOICE VOTE. 5/0

F. NEW BUSINESS

G. REPORTS – CITY MANAGER – Thanked the Finance department and department directors with their assistance on the Preliminary Budget. Mr. Carpenter thanked the King's organization for the Stanley Cup event at the Park today.

H. REPORTS – CITY ATTORNEY - None

I. REPORTS – CITY CLERK - None

J. REPORTS – CITY TREASURER - None

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fellhauer – Thank you to the King's Organization for the Stanley Cup event in the park today. Ms. Fellhauer wished Tracy Weaver, City Clerk, happy birthday.
114

Council Member Atkinson –

19. Consideration and possible action regarding the recommendation to implement a program to have a code enforcement officer to actively patrol the City on Friday and Saturday for violators working without permits(s). (Fiscal Impact: $50,000.00)

Council Discussion

Due to lack of support, no motion was made.

Council Member Dugan - None

Mayor Pro Tem Jacobson – None

Mayor Fuentes – Mentioned the earthquake in Napa and reminded the citizens to be prepared. Thanked the King’s organization for the Stanley Cup event at the Park.

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

Dr. Antonio Mendez, resident, stated he believes visibility (publicity) is one reason the shuttle is not utilized to its full potential.

MEMORIALS – None

ADJOURNMENT at 9:50 PM

Tracy Weaver, City Clerk
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, SEPTEMBER 16, 2014 – 5:00 PM

5:00 P.M. SESSION

CALL TO ORDER – Mayor Fuentes at 5:00 PM

ROLL CALL

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

PUBLIC COMMUNICATION – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250.

SPECIAL ORDER OF BUSINESS:

Mayor Fuentes announced that Council would be meeting in closed session pursuant to the items listed on the Agenda.

CLOSED SESSION:

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov’t Code §54956.9(d) (3): -1- matter

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

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

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

PUBLIC EMPLOYEMENT (Gov’t Code § 54957) -0- matter

CONFERENCE WITH CITY’S LABOR NEGOTIATOR (Gov’t Code §54957.6): -8- matters

1. Employee Organizations: Police Management Association; Police Officers Association; Police Support Services Employees Association; Fire Fighters Association; Supervisory and Professional Employees Association; City Employees Association; Executive Management Group (Unrepresented Group); Management/Confidential Group (Unrepresented Group)

   Agency Designated Representative: Steve Filarsky and City Manager

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

Adjourned at 6:55 PM
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, SEPTEMBER 16, 2014 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER – Mayor Fuentes at 7:00 PM

INVOCATION – Lee Carlile, Pastor, United Methodist Church

PLEDGE OF ALLEGIANCE – Council Member Atkinson

PRESENTATIONS

a. Proclamation read by Mayor Fuentes and presented to Lee Carlile, Pastor of the United Methodist Church, honoring the church’s 100th Anniversary.

ROLL CALL

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

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

Dr. Antonio Mendez, resident, concerned that Animal Control does not work on Sunday’s, mentioned his residence was part of a SCE outage, and commented on the renaming of Sepulveda Blvd. to Pacific Coast Highway (PCH).

Liz Garnholz, resident, had questions concerning the Consent Agenda items.

Marshall and Jennifer Lee, residents and small business owners, spoke concerning the police raid on Arena St. next door to where their business is located.

Arturo Fraiser, Field Rep. for Representative Steven Bradford, announced the new Bike set forth by Representative Steven Bradford.

John Wilcox, South Bay Bike Council representative, commented on the new Bike law.

Dean Seligman, resident and Rotary President, updated the Council and City on the “Movie in the Park” event.

Mike Robbins, resident, commented on item #F14, commented on the Code Enforcement item that was on the September 2, 2014 Agenda.

CITY COUNCIL COMMENTS – (Related to Public Communications)
Council answered questions from the Public Communications.

A. PROCEDURAL MOTIONS

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

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

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

1. Consideration and possible action (Continued Public Hearing) regarding the Fiscal Year 2014-2015 Budget (including all City Revenues and Expenditures), and Adoption of Resolutions approving Appropriation Limit and Preliminary Budget as amended. (Copies of the Fiscal Year 2014-2015 Preliminary Budget can be found in the Library, City Clerk’s office, and on the City’s website.) (Fiscal Year Impact: Total Revenues of $133,522,300; Total Expenditures of $151,846,500, Prior Year Designations of $18,324,200; General Fund Revenues of $60,642,700, Expenditures of $64,043,100, Prior year Designations of $3,400,400)

Mayor Fuentes stated this was the time and place for a continued Public Hearing regarding the Fiscal Year 2014-2015 Budget (including all City Revenues and Expenditures) and Adoption of Resolutions approving Appropriation Limit and Preliminary Budget as amended.

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

Mayor Fuentes opened the Public Hearing.

Deborah Cullen, Finance Director, gave a presentation.

Mike Robbins, resident, commented on Police and Fire compensation with respect to the City’s budget.

MOTION by Mayor Pro Tem Jacobson, SECONDED by Council Member Fellhauer to close the public hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Council Discussion

Greg Carpenter, City Manager, answered Council questions.

Mark Hensley, City Attorney, ready by title only:
RESOLUTION NO. 4885


MOTION by Council Member Dugan, SECONDED by Council Member Fellhauer to adopt Resolution No. 4885. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

2. Consideration and possible action to amend El Segundo Municipal Code ("ESMC") §§15-1-6, 15-6A-2, 15-6A-11, 15-6D-5, 15-6D-13 and 15-8-2 to add a definition of "Emergency Shelters"; to allow Emergency Shelters as a Permitted Use in the Light Industrial (M-1) Zone; to allow Emergency Shelters as a Conditional Use in the Medium Manufacturing (MM) Zone; to establish Emergency Shelter Development Standards; and, to remove the managed production of resources on Agricultural Lands as a permitted use in the Open Space (O-S) Zone. Applicant: City of El Segundo. (Fiscal Impact: None)

Mayor Fuentes stated this was the time and place to conduct a public hearing to amend El Segundo Municipal Code ("ESMC") §§15-1-6, 15-6A-2, 15-6A-11, 15-6D-5, 15-6D-13 and 15-8-2 to add a definition of "Emergency Shelters"; to allow Emergency Shelters as a Permitted Use in the Light Industrial (M-1) Zone; to allow Emergency Shelters as a Conditional Use in the Medium Manufacturing (MM) Zone; to establish Emergency Shelter Development Standards; and, to remove the managed production of resources on Agricultural Lands as a permitted use in the Open Space (O-S) Zone. Applicant: City of El Segundo.

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

Kimberly Christensen, AICP, Planning Manager, gave a presentation and answered Council questions.

Mayor Fuentes opened the Public Hearing.

Mike Robbins, resident, not in favor of Emergency Shelters for El Segundo.

MOTION by Council Member Fellhauer, SECONDED by Mayor Pro Tem Jacobson to close the public hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Council Discussion

Council Consensus directed staff to research, if any, what residences, schools and/or parks are in the Light Industrial (M1) Zone and present the findings at the next City Council Meeting on October 7, 2014.

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SEPTEMBER 16, 2014
PAGE NO. 5
MOTION by Mayor Pro Tem Jacobson, SECONDED by Council Member Fellhauer amending the Ordinance to remove the Medium Manufacturing (MM) Zone as a possible site for an Emergency Shelter. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Recessed at 8:51 PM

Resumed Meeting at 9:00 PM

C. UNFINISHED BUSINESS

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

E. CONSENT AGENDA

All items listed are to be adopted by one motion without discussion and passed unanimously. If a call for discussion of an item is made, the item(s) will be considered individually under the next heading of business.

3. Approve Warrant Numbers 3002389 through 3002568 on Register No. 23 in the total amount of $651,836.90 and Wire Transfers from 8/18/14 through 8/31/14 in the total amount of $842,603.79. Authorized staff to release. Ratified Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.


5. PULLED BY COUNCIL MEMBER ATKINSON

6. Authorize the City Manager to execute Agreement No. 4683 with Willdan Energy Solutions for implementation of Energy Efficiency Strategic Planning Activities using grant funds recently awarded by Southern California Edison. (Fiscal Impact: $100,125 in grant fund award)

7. PULLED BY STAFF (To be brought back at a later date)

8. Adopt Resolution No. 4886 approving plans and Specifications for Sewer Main Improvements at eight locations in the northwest quadrant of El Segundo, predominantly located north of Franklin Ave. and west of Main St. Project No. PW 13-24. (Fiscal Impact: $800,000.00)

9. Authorize the City Manager to execute a one year License Agreement No. 4684 in a form approved by the City Attorney with Southern California Aquatics to operate a Masters Swim Program. (Fiscal Impact: $6,600 in Reservation Revenues per year)
10. Adopt a Conflict of Interest Code required by The Political Reform Act (Government Code Section 81000 et. seq.) rescinding Resolution No. 4778, and adopting Resolution No. 4887 approving a new Conflict of Interest Code. (Fiscal Impact: None)

11. Authorize the City Manager to execute two (2) one-year agreements in a form approved by the City Attorney, with Federal Technology Solutions, Inc. No. 4685 and NC Partners, Inc. No. 4686 with four one-year term extensions, for a maximum total contract length of five years each for RFP No. #14-07 (On-Call Citywide Low Voltage Wiring Services). (Fiscal Impact: None)

12. Receive and file the report regarding cleaning and repairing drywall and carpet as well as restoring furniture in the north portion of City Hall without the need for bidding in accordance with Public Contracts Code §§ 20168 and 22050 and El Segundo Municipal Code (“ESMC”) §§ 1-7-12 and 1-7A-4. (Fiscal Impact: $37,000.00)

13. Receive and file this report regarding the emergency repair to remove debris in the attic space of City Hall without the need for bidding in accordance with Public Contracts Code §§ 20168 and 22050 and El Segundo Municipal Code (“ESMC”) §§ 1-7-12 and 1-7A-4. (Fiscal Impact: $82,354.00)

MOTION by Council Member Fellhauer, SECONDED by Council Member Atkinson to approve Consent Agenda items 3, 4, 6, 8, 9, 10, 11, 12, and 13. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.

PULLED ITEMS:

5. Consideration and possible action regarding approval of ongoing professional service agreements and blanket purchase orders for FY 2014-2015 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 $1,735,570 including $5,000 Library Developer Fees; Asset Forfeiture Fund $13,000; Prop A Fund $30,000; Water Enterprise Fund $122,750; Wastewater (Sewer) Enterprise Fund $26,750; Golf Course Enterprise Fund $96,000; Workers’ Compensation Fund $97,749; Revenue/Expenditure Balance Sheet Account $200,000; Public Works Full Time Salary Accounts General Fund, Water & Wastewater Enterprise Funds $200,000)

(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) extend the term of the agreement to September 30, 2015; (2) authorizes
payment for services up to $75,000 (General Fund); and (3) take such additional, related, action that may be desirable.

(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, 2015; (2) authorizes payment for services up to $60,000 (General Fund); and (3) take such additional, related, action that may be desirable.

(3) 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 2014-2015. (General Fund including $5,000 Library Developer Fees)

(4) 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 $31,500 (General Fund).

(5) 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 $200,000 in FY 2014-2015 (General Fund).

(6) Authorize the City Manager to extend ongoing service agreement with JAS to provide plan check and inspection consulting services for the Building and Safety Division not to exceed $75,000 in FY 2014-2015 (General Fund).

(7) Authorize the City Manager to extend ongoing service agreement with CSG to provide plan check and inspection consulting services for the Building and Safety Division not to exceed $75,000 in FY 2014-2015 (General Fund).

(8) Authorize the City Manager to extend ongoing service agreement with Scanning Service Corp. to provide service of scanning plans, permits & microfilm to digital for Laserfiche document imaging system for the Building and Safety Division not to exceed $20,000 and Planning Division not to exceed $23,000 in FY 2014-2015 for a combined total amount of $43,000 (General Fund).

(9) Authorize the City Manager to extend ongoing service agreement with Pacific Municipal Consultants (PMC) to provide professional planning consulting and interim staffing services for the City’s Planning Division, not to exceed $35,000 in FY 2014-2015 (General Fund).

(10) Authorize the City Manager to extend ongoing service agreement with Tierra West Advisor’s Inc. to provide professional planning consulting and interim staffing services for the City’s Planning Division, not to exceed $35,000 in FY 2014-2015 (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 $60,000 in FY 2014-2015 (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 $97,749 in FY 2014-2015 (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 2014-2015 (General Fund).
(14) Authorize the City Manager to execute a one-year Contract No. 4687 with All Cities Management Company to provide crossing guard services for the El Segundo School District not to exceed $80,000 in FY 2014-2015 (General Fund).
(15) 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 $65,000 in FY 2014-2015 (General Fund).
(16) Authorize all El Segundo City Departments to waive the bidding process per El Segundo Municipal Code § 1-7-10 to purchase City-wide advertising and authorize issuance of a citywide open purchase order to El Segundo Herald. Off-site services include Public Hearing notices, Request for Proposal notices, Department advertising and publishing, printing and distribution of the Recreation and Parks brochures not to exceed $70,000 in FY 2014-2015 (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 2014-2015 (Golf Course Enterprise 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 $160,000 in FY 2014-2015 (General Fund).
(19) 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 2014-2015 (General Fund = $250,000; Asset Forfeiture Fund = $13,000; Prop “A” Fund = $30,000; Water Enterprise Fund = $9,000; Wastewater (sewer) Enterprise Fund = $13,000).
(20) 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 2014-2015 (Water Enterprise Fund).
(21) 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 2014-2015 (General Fund).
(22) Authorize the issuance of a blanket purchase order to DataProse (Agreement # 3227) to provide Water and Sewer divisions utility bill print and mail services for an amount not to exceed $27,500 in FY 2014-2015 (Water & Wastewater (sewer) Enterprise Funds).
(23) 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 $200,000 in FY 2014-2015 (General Fund, Water & Wastewater (sewer) Enterprise Funds).
(24) Authorize the city manager to extend ongoing services agreement #4568 with Westcon Engineering for engineering plan check services for the Public Works Department not to exceed $100,000 in FY 2014-15 (Revenue/Expenditure Balance Sheet Account Fund).
(25) Authorize the city manager to extend ongoing services agreement #4622 with D.R. Consultants and Designers, Inc., for engineering plan check services for the Public Works Department not to exceed $100,000 in FY 2014-15 (Revenue/Expenditure Balance Sheet Account Fund).
(26) Authorize the City Manager to extend ongoing services agreement #4672 with Geosyntec Inc for storm water compliance program support for the Public Works Department, not to exceed $30,000 in FY 2014-15 (General Fund).
(27) Authorize the City Manager to execute a one-year Contract No. 4688 with the Society for the Prevention of Cruelty to Animals Los Angeles for animal sheltering services, not to exceed $28,200 in FY 2014-2015 (General Fund).
(28) Authorize the City Manager to execute a one-year Contract No. 4689 with Duncan Solutions (formerly Enforcement Technology Inc.) for processing of parking citations/collections, not to exceed $77,000 in FY 2014-2015 (General Fund).
(29) Authorize the issuance of a blanket purchase order to San Diego Police Equipment Co., Inc. (SDPECI) and Dooley Enterprises, for the purchase of CCI-Speer and Federal ammunition, not to exceed $67,000 in FY 2014-2015 (General Fund).
(30) 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 2014-2015 (General Fund).
(31) 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 2014-2015 (General Fund).

Greg Carpenter, City Manager, gave a brief overview of the items under #5 and answered Council questions, along with Stephanie Katsouleas, Public Works Director and Sam Lee, Planning and Building Safety Director.

Council Discussion

MOTION by Council Member Atkinson, SECONDED by Council Member Fellhauer to approve the amended list of ongoing professional service agreements and blanket purchase orders for FY 2014-2015 in excess of $25,000 for various departments (item #2 will be brought back at a later date and items #6 and #7 were removed); and waive the formal bidding process and authorize the continued purchase of various goods and services. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.
F. NEW BUSINESS

14. Consideration and possible action to tentatively approve installation of a Class II bike lane on Rosecrans Ave. between Sepulveda Blvd. and Highland Ave. 
(Fiscal Impact: Undetermined but expected to be minimal staff time) Tentatively approve installation of a Class II bike lane on Rosecrans Ave. between Sepulveda Blvd. and Highland Ave. 
(Fiscal Impact: Undetermined but expected to be minimal staff time)

Stephanie Katsouleas, Public Works Director, gave a presentation and answered Council questions.

Council Discussion

MOTION by Council Member Fellhauer, SECONDED by Council Member Atkinson to tentatively approve installation of a Class II bike lane on Rosecrans Ave. between Sepulveda Blvd. and Highland Ave.  MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.

15. Consideration and possible action to review the water and sewer rate studies, direct staff to commence the Proposition 218 protest procedures regarding potential increases to the City’s water and sewer rates and fees. 
(Fiscal Impact: $60,000 for ballot preparation and mailing for water rate increases and sewer rate increases.)

Stephanie Katsouleas, Public Works Director, introduced the item.

Greg Heiertz, from AKM Consulting Engineers, gave a presentation.

Council Discussion

Stephanie Katsouleas, Public Works Director, answered Council questions.

MOTION by Council Member Fellhauer, SECONDED by Council Member Atkinson to adopt the 4-Tiers for Single Family Residential (SFR) Users and 4-Tiers for Non Single Family Residential (SFR) Users.  MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.

MOTION by Council Member Fellhauer, SECONDED by Council Member Atkinson to receive water rate study presentation and proposed potable water rate increases, direct staff to implement the Proposition 218 protest ballot procedures for proposed potable water and sewer rate increases, adopt Resolution No. 4888 establishing procedures for mailing, handling and counting Proposition 218 ballots and set a public Hearing on November 18, 2014 for Council’s consideration of the proposed water and sewer rate increases.  MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.
G. REPORTS – CITY MANAGER - None

H. REPORTS – CITY ATTORNEY - None

I. REPORTS – CITY CLERK - None

J. REPORTS – CITY TREASURER - None

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Dugan –

16. Discussion and possible action regarding a request from local business owners Kimberly and Ben Wakefield for deferment of newly established fees for a facility reservation permit at Library Park. 
(Fiscal Impact: To Be Determined)

MOTION by Council Member Dugan, SECONDED by Council Member Fellhauer to defer the newly established fees for a facility reservation permit for the Wakefield’s business located at Library Park for the remainder of 2014. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.

Council Member Fellhauer – Attended the City’s PR campaign launch and will attend the Westside Commercial Brokers’ event.

Council Member Atkinson – None

Mayor Pro Tem Jacobson – Thank you to Damian, Craig, Justin and Stephanie (Public Works Department) for working all night on a water main break on Rosecrans Blvd.

Mayor Fuentes – Attended the City’s PR campaign launch, attended Los Angeles Mayor Garcetti’s convening of the Los Angeles Mayors event.

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

Dr. Antonio Mendez, resident, commented on the recent prepping for slurry sealing on Standard Street.

Mike Robbins, resident, commented on the Emergency Shelters, the water rates item and previous public comments.
Council answered questions from Public Communications.

MEMORIALS – None

ADJOURNMENT at 10:48 PM

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Tracy Weaver, City Clerk
SPECIAL MEETING OF THE EL SEGUNDO CITY COUNCIL
WEDNESDAY, SEPTEMBER 24, 2014, 9:00 P.M.

CALL TO ORDER – Mayor Fuentes at 9:00 PM

ROLL CALL

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

PUBLIC COMMUNICATIONS - (Related to City Business Only - 5 minute limit per person, 30 minute limit total). Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves before addressing the City Council. Failure to do so is a misdemeanor and punishable by a fine of $250.

SPECIAL ORDER OF BUSINESS:

Mayor Fuentes announced that Council would be meeting in closed session pursuant to the items listed on the Agenda.

CLOSED SESSION:

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

CONFERENCE WITH CITY’S LABOR NEGOTIATOR (Gov’t Code §54957.6): -8- matters

1. Employee Organizations: Police Management Association; Police Officers Association; Police Support Services Employees Association; Fire Fighters Association; Supervisory and Professional Employees Association; Employees Association; Executive Management (unrepresented employees); Management/Confidential (unrepresented employees)

   Agency Designated Representative: City Manager and Steve Filarsky

ADJOURNMENT at 10:32 PM

Tracy Weaver, City Clerk
EL SEGUNDO CITY COUNCIL  
AGENDA STATEMENT  

AGENDA DESCRIPTION:

Consideration and possible action to receive and file this report regarding cleaning and repairing drywall and carpet as well as restoring furniture in the north portion of City Hall without the need for bidding in accordance with Public Contracts Code §§ 20168 and 22050 and El Segundo Municipal Code ("ESMC")§ 1-7-12 and 1-7A-4. (Fiscal Impact: $37,000.00)

RECOMMENDED COUNCIL ACTION:

(1) Receive and file this report regarding cleaning and repairing drywall and carpet as well as restoring furniture in the north portion of City Hall without the need for bidding in accordance with Public Contracts Code §§ 20168 and 22050 and El Segundo Municipal Code ("ESMC")§ 1-7-12 and 1-7A-4; and/or.

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

ATTACHED SUPPORTING DOCUMENTS:

None

FISCAL IMPACT: Included in Adopted Budget

Amount Budgeted: $37,000
Additional Appropriation: No.
Account Number(s): 405-400-0000-6215 (Facilities Maintenance Fund – Repair & Maintenance Acct.)

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

BACKGROUND AND DISCUSSION:

On August 5, 2014 City Council approved an emergency contract with A & V Contractors, Inc. (A & V) to clean and repair drywall and carpet as well as restore furniture in the north portion of City Hall (Human Resources, City Clerk’s office, server room). As you may recall, damage to these areas was due to an improperly sealed drain and corresponding rain event which occurred during the City Hall roofing project. Contract documents are being processed by City staff.

Public Contracts Code § 22050(c) requires that the City Council receive updates at every regularly scheduled meeting until the emergency repair is completed. Therefore, staff also recommends that City Council receive and file this report on the status of the emergency repair to clean and repair drywall and carpet and restore furniture in the north portion of City Hall.
AGENDA DESCRIPTION:
Consideration and possible action to receive and file this report regarding the emergency repair to remove debris in the attic space of City Hall without the need for bidding in accordance with Public Contracts Code §§ 20168 and 22050 and El Segundo Municipal Code ("ESMC")§ 1-7-12 and 1-7A-4. (Fiscal Impact: $82,354.00)

RECOMMENDED COUNCIL ACTION:
(1) Receive and file this report regarding the emergency repair to remove debris in the attic space of City Hall without the need for bidding in accordance with Public Contracts Code §§ 20168 and 22050 and El Segundo Municipal Code ("ESMC")§ 1-7-12 and 1-7A-4.

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

ATTACHED SUPPORTING DOCUMENTS:
None

FISCAL IMPACT: Included in Adopted Budget
Amount Budgeted: $82,354.00
Additional Appropriation: No
Account Number(s): 405-400-0000-6215 (Facilities Maintenance: Repairs and Maintenance)

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

BACKGROUND AND DISCUSSION:
On May 6, 2014 City Council approved a contract to complete the attic cleaning emergency repair with Empire Building. Contract and insurance documents were finalized on June 9th and they will work only on Friday through Sunday until the project is complete. Work began on July 18 and is complete for the offices. Work is continuing for the hallways, roof exhaust fans, and roof air handling units.

Public Contracts Code § 22050 (c) requires that the City Council receive updates at every regularly scheduled meeting until the emergency repair is completed. Therefore, staff recommends that City Council receive and file this report on the status of the emergency repair to clean the attic space in City Hall.
AGENDA DESCRIPTION:

Consideration and possible action to approve and adopt South Bay Workforce Investment Board’s (SBWIB) proposed Amendment No. 6 to the Joint Powers Agreement No. 83-100 approving the cities of Torrance and Lomita as member cities of the SBWIB.

(Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Staff recommends that the City Council approve and adopt the proposed Amendment No. 6 to the Joint Powers Agreement No. 83-100 as amended.
2. Authorize the Mayor to sign the Amendment No. 6 to the Joint Powers Agreement No. 83-100 as amended.
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Amendment No. 6 to Joint Exercise of Powers Agreement No. 83-100 Approving the Cities of Torrance and Lomita as Member Cities of the SBWIB.

FISCAL IMPACT: $

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

PREPARED BY: Mickie Tagle, Senior Executive Assistant
REVIEWS BY:
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND & DISCUSSION:

On September 9, 2014 the City Council of the City of Torrance voted unanimous approval to transfer from the Pacific Gateway Workforce Investment Area to the South Bay Workforce Investment Area. In addition, on September 10, 2014, the City Council of the City of Lomita also voted unanimous approval to transfer from the Pacific Gateway Workforce Investment Area to the South Bay Workforce Investment Area (SBWIA).

The attached Amendment No. 6 is submitted for your approval to add the City of Torrance and the City of Lomita to the SBWIA, and as such, will enable them to become full Member Cities subject to all laws, rules and regulations and agreements applicable to said members. The Joint Exercise of Powers Agreement requires that this Amendment be approved by a minimum of 75% of the Member Cities.

When appropriately approved and signed, this Amendment authorizes the Executive Director of the South Bay Workforce Investment Board to develop a Local Area Modification Application for submission to the California Workforce Investment Board. This Application requires approval by the
Governor to add the City of Torrance and the City of Lomita to the SBWIA. Said application must be signed and submitted by the Chief Local Elected Official of the SBWIA. This Amendment will be effective upon approval of the Local Area Modification Application. There is no fiscal impact to the general fund of any of the Member Cities.
DATE: September 18, 2014

TO: Member Cities
    South Bay Workforce Investment Area

FROM: Jan Vogel, Chief Executive Officer
      South Bay Workforce Investment Board

SUBJECT: AMENDMENT NO. 6 TO AGREEMENT NO. 83-100
         RELATING TO JOINT EXERCISE OF POWERS
         APPROVING THE CITIES OF
         TORRANCE AND LOMITA AS MEMBER CITIES OF
         THE SOUTH BAY WORKFORCE INVESTMENT AREA

On September 9, 2014 the City Council of the City of Torrance voted
unanimous approval to transfer from the Pacific Gateway Workforce Investment
Area to the South Bay Workforce Investment Area. In addition, on September
10, 2014, the City Council of the City of Lomita also voted unanimous approval
to transfer from the Pacific Gateway Workforce Investment Area to the South
Bay Workforce Investment Area (SBWIA). The attached Amendment No. 6 is
submitted for your approval to add the City of Torrance and the City of Lomita
to the SBWIA, and as such, will enable them to become full Member Cities
subject to all laws, rules and regulations and agreements applicable to said
members. The Joint Exercise of Powers Agreement requires that this
Amendment be approved by a minimum of 75% of the Member Cities.

When appropriately approved and signed, this Amendment authorizes the
Executive Director of the South Bay Workforce Investment Board to develop a
Local Area Modification Application for submission to the California Workforce Investment Board. This Application requires approval by the Governor to add the City of Torrance and the City of Lomita to the SBWIA. Said application must be signed and submitted by the Chief Local Elected Official of the SBWIA. This Amendment will be effective upon approval of the Local Area Modification Application. There is no fiscal impact to the general fund of any of the Member Cities.
AMENDMENT NO. 6 TO AGREEMENT NO. 83-100
RELATING TO JOINT EXERCISE OF POWERS AGREEMENT
APPROVING THE CITIES OF TORRANCE AND LOMITA AS MEMBER CITIES
OF THE SOUTH BAY WORKFORCE INVESTMENT AREA

THIS AMENDMENT dated ________________, 2014, is made and entered into
by and between the Cities of Carson, El Segundo, Gardena, Hawthorne, Hermosa Beach,
Inglewood, Lawndale, Manhattan Beach, and Redondo Beach, all of which are organized
and existing under and by virtue of the laws of the State of California. Said cities are
collectively referred to as “Member Cities” and in certain contexts are referred to as
“Participating Cities.”

WHEREAS, on July 5, 1983, the original member Cities entered into Agreement
No. 83-100 in order to form a consortium under the authority of Government Code
Section 6500 within the boundaries of all Participating Cities known as the South Bay
Service Delivery Area for the delivery of employment and training services under the Job
Training Partnership Act (JTPA) and the Family Economic Security Act (FESA); and,

WHEREAS, the Workforce Investment Act (WIA) was enacted by the United
States Congress in 1998 to establish a new workforce development system to replace the
JTPA; and

WHEREAS, pursuant to the WIA, Cities created the South Bay Workforce
Investment Area to serve each of the aforementioned cities; and

WHEREAS, on April 17, 2007, by virtue of Amendment No. 4 to Agreement No.
83-100, the City of Carson, California was admitted as a full member of the South Bay
Workforce Investment Area; and

WHEREAS, the cities of Torrance and Lomita, each of which is organized and
existing under the laws of the State of California, have by actions of their respective City
Councils, formally requested to be admitted as full members of the South Bay Workforce Investment Area; and

WHEREAS, Cities are desirous of including Torrance and Lomita as full members of the South Bay Workforce Investment Area subject to all laws, rules and regulations and agreements applicable to said members;

NOW, THEREFORE, in consideration of these premises and the mutual covenants, the parties herein agree as follows:

1. The requests for membership in the South Bay Workforce Investment Area by the Cities of Torrance and Lomita shall be granted subject to the following conditions:

   a. The Cities of Torrance and Lomita shall become members in good standing of the South Bay Workforce Investment Area.

   b. The Cities of Torrance and Lomita shall be entitled to all the rights and privileges of other member cities.

   c. The Cities of Torrance and Lomita shall be subject to all terms and conditions of Joint Powers Agreement #83-100 as amended.

   d. All references to “cities” or “member cities” or “participating cities” in Agreement No. 83-100 as amended shall include the Cities of Torrance and Lomita.

2. This Amendment No. 6 shall become effective immediately on the occurrence of all of the following contingencies:

   a. It has been approved by a vote of 75% all current participating cities.

   b. Sub-Part 3 of Section 4 of Agreement No. 83-100 as previously amended shall be amended in pertinent part to read as follows:

      “WIB members shall be selected in accordance with the provisions of WIA and that each Participating City shall appoint representatives for
WIB membership in proportion to its respective share of funds received based upon the 2015 funding of the WIA."

c. The Local Area Modification Application of the South Bay Workforce Investment Board to include the Cities of Torrance and Lomita as member cities has been approved pursuant to the authority granted to the Governor of the State of California by the Workforce Investment Act of 1998 as amended and the regulations subsequently adopted thereto.

3. This Amendment No. 6 shall constitute the entire agreement of the parties and, except as amended herein, the terms and conditions of Agreement 83-100 as previously amended shall remain in full force and effect.

4. This Amendment No. 6 may be executed in as many counterparts as may be convenient, each of which when executed by any party shall be deemed an original.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 6 on the date and year first above written.
IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 6 on the date and year first above written.

CITY OF CARSON

BY_________________________
Mayor

ATTEST:

City Clerk

CITY OF EL SEGUNDO

BY_________________________
Mayor

ATTEST:

City Clerk

CITY OF GARDENA

BY_________________________
Mayor

ATTEST:

City Clerk

CITY OF HAWTHORNE

BY_________________________
Mayor

ATTEST:

City Clerk

CITY OF HERMOSA BEACH

BY_________________________
Mayor

ATTEST:

City Clerk
CITY OF INGLEWOOD

BY____________________
Mayor

ATTEST:
City Clerk

CITY OF LAWNDALE

BY____________________
Mayor

ATTEST:
City Clerk

CITY OF MANHATTAN BEACH

BY____________________
Mayor

ATTEST:
City Clerk

CITY OF REDONDO BEACH

BY____________________
Mayor

ATTEST:
City Clerk
AGENDA DESCRIPTION:

Consideration and possible action to authorize the City Manager to execute a fourth amendment to Agreement No. 4242, in a form approved by the City Attorney, with Willdan Homeland Solutions to (1) continue to provide professional, technical, and consulting support for the City's Emergency Management program; (2) extend the term of the agreement to September 30, 2015; (3) modify and increase the total amount of the Agreement to $60,530.00.

(Fiscal Impact: $60,530.00)

RECOMMENDED COUNCIL ACTION:

1. Authorize the City Manager to execute an amendment to Agreement No. 4242 with Willdan in the amount not to exceed $60,530.00.
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Draft Fourth Amendment to Agreement No. 4242 between the City of El Segundo and Willdan.
2. Third Amendment 4242C
3. Second Amendment 4242B along with Willdan Proposal and Scope of Work
4. First Amendment 4242A along with Willdan Proposal and Scope of Work
5. Agreement No. 4242 along with Willdan Cost Proposal and Scope of Work

FISCAL IMPACT:

Amount Budgeted: $60,530.00
Additional Appropriation: N/A
Account Number(s): 001-400-3255-6214 (Professional/Technical Services)

PREPARED BY: Mickie Tagle, Senior Executive Assistant
REVIEWED BY:
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND & DISCUSSION:

On January 2012, the City’s Emergency Management Coordinator accepted a position with the County of Los Angeles as the Disaster Management Area Coordinator for Area G. Staff recognized that technical and specialized expertise was and still is essential to an effective emergency program and therefore obtained a quote from Willdan to provide program management services and resources on a part-time but consistent basis, and has since hired Willdan as of March 2013.

Staff continues to recommend Willdan to provide the contracted service as they have proven to be qualified professional consulting firm. Willdan is currently providing similar emergency management services to the cities of Anaheim, Santa Ana and Tustin.
On November 27, 2012, at the Joint Disaster Council and City Council Meeting, City Council directed Staff to draft a Staff Report for inclusion in the City Council Meeting Agenda with a request to approve Willdan to provide part-time (20 hours per week) emergency management services to the City. Both Councils further recommended that these professional services be administered out of the City Manager’s Office.

On January 15, 2013, City Council authorized the City Manager to execute with Willdan, a professional agreement. Between March 11, 2013 and March 11, 2014, the total amount of the Agreement was $58,181. In March 2014, the City Council approved an extension to the Agreement from March 11, 2014 through September 30, 2014. That amendment to the Agreement also added a 2% cost of living adjustment that increased the total amount of the Agreement to $59,345 (but pro-rated the amount to only cover the time period of March 2014 through September 2014).

Staff is requesting the City Council authorize the City Manager to execute a fourth amendment to Agreement No. 4242, in a form approved by the City Attorney, with Willdan to (1) continue to provide professional, technical, and consulting support for the City’s Emergency Management program; (2) extend the term of the agreement to September 30, 2015; (3) modify and increase the total amount of the Agreement to $60,530.00.
FOURTH AMENDMENT TO
AGREEMENT NO. 4242 BETWEEN
THE CITY OF EL SEGUNDO AND
WILLDAN HOMELAND SOLUTIONS

THIS FOURTH AMENDMENT ("Amendment") is made and entered into this 16th day of September 2014, by and between the CITY OF EL SEGUNDO, a general law city and municipal corporation existing under the laws of California ("CITY"), and WILLDAN HOMELAND SOLUTIONS, a California Corporation ("CONSULTANT").

1. Pursuant to Section 35 of Agreement No. 4242 dated March 26, 2012 (the "Agreement"), Section 8 of the Agreement is amended to extend the term of the Agreement from September 30, 2014 to September 30, 2015.

2. Pursuant to Section 35 of the Agreement, Section 1C is amended to modify and increase the total amount of the Agreement to a sum not to exceed sixty thousand five hundred and thirty dollars ($60,530.00).

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 the Agreement remain the same.

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

CITY OF EL SEGUNDO

 Greg Carpenter,
City Manager

ATTEST:

 Tracy Weaver,
City Clerk

WILLDAN HOMELAND SOLUTIONS

 James E. Bailey
President and Chief Executive Officer

Taxpayer ID No. 26-0099886

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

By:
 David King,
Deputy City Attorney
THIRD AMENDMENT TO
AGREEMENT NO. 4242 BETWEEN
THE CITY OF EL SEGUNDO AND
WILLDAN HOMELAND SOLUTIONS

THIS THIRD AMENDMENT ("Amendment") is made and entered into this 10th day of March 2014, by and between the CITY OF EL SEGUNDO, a general law city and municipal corporation existing under the laws of California ("CITY"), and WILLDAN 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 March 12, 2014 to September 30, 2014.

2. Pursuant to Section 35 of the Agreement, Section 1C is amended to modify and increase fee by 2% for Cost-of-Living Adjustment (COLA) from fifty eight thousand and one hundred eighty one dollars ($58,181) to fifty nine hundred and three hundred and forty five dollars ($59,345) pro-rated to amount not to exceed thirty four thousand and four hundred and twenty dollars ($34,420).

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

Willdan Homeland Solutions
James E. Bailey
President and Chief Executive Officer

Taxpayer ID No. 26-0099886

ATTEST:
Tracy Weaver,
City Clerk

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

By:
Karl H. Berger, Assistant City Attorney
SECOND AMENDMENT TO
AGREEMENT NO. 4242 BETWEEN
THE CITY OF EL SEGUNDO AND
WILLDAN HOMELAND SOLUTIONS

THIS SECOND AMENDMENT ("Amendment") is made and entered into this _12nth_ day of February 2014, by and between the CITY OF EL SEGUNDO, a general law city and municipal corporation existing under the laws of California ("CITY"), and WILLDAN 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 March 11, 2014.

2. 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.

3. 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 CARSEGUDO

Greg Carpenter,
City Manager

Willdan Homeland Solutions

James E. Bailey
President and Chief Executive Officer

ATTEST:

Tracy Weaver,
City Clerk

Taxpayer ID No. 26-0099886

APPROVED AS TO FORM:

MARK D. HENSLEY, City Attorney

By:

Karl H. Berger, Assistant City Attorney
FIRST AMENDMENT TO
AGREEMENT NO. 4242 BETWEEN
THE CITY OF EL SEGUNDO AND
WILLDAN HOMELAND SOLUTIONS

THIS FIRST AMENDMENT ("Amendment") is made and entered into this 16TH day of January 2013, by and between the CITY OF EL SEGUNDO, a general law city and municipal corporation existing under the laws of California ("CITY"), and WILLDAN 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 September 30, 2012 to December 31, 2013.

2. Pursuant to Section 35 of the Agreement, Section 2A is amended to add additional work as set forth in attached Exhibit A to this Amendment which is incorporated by reference. City will compensate Contractor for such services in an amount not to exceed fifty eight thousand one hundred eighty one dollars ($58,181).

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

James E. Bailey
President and Chief Executive Officer

ATTEST:

Tracy Weaver
City Clerk

Taxpayer ID No. 26-0099886

APPROVED AS TO FORM:

MARK D. HENSLEY, City Attorney

By: REFER TO ATTACHED SIGNATURE PAGE

Karl H. Berger, Assistant City Attorney
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

James E. Bailey  
President and Chief Executive Officer

ATTEST:

Tracy Weaver,  
City Clerk

Taxpayer ID No. 26-0099886

APPROVED

MARK D. H.  
By: Karl F.
Lieutenant Raymond Garcia  
El Segundo Police Department  
348 Main Street  
El Segundo, CA 90245

RE: Proposal for the City of El Segundo, California  
Contract Services for Emergency Management

Dear Lieutenant Garcia:

As requested by the El Segundo Police Department, attached is the Willdan Homeland Solutions cost proposal and scope of work for emergency management contract services for the City of El Segundo:

$58,181.00 for Part-time Emergency Management Services

Willdan Homeland Solutions appreciates the opportunity to be of service to the El Segundo Police Department. If there are any questions, please do not hesitate to contact me by phone at 714-940-6389.

Sincerely,

[Signature]

James E. Bailey  
President and CEO  
Willdan Homeland Solutions
Contract Staff Support for Emergency Management

El Segundo Police Department has requested support from Willdan Homeland Solutions for the conduct of emergency management services for the City of El Segundo. Willdan offers a full complement of professional emergency management planning and consulting services that encompass a comprehensive emergency management program including planning, emergency and departmental operations centers, training and exercises in all phases of an emergency or disaster; preparedness, response, recovery and mitigation. These services provide a wide selection of customizable services for emergency management, giving the client the option of selecting the services that are needed most for their agency or jurisdiction.

Scope of Work
The selected services for the contract as determined by the El Segundo Police Department for the City of El Segundo include the following tasks and activities:

1. Update and maintenance of the City Emergency Operations Plan.
2. Update the Hazard Mitigation Plan every five years, and incorporate the plan into the City General Plan.
3. Oversee Employee Training for NIMS, SEMS, and ICS.
5. Administer and train employees on the WEB-EOC Disaster Management Software.
6. Serve as the CERT Program Coordinator for the City of El Segundo.
7. Serve as the Amateur Radio / RACES Coordinator and maintain the Communications truck.
8. Host monthly meetings for the City’s Business and Industry Group.
9. Coordinate the installation of tsunami warning signs.
10. Administer the AM Radio 1040 program and Notification lights.
11. Ensure the certification of the City as a Storm Ready / Tsunami Ready city.
12. Coordinate the Operational Area Response and Recovery System (OARRS) communication link to LACO Office of Emergency Management.
13. Coordinate with the Area “G” Disaster Management Area Coordinator.
14. Provide emergency preparedness talks to citizen groups and businesses.
15. Serve as the Emergency Operations Center Coordinator, and maintain the facilities, equipment, and supplies, and coordinate the activation and function of the EOC in the event of a disaster.
16. Coordinate disaster exercises annually.
18. Prepare disaster declarations.
19. Coordinate disaster reimbursement at State and Federal levels.
20. Serve as an advisor on the City’s Disaster Council.
21. Procure and manage contracts for equipment and supplies needed in a disaster.
22. Identify and coordinate approved shelter locations.
23. Develop an alternate EOC at Fire Station #2.
24. Oversee the City's satellite phones.
25. Oversee development of Incident Action Plans for non-emergency significant City events.
27. Manage emergency food and water supplies for employees.

Prioritization of the tasks and activities in the scope of work will be determined by the El Segundo Police Department upon approval of this proposed work plan and contract for said services. All activities and tasks will comply with the National Incident Management System (NIMS), the Standardized Emergency Management System (SEMS), and the Homeland Security Exercise and Evaluation Program (HSEEP).

**Contract Service Costs**
Willdan will provide to the City of El Segundo a part-time staff consultant with extensive experience specializing in emergency management. Willdan staff are selected for their experience, capabilities, and professionalism. Many of our staff members have served in government agencies prior to joining Willdan and bring a unique understanding of public agency needs and issues with their services. The part-time staff position will consist of 20 hours per week, or up to 80 hours per month, with the weekly hours determined by the task/activity requirements and approval of the client. The fixed cost price of $58,181.00 includes all costs associated with the scope of work described in this proposal.
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE CITY OF EL SEGUNDO AND
Willdan Homeland Solutions

This AGREEMENT is entered into this 26 day of March, 2012, by and between the CITY OF EL SEGUNDO, a municipal corporation and general law city ("CITY") and Willdan Homeland Solutions, a California Corporation ("CONSULTANT").

1. CONSIDERATION.

   A. As partial consideration, CONSULTANT agrees to perform the work listed in the SCOPE OF SERVICES, below;

   B. As additional consideration, CONSULTANT and CITY agree to abide by the terms and conditions contained in this Agreement;

   C. As additional consideration, CITY agrees to pay CONSULTANT a sum not to exceed nineteen thousand nine hundred fifty four dollars ($19,954.00) for CONSULTANT’s services. CITY may modify this amount as set forth below. Unless otherwise specified by written amendment to this Agreement, CITY will pay this sum as specified in the attached Exhibit “A,” which is incorporated by reference.

2. SCOPE OF SERVICES.

   A. CONSULTANT will perform services listed in the attached Exhibit “B,” which is incorporated by reference.

   B. CONSULTANT will, in a professional manner, furnish all of the labor, technical, administrative, professional and other personnel, all supplies and materials, equipment, printing, vehicles, transportation, office space and facilities, and all tests, testing and analyses, calculation, and all other means whatsoever, except as herein otherwise expressly specified to be furnished by CITY, necessary or proper to perform and complete the work and provide the professional services required of CONSULTANT by this Agreement.

3. PERFORMANCE STANDARDS. While performing this Agreement, CONSULTANT will use the appropriate generally accepted professional standards of practice existing at the time of performance utilized by persons engaged in providing similar services. CITY will continuously monitor CONSULTANT’s services. CITY will notify CONSULTANT of any deficiencies and CONSULTANT will have fifteen (15) days after such notification to cure any shortcomings to CITY’s satisfaction. Costs associated with curing the deficiencies will be borne by CONSULTANT.
4. **PAYMENTS.** For CITY to pay CONSULTANT as specified by this Agreement, CONSULTANT must submit a detailed invoice to CITY which lists the hours worked and hourly rates for each personnel category and reimbursable costs (all as set forth in Exhibit “A”) the tasks performed, the percentage of the task completed during the billing period, the cumulative percentage completed for each task, the total cost of that work during the preceding billing month and a cumulative cash flow curve showing projected and actual expenditures versus time to date.

5. **NON-APPROPRIATION OF FUNDS.** Payments due and payable to CONSULTANT for current services are within the current budget and within an available, unexhausted and unencumbered appropriation of the CITY. In the event the CITY has not appropriated sufficient funds for payment of CONSULTANT services beyond the current fiscal year, this Agreement will cover only those costs incurred up to the conclusion of the current fiscal year.

6. **ADDITIONAL WORK.**

   A. CITY’s city manager (“Manager”) may determine, at the Manager’s sole discretion, that CONSULTANT must perform additional work (“Additional Work”) to complete the Scope of Work. If Additional Work is needed, the Manager will give written authorization to CONSULTANT to perform such Additional Work.

   B. If CONSULTANT believes Additional Work is needed to complete the Scope of Work, CONSULTANT will provide the Manager with written notification that contains a specific description of the proposed Additional Work, reasons for such Additional Work, and a detailed proposal regarding cost.

   C. Payments over $5,000 for Additional Work must be approved by CITY’s city council. All Additional Work will be subject to all other terms and provisions of this Agreement.

7. **FAMILIARITY WITH WORK.**

   A. By executing this Agreement, CONSULTANT agrees that it has:

      i. Carefully investigated and considered the scope of services to be performed;

      ii. Carefully considered how the services should be performed; and

      iii. Understands the facilities, difficulties, and restrictions attending performance of the services under this Agreement.

   B. If services involve work upon any site, CONSULTANT agrees that CONSULTANT has or will investigate the site and is or will be fully acquainted with the conditions there existing, before commencing the services hereunder.
Should CONSULTANT discover any latent or unknown conditions that may materially affect the performance of the services, CONSULTANT will immediately inform CITY of such fact and will not proceed except at CONSULTANT’s own risk until written instructions are received from CITY.

8. **TERM.** The term of this Agreement will be from March 26, 2012 to September 30, 2012. Unless otherwise determined by written amendment between the parties, this Agreement will terminate in the following instances:

   A. Completion of the work specified in Exhibit “A”;

   B. Termination as stated in Section 16.

9. **TIME FOR PERFORMANCE.**

   A. CONSULTANT will not perform any work under this Agreement until:

      i. CONSULTANT furnishes proof of insurance as required under Section 23 of this Agreement; and

      ii. CITY gives CONSULTANT a written notice to proceed.

   B. Should CONSULTANT begin work on any phase in advance of receiving written authorization to proceed, any such professional services are at CONSULTANT’s own risk.

10. **TIME EXTENSIONS.** Should CONSULTANT be delayed by causes beyond CONSULTANT’s control, CITY may grant a time extension for the completion of the contracted services. If delay occurs, CONSULTANT must notify the Manager within forty-eight hours (48 hours), in writing, of the cause and the extent of the delay and how such delay interferes with the Agreement’s schedule. The Manager will extend the completion time, when appropriate, for the completion of the contracted services.

11. **CONSISTENCY.** In interpreting this Agreement and resolving any ambiguities, the main body of this Agreement takes precedence over the attached Exhibits; this Agreement supersedes any conflicting provisions. Any inconsistency between the Exhibits will be resolved in the order in which the Exhibits appear below:

   A. Exhibit A: Scope of Work;

   B. Exhibit B: Budget; and

   C. Exhibit C: Proposal for Services.

12. **CHANGES.** CITY may order changes in the services within the general scope of this Agreement, consisting of additions, deletions, or other revisions, and the contract sum and the
contract time will be adjusted accordingly. All such changes must be authorized in writing, executed by CONSULTANT and CITY. The cost or credit to CITY resulting from changes in the services will be determined in accordance with written agreement between the parties.

13. **TAXPAYER IDENTIFICATION NUMBER.** CONSULTANT will provide CITY with a Taxpayer Identification Number.

14. **PERMITS AND LICENSES.** CONSULTANT, at its sole expense, will obtain and maintain during the term of this Agreement, all necessary permits, licenses, and certificates that may be required in connection with the performance of services under this Agreement.

15. **WAIVER.** CITY’s review or acceptance of, or payment for, work product prepared by CONSULTANT under this Agreement will not be construed to operate as a waiver of any rights CITY may have under this Agreement or of any cause of action arising from CONSULTANT’s performance. A waiver by CITY of any breach of any term, covenant, or condition contained in this Agreement will not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant, or condition contained in this Agreement, whether of the same or different character.

16. **TERMINATION.**

   A. Except as otherwise provided, CITY may terminate this Agreement at any time with or without cause.

   B. CONSULTANT may terminate this Agreement at any time with CITY’s mutual consent. Notice will be in writing at least thirty (30) days before the effective termination date.

   C. Upon receiving a termination notice, CONSULTANT will immediately cease performance under this Agreement unless otherwise provided in the termination notice. Except as otherwise provided in the termination notice, any additional work performed by CONSULTANT after receiving a termination notice will be performed at CONSULTANT’s own cost; CITY will not be obligated to compensate CONSULTANT for such work.

   D. Should termination occur, all finished or unfinished documents, data, studies, surveys, drawings, maps, reports and other materials prepared by CONSULTANT will, at CITY’s option, become CITY’s property, and CONSULTANT will receive just and equitable compensation for any work satisfactorily completed up to the effective date of notice of termination, not to exceed the total costs under Section 1(C).

   E. Should the Agreement be terminated pursuant to this Section, CITY may procure on its own terms services similar to those terminated.

   F. By executing this document, CONSULTANT waives any and all claims for damages that might otherwise arise from CITY’s termination under this Section.
17. OWNERSHIP OF DOCUMENTS. All documents, data, studies, drawings, maps, models, photographs and reports prepared by CONSULTANT under this Agreement are CITY’s property. CONSULTANT may retain copies of said documents and materials as desired, but will deliver all original materials to CITY upon CITY’s written notice. CITY agrees that use of CONSULTANT’s completed work product, for purposes other than identified in this Agreement, or use of incomplete work product, is at CITY’s own risk.

18. PUBLICATION OF DOCUMENTS. Except as necessary for performance of service under this Agreement, no copies, sketches, or graphs of materials, including graphic art work, prepared pursuant to this Agreement, will be released by CONSULTANT to any other person or public CITY without CITY’s prior written approval. All press releases, including graphic display information to be published in newspapers or magazines, will be approved and distributed solely by CITY, unless otherwise provided by written agreement between the parties.

19. INDEMNIFICATION.

A. CONSULTANT agrees to the following:

i. **Indemnification for Professional Services.** CONSULTANT will save harmless and indemnify and at CITY’s request reimburse defense costs for CITY and all its officers, volunteers, employees and representatives from and against any and all suits, actions, or claims, of any character whatever, brought for, or on account of, any injuries or damages sustained by any person or property resulting or arising from any negligent or wrongful act, error or omission by CONSULTANT or any of CONSULTANT’s officers, agents, employees, or representatives, in the performance of this Agreement, except for such loss or damage arising from CITY’s sole negligence or willful misconduct.

ii. **Indemnification for other Damages.** CONSULTANT indemnifies and holds CITY harmless from and against any claim, action, damages, costs (including, without limitation, attorney’s fees), injuries, or liability, arising out of this Agreement, or its performance, except for such loss or damage arising from CITY’s sole negligence or willful misconduct. Should 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 this Agreement, or its performance, CONSULTANT will defend CITY (at CITY’s request and with counsel satisfactory to CITY) and will indemnify CITY for any judgment rendered against it or any sums paid out in settlement or otherwise.

B. For purposes of this section “CITY” includes CITY’s officers, officials, employees, agents, representatives, and certified volunteers.
C. It is expressly understood and agreed that the foregoing provisions will survive termination of this Agreement.

D. The requirements as to the types and limits of insurance coverage to be maintained by CONSULTANT as required by Section 23, and any approval of said insurance by CITY, are not intended to and will not in any manner limit or qualify the liabilities and obligations otherwise assumed by CONSULTANT pursuant to this Agreement, including, without limitation, to the provisions concerning indemnification.

20. ASSIGNABILITY. This Agreement is for CONSULTANT’s professional services. CONSULTANT’s attempts to assign the benefits or burdens of this Agreement without CITY’s written approval are prohibited and will be null and void.

21. INDEPENDENT CONTRACTOR. CITY and CONSULTANT agree that CONSULTANT will act as an independent contractor and will have control of all work and the manner in which is it performed. CONSULTANT will be free to contract for similar service to be performed for other employers while under contract with CITY. CONSULTANT is not an agent or employee of CITY and is not entitled to participate in any pension plan, insurance, bonus or similar benefits CITY provides for its employees. Any provision in this Agreement that may appear to give CITY the right to direct CONSULTANT as to the details of doing the work or to exercise a measure of control over the work means that CONSULTANT will follow the direction of the CITY as to end results of the work only.

22. AUDIT OF RECORDS. CONSULTANT will maintain full and accurate records with respect to all services and matters covered under this Agreement. CITY will have free access at all reasonable times to such records, and the right to examine and audit the same and to make transcript therefrom, and to inspect all program data, documents, proceedings and activities. CONSULTANT will retain such financial and program service records for at least three (3) years after termination or final payment under this Agreement.

23. INSURANCE.

A. Before commencing performance under this Agreement, and at all other times this Agreement is effective, CONSULTANT will procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

<table>
<thead>
<tr>
<th>Type of Insurance</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial general liability:</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Professional Liability</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Business automobile liability</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>
Workers compensation | Statutory requirement

B. Commercial general liability insurance will meet or exceed the requirements of the most recent ISO-CGL Form. The amount of insurance set forth above will be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies will be endorsed to name CITY, its officials, and employees as "additional insureds" under said insurance coverage and to state that such insurance will be deemed "primary" such that any other insurance that may be carried by CITY will be excess thereto. Such endorsement must be reflected on ISO Form No. CG 20 10 11 85 or 88, or equivalent. Such insurance will be on an "occurrence," not a "claims made," basis and will not be cancelable or subject to reduction except upon thirty (30) days prior written notice to CITY.

C. Professional liability coverage will be on an "occurrence basis" if such coverage is available, or on a "claims made" basis if not available. When coverage is provided on a "claims made basis," CONSULTANT will continue to renew the insurance for a period of three (3) years after this Agreement expires or is terminated. Such insurance will have the same coverage and limits as the policy that was in effect during the term of this Agreement, and will cover CONSULTANT for all claims made by CITY arising out of any errors or omissions of CONSULTANT, or its officers, employees or agents during the time this Agreement was in effect.

D. Automobile coverage will be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto).

E. CONSULTANT will furnish to CITY duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement and such other evidence of insurance or copies of policies as may be reasonably required by CITY from time to time. Insurance must be placed with insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A:VII."

F. Should CONSULTANT, for any reason, fail to obtain and maintain the insurance required by this Agreement, CITY may obtain such coverage at CONSULTANT’s expense and deduct the cost of such insurance from payments due to CONSULTANT under this Agreement or terminate pursuant to Section 16.

24. USE OF SUBCONTRACTORS. CONSULTANT must obtain CITY’s prior written approval to use any consultants while performing any portion of this Agreement. Such approval must approve of the proposed consultant and the terms of compensation.

25. INCIDENTAL TASKS. CONSULTANT will meet with CITY monthly to provide the status on the project, which will include a schedule update and a short narrative description of
progress during the past month for each major task, a description of the work remaining and a
description of the work to be done before the next schedule update.

26. NOTICES. All communications to either party by the other party will be deemed made
when received by such party at its respective name and address as follows:

If to CONSULTANT:  
Willdan Homeland Solutions  
2401 East Katella Ave., Suite 220  
Anaheim, CA 92806  
Attention: Lan T. Nguyen

If to CITY:  
City of El Segundo  
350 Main Street  
El Segundo, CA 90245  
Attention: Captain Brian Evanski

Any such written communications by mail will be conclusively deemed to have been received by
the addressee upon deposit thereof in the United States Mail, postage prepaid and properly
addressed as noted above. In all other instances, notices will be deemed given at the time of
actual delivery. Changes may be made in the names or addresses of persons to whom notices are
to be given by giving notice in the manner prescribed in this paragraph.

27. CONFLICT OF INTEREST. CONSULTANT will comply with all conflict of interest
laws and regulations including, without limitation, CITY’s conflict of interest regulations.

28. SOLICITATION. CONSULTANT maintains and warrants that it has not employed nor
retained any company or person, other than CONSULTANT’s bona fide employee, to solicit or
secure this Agreement. Further, CONSULTANT warrants that it has not paid nor has it agreed
to pay any company or person, other than CONSULTANT’s bona fide employee, any fee,
commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting
from the award or making of this Agreement. Should CONSULTANT breach or violate this
warranty, CITY may rescind this Agreement without liability.

29. THIRD PARTY BENEFICIARIES. This Agreement and every provision herein is
generally for the exclusive benefit of CONSULTANT and CITY and not for the benefit of any
other party. There will be no incidental or other beneficiaries of any of CONSULTANT’s or
CITY’s obligations under this Agreement.

30. INTERPRETATION. This Agreement was drafted in, and will be construed in accordance
with the laws of the State of California, and exclusive venue for any action involving this
agreement will be in Los Angeles County.

31. COMPLIANCE WITH LAW. CONSULTANT agrees to comply with all federal, state,
and local laws applicable to this Agreement.

32. ENTIRE AGREEMENT. This Agreement, and its Attachments, sets forth the entire
understanding of the parties. There are no other understandings, terms or other agreements
expressed or implied, oral or written. There are one (1) Attachments to this Agreement. This
Agreement will bind and inure to the benefit of the parties to this Agreement and any subsequent successors and assigns.

33. **RULES OF CONSTRUCTION.** Each Party had the opportunity to independently review this Agreement with legal counsel. Accordingly, this Agreement will be construed simply, as a whole, and in accordance with its fair meaning; it will not be interpreted strictly for or against either Party.

34. **SEVERABILITY.** If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, then such portion will be deemed modified to the extent necessary in the opinion of the court to render such portion enforceable and, as so modified, such portion and the balance of this Agreement will continue in full force and effect.

35. **AUTHORITY/MODIFICATION.** The Parties represent and warrant that all necessary action has been taken by the Parties to authorize the undersigned to execute this Agreement and to engage in the actions described herein. This Agreement may be modified by written amendment. CITY’s executive manager, or designee, may execute any such amendment on behalf of CITY.

36. **ACCEPTANCE OF FACSIMILE SIGNATURES.** The Parties agree that this Agreement, agreements ancillary to this Agreement, and related documents to be entered into in connection with this Agreement will be considered signed when the signature of a party is delivered by facsimile transmission. Such facsimile signature will be treated in all respects as having the same effect as an original signature.

37. **CAPTIONS.** The captions of the paragraphs of this Agreement are for convenience of reference only and will not affect the interpretation of this Agreement.

38. **TIME IS OF ESSENCE.** Time is of the essence for each and every provision of this Agreement.

39. **FORCE MAJEURE.** Should performance of this Agreement be prevented due to fire, flood, explosion, acts of terrorism, war, embargo, government action, civil or military authority, the natural elements, or other similar causes beyond the Parties’ reasonable control, then the Agreement will immediately terminate without obligation of either party to the other.

40. **STATEMENT OF EXPERIENCE.** By executing this Agreement, CONSULTANT represents that it has demonstrated trustworthiness and possesses the quality, fitness and capacity to perform the Agreement in a manner satisfactory to CITY. CONSULTANT represents that its financial resources, surety and insurance experience, service experience, completion ability, personnel, current workload, experience in dealing with private consultants, and experience in dealing with public agencies all suggest that CONSULTANT is capable of performing the proposed contract and has a demonstrated capacity to deal fairly and effectively with and to satisfy a public CITY.

[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,
Interim City Manager

WILLDAN HOMELAND SOLUTIONS
James E. Bailey
President and Chief Executive Officer

ATTEST:
Cindy Montecen,
City Clerk

Taxpayer ID No. 26-0099886

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

By: Karl H. Berger,
Assistant City Attorney

Elizabeth M. Calcagno,
Deputy City Attorney
February 9, 2012

Chief Tavera  
El Segundo Police Department  
348 Main Street  
El Segundo, CA 90245  

SUBJECT: COST PROPOSAL AND SCOPE OF WORK FOR CONTINUITY OF OPERATIONS PLAN FOR EL SEGUNDO

Dear Chief Tavera:

As requested by the City of El Segundo Police Department, attached is the Willdan Homeland Solutions cost proposal to support the development of the Continuity of Operations plan. Our cost estimate of $19,954 covers the work described in the scope of work.

It will be a pleasure working with the City of El Segundo to design the Continuity of Operations Plan that ensures the continuation of government and the performance of essential functions during and after an emergency, disaster, or other disruption to normal City operations. Local governments play an integral role in determining the needs of the public and in providing essential services on a day-to-day basis. The City of El Segundo’s involvement in this project will further demonstrate its steadfast commitment to the continuation of these services and the safety and protection of its citizens, employees, and visitors.

Willdan Homeland Solutions appreciates the opportunity to be of service to the City of El Segundo Police Department. If there are any questions, please do not hesitate to contact me by phone at 760-521-5087.

Sincerely,

James E. Bailey  
President and Chief Operating Officer  
Willdan Homeland Solutions
Scope of Work

The following narrative describes in detail our understanding of the contemplated work along with the approach our team intends to use to deliver and complete the tasks needed to develop a viable Continuity of Operations Plan. **Our approach is based on the successful completion of similar projects. We will apply lessons learned and best practices from previous continuity of operations plan projects to this project, providing the City of El Segundo with the most efficient and cost effective Continuity of Operations (COOP) Plan.**

**Department Director Kick-Off Meeting**

The Willdan Team will work closely with the City of El Segundo Continuity of Operations (COOP) Plan Development Project Manager to schedule a **Department Director COOP Project Kick-off Meeting.** The purpose of this meeting is to introduce the COOP Project to the department directors; provide an overview of fundamental COOP concepts; and identify the planning requirements and responsibilities. The Willdan Planning Team Leader (proposed Project Manager) will conduct this meeting and provide recommendations on identifying department-level continuity planners to ensure successful completion of the project and highlight the project schedule. During this meeting, we will distribute and review the materials needed for the completion of the project with department directors; this will ensure project “buy-in,” provide directors with a solid understanding of the project, and establish a working relationship between the City of El Segundo and Willdan.

**Phase I: Assessment and Data Collection**

The purpose of this **Phase I** is to identify the essential functions and critical processes within the City of El Segundo that must continue as well as to determine the support elements associated with each essential function. **Overall, the Willdan Team's goal is to assist the City with identifying and documenting these capabilities to ensure the continued performance of services during and after any emergency, regardless of scope or duration.**

Willdan has a proven record of helping local municipalities within Southern California achieve their unique continuity goals.

In this phase, the Willdan Team will work with the department continuity planners (identified by department directors following the Kick-off Meeting) through progressive data gathering meetings to gather information and to establish basic procedures related to how the City of El Segundo as a whole will manage incidents requiring COOP activation. These meetings will be used to introduce the COOP concepts to the planners, collect COOP-related data, and ensure major milestones are met and the project remains on schedule. The Willdan Team will conduct two (2) COOP data gathering meetings per department; the second data gathering meeting will build upon the first. During our meetings, we will use our proven methodology of a customized COOP survey to collect information on all elements of a viable COOP capability. The Willdan Team will review these documents and incorporate relevant data into the current COOP plan, if necessary. The envisioned COOP Plan will include the following elements as outlined in the Continuity Guidance Circular (CGC) 1, Guidance for Non-Federal Entities, dated January 21, 2009:

i. **Essential Functions:** The Willdan Team will work closely with continuity planners to identify and document department-level essential functions. As essential functions form the basis of a continuity plan, it is imperative that they are accurately identified in the beginning of the project. We will ensure that continuity planners are provided with clear guidance to accurately identify all their essential functions to include essential functions executed by contactors and subsequently gather information on supporting elements and interdependencies.
ii. **Order of Succession:** In the event that key leaders are no longer capable of fulfilling their responsibilities, we will work together to identify key leadership positions within each department and within the City as a whole and codify lines of succession for each position.

iii. **Delegation of Authority:** Ensuring that leadership positions are always filled by qualified leaders is critical in a continuity and/or emergency situation. The Willdan Team will work with City of El Segundo staff to document delegations of authority (2-3 individuals deep), in the event that key leaders are unavailable to fill their roles. We will also document any limitations in the delegations of authority. Finally, the Willdan Team will work with the City Project Manager to establish pre-delegated emergency authorities for key officials.

iv. **Continuity Facilities and Alternate Worksites:** Alternate facilities are a complex, time-consuming and potentially expensive aspect of continuity planning. Within the scope of this project, we will explore all the primary facilities operated by the City, and their potential use as a continuity facility for different staff. We will gather information on existing building capabilities (telecommunications, office space and equipment, parking, etc.) for each facility to allow management to have a snapshot of current capabilities throughout the city in the event facilities are affected by an incident.

v. **Continuity Communications, pertaining to essential functions:** During a continuity event, the City of El Segundo will need to communicate effectively internally and externally with stakeholders, residents, vendors, and other governmental entities. During our data collection process, we will identify the City's specific communication requirements, including quantities of each requirement.

vi. **Human Capital:** The human capital aspect of continuity planning should take several aspects into consideration. We will explore existing notification procedures that are used to contact staff (including staff positions filled by contractors) both during working hours and after working hours. If these procedures are not sufficient, we will collaborate with continuity planners to develop notification procedures to ensure that staff can be reached in the event of an incident. Maintaining current notification procedures allows management to reach all staff to determine individual status and identify who is available to support continuity efforts. Our human capital planning will also identify appropriate staff to perform essential functions and supporting activities.

vii. **Vital Records Management:** The Willdan Team will work with city continuity planners to identify all vital records and databases needed to perform essential functions. This will include documenting how each record is stored (electronic/hardcopy); storage location; identification of record-keepers by position; security considerations; and back-up status. Maintaining a current list of vital records will allow Information Systems staff to understand requirements and plan to support as required.

viii. **Test, Training, and Exercises (TT&E) Program:** Developing and implementing a continuity TT&E program improves resiliency on many levels. First, training staff on the purpose of the plan and respective roles and responsibilities and ensures that continuity staff members are better prepared and understand expectations. Second, testing capabilities of a plan ensure that procedures function as documented in the plan; and finally, exercising ensures the human element of responding meshes with the available capabilities and procedures. The Willdan Team will develop a recommended continuity TT&E program for inclusion in the plan.

ix. **Devolution of Control and Direction:** Devolution is a complex topic at the city level. We will share our recommendations on how to approach devolution planning based on our experience with 30 city continuity plans within Orange County, CA.

x. **Reconstitution Operations:** Our team will work with city continuity planners to identify elements of reconstitution planning and incorporate them into the COOP plan, including a task checklist to follow during the transition back to normal operations.
xi. **Vital Systems and Equipment:** The Willdan Team will help planners identify the specific IT systems needed for the continued performance of essential functions. We will also document the specialized equipment (e.g., tools, vehicles) required for each essential function.

Key departmental continuity planners will gather and submit the department-specific data to the Willdan Team within a specified timeframe, as identified in the Proposed Project Schedule below. The Willdan staff will closely monitor the data gathering efforts and will conduct additional meetings, conference calls, and communicate via phone and email as necessary to obtain accurate and detailed information from the planners. In addition, the Willdan Team will request each department to provide any existing plans, including already existing City policy and ordinances supporting continuity, business impact analyses, continuity plans, standard operating procedures, notification procedures and/or contact lists that may be pertinent to the COOP plan development efforts. The review of these documents will not be a substitute for original data gathering at the department level. During the data collections phase, the Willdan Team anticipates identifying gaps in preparedness; if this arises, gaps will be communicated to the City of El Segundo with recommendations on methods to increase preparedness.

Simultaneous with data collection efforts, the Willdan Team will customize the COOP plan template to meet the requirements of Federal and State guidance. The template will be organized in a user-friendly format that includes checklists and tables to meet the needs of the City of El Segundo. Prior to transferring data into the City’s customized template, the Willdan Team will discuss the structure of the plan with the City’s Project Manager.

In addition, city continuity planners will be required to review the completed draft survey with their respective department director to ensure all data is appropriately captured. Upon director approval of survey data, continuity planners will submit the survey to the Willdan Team; Phase II will commence once Willdan has received complete and director-approved surveys from all departments.

**Phase II: Plan Development**


The Willdan Team will develop and conduct a **Citywide Concept of Operations Meeting** with identified continuity planners. During this meeting, we will work together to determine how the city as a whole will manage event requiring the activation of the COOP plan, including identifying the highest priorities of the city, and allocation of limited resources and work sites during shortages.

*The Willdan Team will do the “heavy lifting” in this project, specifically in terms of determining the data that needs to be collected and developing the draft COOP plan.* We will rely on our key stakeholders, including the continuity planners and department directors to provide current, accurate information and to conduct a thorough review of the draft plan and provide revisions. The intent and scope of the COOP plan is to establish the framework to ensure the City of El Segundo has the ability to carry out its critical mission, regardless of the circumstances that may result from any man-made, technological, or natural disaster, and to respond to and manage disaster incidents within the jurisdiction and purview of the City.

The COOP plan will be designed to serve as a tool to help the City of El Segundo effectively resume essential functions within 12 hours of an emergency, with or without advance warning, and to sustain continuous operations for the entire cycle of the incident up to 30 days. The plan will address the emergencies from an all-hazards approach. Emergencies and corresponding continuity considerations
outlined in the plan will include: Localized Emergency Requiring Relocation to Alternate Facilities (e.g., structural, fire, water damage, etc.); Widespread or Catastrophic Emergency Requiring Relocation to Alternate Facilities (e.g. earthquake, widespread power outage, toxic chemical spill, terrorist act, etc.); and Widespread Emergency NOT Requiring Relocation to Alternate Facilities (e.g., major disease outbreak).

**Phase III: Continuity Plan Training**

Training and exercising ensures that City of El Segundo staff members are aware of their roles and responsibilities during an emergency, ensures systems and equipment are maintained in a constant state of readiness, and validates aspects of the COOP Plan. The Willdan Team will develop a Continuity Plan Training PowerPoint and supply supporting documents for city staff to conduct the training. The objectives of the training session will be to create awareness and familiarity within the City of El Segundo and enhance each staff member’s knowledge of the City of El Segundo COOP Plan.

**Phase IV: Finalize and Deliver COOP Plan**

The final phase, *Phase III*, will be devoted to reviewing, critiquing and finalizing the COOP plan. The Willdan Team will deliver one (1) hardcopy of the final City of El Segundo COOP Plan as well as a CD-ROM with the final plan in MS Word.

### PROPOSED PROJECT SCHEDULE

The following project schedule provides the completion timeframes for each task required for successful completion of the City’s COOP however, the schedule can be modified if necessary.

<table>
<thead>
<tr>
<th>Milestone/Deliverable</th>
<th>Proposed Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Approval</td>
<td>February 21, 2012</td>
</tr>
<tr>
<td>Department Director COOP Project Kick-off Meeting</td>
<td>Week of March 5 - 9, 2012</td>
</tr>
<tr>
<td>Conduct Planning Meetings #1</td>
<td>Week of March 12-16, 2012</td>
</tr>
<tr>
<td>Conduct Planning Meetings #2</td>
<td>Week of March 19-23, 2012</td>
</tr>
<tr>
<td>Develop draft plan template</td>
<td>4 weeks in duration, simultaneous with other tasks</td>
</tr>
<tr>
<td>Deadline for planners to submit final tables to Willdan</td>
<td>April 23 – 27, 2012</td>
</tr>
<tr>
<td>Review final tables from all departments</td>
<td>Week of May 1-4, 2012</td>
</tr>
<tr>
<td>Conduct Citywide Concept of Operations Meeting</td>
<td>Week of May 21 - 25, 2012</td>
</tr>
<tr>
<td>Develop draft plans</td>
<td>Week of May 29-June 1, 2012</td>
</tr>
<tr>
<td>Submit draft plans to El Segundo planners for review</td>
<td>Week of June 4-8, 2012</td>
</tr>
<tr>
<td>Incorporate revisions and finalize plans</td>
<td>Weeks of June 18-29, 2012</td>
</tr>
<tr>
<td>Deliver final COOP Plan</td>
<td>July 6, 2012</td>
</tr>
</tbody>
</table>

### Fee Proposal

Based on the scope of work detailed in the previous section, the fixed cost price is $19,954.
AGENDA DESCRIPTION:

Consideration and possible action regarding authorization for the Police Department to 1) replace the current Animal Control Ford F350 utility vehicle (Unit #4002) with a 2014 Ford F150 pick-up truck from National Auto Fleet; (2) purchase one slide-in animal control unit from Jones Trailer Company; and (3) purchase overhead emergency lighting equipment for the proposed vehicle, using Equipment Replacement Funds.
(Fiscal Impact: $36,300)

RECOMMENDED COUNCIL ACTION:

1) Authorize the Police Department to purchase one Ford F150 pick up truck from National Auto Fleet Group under an existing contract with NJPA (National Joint Powers Alliance) contract #102811 for an estimated cost of $25,500.

2) Authorize staff to purchase one slide-in animal control unit from Jones Trailer Company in an amount not to exceed $8,300.

3) Authorize staff to purchase and install Animal Control and City seal decals, and overhead emergency lighting for the proposed new Animal Control vehicle from the South Bay Regional Public Communications Authority at an estimated cost of $2,500.

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

ATTACHED SUPPORTING DOCUMENTS:

- Photos of 2001 Ford F350 – rust and interior damage
- State of California contract pricing and specifications for 2014 Ford F150 from National Auto Fleet Group
- Quote from Deerskin MFG. Inc.
- Quote from American Aluminum
- Quote from Jones Trailer Company
- Quote from South Bay Regional Public Communications Authority

FISCAL IMPACT: $36,300

Amount Budgeted: $31,744.00 - 601-400-3101-8105 - Equipment Replacement
Additional Appropriation: $4,556
Account Number(s): 001-400-2501-6214 – Police Administration - Professional/Technical Services

ORIGINATED BY: Brian Evansi, Captain
REVIEWED BY: Mitch Ta vera, Chief of Police
APPROVED BY: Greg Carpenter, City Manager
BACKGROUND AND DISCUSSION:

The 2001 Ford F350 Utility Animal Control vehicle has been in service for nearly 13 years and is approaching 140,000 miles. Recently, maintenance expenses have increased due to a failing electrical system and continued transmission problems. An evaluation conducted by City maintenance staff determined that costly repairs will soon be necessary to replace the V10 engine, motor mounts, front axle seals and bearings. Moreover, several areas on the truck utility bed have severe rust damage and holes causing moderate water leakage.

In addition to daily animal control functions, the Animal Control vehicle is routinely utilized for traffic control and parking enforcement. Performing these functions is often difficult due to the size of the truck. Entering into many parking structures and maneuvering within small parking lots is sometimes prohibited because the overall size of the truck is too large.

Finally, the current Animal Control vehicle has a 10 cylinder engine and averages 6 MPG in the city. Staff has determined this engine displacement to be oversized and unnecessary to efficiently perform the functions conducted by the Animal Control Officer. After utilizing the current animal control vehicle for several years, it is clear that a smaller and more economical vehicle can fulfill our needs.

Due to the condition of the vehicle, the nature and intensity of use, the Animal Control truck is now in need of replacement.

Staff researched several replacement solutions including a smaller sized utility or pick-up truck, a cargo van, and a Sport Utility Vehicle (SUV). Based on their research, Staff concluded that downsizing to a Ford F150 pick-up truck is the most practical solution due to its functionality, smaller size, improved gas mileage, and easy maneuverability. Staff proposes the purchase of a 2014 Ford F150 (8 cylinder) pick-up truck that averages 15 MPG in the city at an estimated cost of $26,000.

To ensure proper animal care, transportation and safety, the current vehicle is designed and equipped with divided air-conditioned compartments that are sealed and waterproof for easy cleaning. In an attempt to locate companies that manufacture and install similar equipment for the new pick-up truck, Staff determined a slide-in unit for the rear of the vehicle would best suit the Department’s needs. Through research, Staff found that only a few companies produce such slide-in units and no such manufacturers are located in California. Staff did identify and obtain quotes from three out of state companies:

- Deerskin MFG. Inc. $9,505
- American Aluminum $8,300 (Does not include air conditioning)
- Jones Trailer Company $8,265 (GSA contract pricing)
Staff concluded the Jones Trailer Company located in Texas produces the best slide-in unit suited for our animal control duties. This determination was based on price, desirable features, and a customer service satisfaction survey we conducted with several other municipal animal control units utilizing the Jones Trailer Company product. Additionally, the Jones Trailer Company animal control slide-in unit can be installed and affixed to the new truck by City maintenance personnel.

For the purpose of increased public safety, and because the animal control vehicle is used for traffic control and parking enforcement, Staff recommends that identifying decals and emergency overhead lighting be installed on the truck. The light bar will be purchased from, and installed by the South Bay Regional Public Communications Authority through the existing contract at an estimated cost of $2,000.

Staff requests the City Council authorize the purchase of the Ford F150 pick-up truck, the slide-in unit, decals and the overhead emergency lighting for a cost not to exceed $36,300.

The Equipment Replacement Fund has a balance of $31,744 for the replacement of the Animal Control vehicle. The additional funding needed for this purchase will be transferred from the Police Administration – Professional/Technical Services account.
July 16, 2014

Ray Garcia  
El Segundo Police Department  
348 Main St.  
El Segundo, CA 90245  
Delivery Via Email

Dear Lt. Garcia,

In response to your inquiry, we are pleased to submit the following for your consideration:

National Auto Fleet Group will sell, service and deliver at El Segundo, new/unused 2014 Ford F150 super cab pickup responding to your requirement with the attached specifications for $22,991.00 plus State Sales Tax, and $8.75 tire tax (non-taxable). These vehicles are available under the NJPA master vehicle contract# 102811. 4x4 option cost is 3,420.00.

Terms are net 30 days.

National Auto Fleet Group welcomes the opportunity to assist you in your vehicle requirements.

[Signature]

John Oviyach  
National Account Law Enforcement Manager  
National Auto Fleet Group
### VEHICLE REPORT

#### SELECTED MODEL

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>X1C</td>
<td>2014 Ford F-150 4x2 SuperCab Styleside 6.5' box 145&quot; WB XL</td>
</tr>
</tbody>
</table>

#### SELECTED VEHICLE COLORS

- Interior: STEEL GRAY
- Exterior 1: OXFORD WHITE
- Exterior 2: No color has been selected.

#### SELECTED OPTIONS

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100A</td>
<td><strong>PACKAGES</strong>&lt;br&gt;Equipment Group 100A Base  3.7L V6 FFV; (446) Transmission: Electronic 6-Speed Automatic; Includes tow/haul mode; (X26) 3.73 Axle Ratio; STDGV GVWR: 6,700 lbs Payload Package; (17B) Tires: P235/75R17 BSW A/T (S); (64C) Wheels: 17&quot; Gray Styled Steel; (A) Vinyl 40/20/40 Front Seat; (STDRD) Radio: AM/FM Stereo/Clock</td>
</tr>
<tr>
<td>99F</td>
<td><strong>POWERTRAIN</strong>&lt;br&gt;Engine: 5.0L V8 FFV (X27) 3.31 Axle Ratio; (NONGV) GVWR: 7,100 lbs Payload Package</td>
</tr>
<tr>
<td>446</td>
<td>Transmission: Electronic 6-Speed Automatic Includes tow/haul mode.</td>
</tr>
<tr>
<td>XH9</td>
<td>Limited Slip w/3.55 Axle Ratio</td>
</tr>
</tbody>
</table>
## SELECTED OPTIONS

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Class</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>POWERTRAIN (Continued)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>GVWR: 7,100 lbs Payload Package</td>
<td>INC</td>
</tr>
<tr>
<td></td>
<td><strong>WHEELS &amp; TIRES</strong></td>
<td></td>
</tr>
<tr>
<td>T7B</td>
<td>Tires: P235/75R17 BSW A/T (5)</td>
<td>INC</td>
</tr>
<tr>
<td>64C</td>
<td>Wheels: 17&quot; Gray Styled Steel</td>
<td>INC</td>
</tr>
<tr>
<td></td>
<td><strong>SEATS &amp; SEAT TRIM</strong></td>
<td></td>
</tr>
<tr>
<td>U</td>
<td>Cloth Bucket Seats (Fleet)</td>
<td>OPT</td>
</tr>
<tr>
<td></td>
<td>Center Console. Includes manual driver lumbar.</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>OTHER OPTIONS</strong></td>
<td></td>
</tr>
<tr>
<td>145WB</td>
<td>145&quot; Wheelbase</td>
<td>STD</td>
</tr>
<tr>
<td>58B</td>
<td>Radio: AM/FM Stereo/Single-CD Player w/Clock (FLT)</td>
<td>OPT</td>
</tr>
<tr>
<td></td>
<td>Includes auxiliary audio input jack, speed-compensated volume control and customer information display.</td>
<td></td>
</tr>
<tr>
<td>85A</td>
<td>Power Equipment Group</td>
<td>OPT</td>
</tr>
<tr>
<td></td>
<td>Black Power Mirrors; Illuminated Entry; Perimeter Alarm; Power Door Locks : Includes integrated key transmitter keyless-entry (includes Autolock); Power Front &amp; Rear Windows</td>
<td></td>
</tr>
<tr>
<td>535</td>
<td>Trailer Tow Package</td>
<td>OPT</td>
</tr>
<tr>
<td></td>
<td>Auxiliary Transmission Oil Cooler; SelectShift Transmission; Upgraded Radiator. Includes 7-pin wiring harness and class IV trailer hitch receiver. REQUIRED for towing over 5,000 lbs.</td>
<td></td>
</tr>
<tr>
<td>PAINT</td>
<td>Monotone Paint Application</td>
<td>STD</td>
</tr>
<tr>
<td></td>
<td><strong>FLEET OPTIONS</strong></td>
<td></td>
</tr>
<tr>
<td>85H</td>
<td>Back Up Alarm System</td>
<td>OPT</td>
</tr>
<tr>
<td>942</td>
<td>Daytime Running Lamps</td>
<td>OPT</td>
</tr>
<tr>
<td></td>
<td><strong>INTERIOR COLORS FOR : PRIMARY W/ XL (SUPERS)</strong></td>
<td></td>
</tr>
<tr>
<td>US</td>
<td>Steel Gray</td>
<td>OPT</td>
</tr>
<tr>
<td></td>
<td><strong>EXTERIOR COLORS FOR : PRIMARY W/ XL (SUPERS)</strong></td>
<td></td>
</tr>
</tbody>
</table>
### VEHICLE REPORT

2014 Ford F-150 XLT 4x2 SuperCab Styleside 6.5' box 145" WB XL

### SELECTED OPTIONS

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Class</th>
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</thead>
<tbody>
<tr>
<td>YZ</td>
<td>EXTERIOR COLORS FOR : PRIMARY W/XL (SUPERS) (Continued)</td>
<td>OPT</td>
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<tr>
<td></td>
<td>Oxford White</td>
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</tr>
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</table>

### OPTIONS TOTAL
**VEHICLE REPORT**

**STANDARD EQUIPMENT**

**Powertrain**
- 360hp 5.0L DOHC 32 valve V-8 engine with variable valve control, variable intake length, SMPI
- Recommended fuel: regular unleaded
- Emissions Type: California
- 6 speed automatic transmission with overdrive, SelectShift sequential sport shift, driver mode select
- Rear-wheel drive
- Limited slip differential
- Fuel Economy City: 15mpg
- Fuel Economy Highway: 21mpg
- Fuel Tank Capacity: 26.0gal.

**Suspension/Handling**
- Front independent double wishbone suspension with anti-roll bar, gas-pressurized shocks
- Rear rigid axle leaf suspension with gas-pressurized shocks
- Speed-sensing electric power-assist rack-pinion steering
- Front and rear 17" x 7.5" gray styled steel wheels with hub covers
- P235/75SR17.0 BSW AT front and rear tires

**Body Exterior**
- 4 doors
- Reverse opening left rear passenger door
- Reverse opening right rear passenger door
- Driver and passenger power remote door mirrors
### VEHICLE REPORT

**STANDARD EQUIPMENT**

**Body Exterior (Continued)**

- Black door mirrors
- Argent bumpers
- Trailer hitch
- Trailer harness
- Pickup box style: regular
- Clearcoat paint

**Convenience**

- Manual air conditioning
- Power windows
- Driver and passenger 1-touch down
- Driver and passenger 1-touch up
- Remote power door locks with 2 stage unlock and illuminated entry
- Manual tilt steering wheel
- Day-night rearview mirror
- Front and rear cupholders
- Passenger visor vanity mirror
- Covered floor storage
- Driver and passenger door bins
- Rear door bins

**Seats and Trim**
• VEHICLE REPORT

STANDARD EQUIPMENT

Seats and Trim (Continued)

• Seating capacity of 5
• Front bucket seats
• 4-way driver seat adjustment
• Manual driver lumbar support
• 4-way passenger seat adjustment
• Center front armrest
• 60-40 folding rear split-bench seat
• Cloth seat upholstery

Entertainment Features

• AM/FM stereo radio with radio data system
• Single CD player
• MP3 decoder
• 4 speakers
• Fixed antenna

Lighting, Visibility and Instrumentation

• Halogen aero-composite headlights
• Variable intermittent front windshield wipers
• Light tinted windows
• Tachometer
• Oil pressure gauge
Lighting, Visibility and Instrumentation (Continued)

* Low tire pressure warning
* Trip odometer

Safety and Security

* 4-wheel ABS brakes
* 4-wheel disc brakes
* AdvanceTrac w/Roll Stability Control electronic stability
* ABS and driveline traction control
* Dual front impact airbag supplemental restraint system
* Dual seat mounted side impact airbag supplemental restraint system
* Safety Canopy System curtain 1st and 2nd row overhead airbag supplemental restraint system
* Airbag supplemental restraint system occupancy sensor
* Remote activated perimeter/approach lighting
* Power remote door locks with 2 stage unlock and panic alarm
* Security system with SecuriLock immobilizer
* Manually adjustable front head restraints
* 3 manually adjustable rear head restraints

Specs and Dimensions

* Engine displacement: 5.0L
* Engine horsepower: 360hp @ 5,500RPM
* Engine torque: 380 lb.-ft. @ 4,250RPM
**VEHICLE REPORT**

2014 Ford F-150 X1C 4x2 SuperCab Styleside 6.5' box 145" WB XL

### STANDARD EQUIPMENT

**Specs and Dimensions (Continued)**

- **Bore x stroke**: 3.63" x 3.65"
- **Compression ratio**: 10.50:1
- **Gear ratios (1st)**: 4.17
- **Gear ratios (2nd)**: 2.34
- **Gear ratios (3rd)**: 1.52
- **Gear ratios (4th)**: 1.14
- **Gear ratios (5th)**: 0.86
- **Gear ratios (6th)**: 0.69
- **Gear ratios (reverse)**: 3.40
- **Curb weight**: 5,223 lbs.
- **GVWR**: 7,100 lbs.
- **Front GAWR**: 3,750 lbs.
- **Rear GAWR**: 3,850 lbs.
- **Payload**: 1,870 lbs.
- **Towing capacity**: 9,500 lbs.
- **Exterior length**: 231.8"
- **Exterior body width**: 79.2"
- **Exterior height**: 75.2"
- **Wheelbase**: 145.0"
STANDARD EQUIPMENT

**Specs and Dimensions (Continued)**

* Front tread: 67.0"
* Rear tread: 67.0"
* Turning radius: 23.5'
* Min ground clearance: 8.6"
* Front legroom: 41.4"
* Rear legroom: 33.4"
* Front headroom: 41.0"
* Rear headroom: 39.6"
* Front hiproom: 60.5"
* Rear hiproom: 65.4"
* Front shoulder room: 65.9"
* Rear shoulder room: 65.7"
* Passenger volume: 114.8cu.ft.
* Approach angle: 23.1 deg
* Departure angle: 23.7 deg
* Interior cargo volume seats folded: 44.8cu.ft.
* Interior maximum cargo volume: 40.9cu.ft.
* Box length: 78.0"
* 5th-wheel towing capacity: 9,500 lbs.
ACSI4G-SWB
(Chevrolet, Dodge, Ford Full Size SWB)
SPECIFICATIONS FOR 4 COMPARTMENT
SLIDE IN ANIMAL CONTROL UNIT

ACSI4G-SWB Will Fit Full Size Short Bed Trucks
ACSI4G Units Built For Toyota's, Isuzu's or Dodge Dakota’s Are Custom Built

Overall Dimensions: 68"wide, 42" tall, 76" long

Compartment Dimensions:
Storage Compartment: 11"wide, 24"tall, 68"deep
First Compartment Each Side: 20"wide, 24"tall, 34"deep
Rear Animal Compartment: 28" wide, 42"tall, 36"deep

Construction:
Framing is 1" square tubing frame with expanded steel partition, welded. The entire unit is hot dipped galvanized. The outside skin is 040 white, baked on enamel, aluminum. Compartment doors are 1/8 solid aluminum with 12 X 12 grills for ventilation on the side doors, and 18 X 24 grills on the rear doors. Doors are painted white with automotive polyurethane paint. Door handles are locking tee handles keyed alike. Door hinges are continuous stainless steel hinge.

12 Volt Exhaust Fans—The fans are installed in the roof of the unit to exhaust heat from each compartment. Each fan is 800 CFM which exceeds manufactures rating.

4-Secondary Safety Doors—These doors are located inside the primary door and are constructed of 125 aluminum with ¼” holes punched for ventilation and a catch pole cutout.

Interior Lights—An interior light can be installed in each compartment with all switches mounted on the dash of the vehicle.

Emergency Strobe-Whelen #R10HDPa- measures 17.25” long x 5” high x 6” wide with 6 dual
level linear modules; Amber colored dome and wired with #12 thermoplastic wire with fused circuit breaker, and dash mounted switches.

**Full Bed Rubber Mats**-Constructed of ½” thick, chew proof rubber mats to fit the floor of the truck bed

**Rear Flood Lights** (2) 4 X 6 LED floodlights mounted on the rear of the unit.

**Dead Animal Pan**-This is available to fit the rear compartments only. It is constructed of aluminum and has four raised sides and handles on each end can be fitted in the rear compartments for loading dead animals.

**Directional Light Bar-Whelen #TAM85**-Traffic advisor located on the rear of the unit, placed at center top to advise traffic of the vehicles location.

**Price for each unit per above specifications $ 7505.00 + $ 2000.00 Shipping**

Price for unit delivered $ 9505.00

**Quote To:**
City of El Segundo, CA
**JCAMAGONG@elsegundo.org**
310-524-2231

Visit our web page at [http://www.deerskinmfg.com](http://www.deerskinmfg.com)
AMERICAN ALUMINUM
ACCESSORIES, INC.

3882 S. Byron Butler Pkwy
Perry, FL 32348
1-800-277-0869
Website: ezrideronline.com

Bid Proposal

<table>
<thead>
<tr>
<th>Date</th>
<th>Estimate #</th>
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<tbody>
<tr>
<td>8/27/2014</td>
<td>8269</td>
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</tbody>
</table>

Name / Address
El Segundo Police Department
Attn: Accounts Payable
348 Main St.
El Segundo, Ca. 90245

Ship To
to Zip Code 90245

<table>
<thead>
<tr>
<th>P.O. No.</th>
<th>Terms</th>
<th>Quote Valid</th>
<th>Rep</th>
<th>FOB</th>
<th>Vehicle</th>
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<tbody>
<tr>
<td>Quote</td>
<td>Net 30</td>
<td>9/27/2014</td>
<td>MH</td>
<td>Origin</td>
<td>2014 F150 6.5 Ft Bed</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Qty</th>
<th>Rate</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>AC SlideIn4comp</td>
<td>Slide-In Animal Control, 4 Compartment for 6.5' Bed Pick up Truck with storage compartment in the front. Powder coated WHITE. Includes: protected fans, protected LED interior lighting, drain in each animal compartment, heavy duty non toxic rubber liners, powder coated white, top rail, all lockable compartments, all locks keyed the same, catch pole hole in each door, all aluminum insulated top, aluminum continuous piano hinge on all doors. Overall dimensions are: 96&quot; front to back, 70&quot; side to side, 45 1/2&quot; H. Inside measurement is 59&quot; side to side.</td>
<td>1</td>
<td>7,500.00</td>
<td>7,500.00</td>
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<tr>
<td>Freight</td>
<td>Shipping quote valid for 7 days. Shipping charges are subject to change (Con-Way)</td>
<td>1</td>
<td>800.00</td>
<td>800.00</td>
</tr>
</tbody>
</table>

Thank you for your interest in our products! Marie Helton

Total
USD 8,300.00

Thank You For Your Inquiry
PROPOSAL SUBMITTED TO:
NAME     El Segundo Police Dept.
ADDRESS   348 Main Street   Attn: Joe Camagong
             El Segundo, CA  90245

DATE: 27 August, 2014

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR:
One Jones Trailer Co. 4 Stall Slide In With Storage To Fit A Full Size Short Bed Pickup.
All Aluminum Construction, Full Length Aluminum Door Hinges, Locking “T” Handle Door Latches,
Aluminum, Heavy Duty Adjustable Door Vents, Pop-Up Roof Vents to Aid Ventilation, Rear Stalls Have Inner
Safety Bar Doors, Storage Area Has Interior Lights, Carpet Floor & Equipment Hooks, All Compartments Have
a Self Contained Aluminum Floor, Easy Wash Out Design, Does Not Use Truck Bed as Part Of The Cages.

Price:     SIACU-3 Full Size, 6.5’ bed, 4 stall, with storage    $ 4,292.58
Options:  SIACU OPT-1 Stainless Steel Outer Skin        534.71
          SIACU OPT-3 Exhaust fan, 965 cfm               253.33
          SIACU OPT-4 Insulation, per stall, 4 @ 91.16 ea. 364.64
          SIACU OPT-7 Interior Lights, each, 4 @ 31.55 ea. 126.20
          SIACU OPT-9 Floor Mats, each, 4 @ 30.68 ea.     122.70
          SIACU OPT-12 Refrigerated Air Conditioner        1,424.43
          SIACU OPT-16 Amber Strobe Light, Round          175.31
          SIACU OPT-17 Back-Up Alarm                      73.63
          CM OPT 010Aluminum pan, 3”deep to fit stall     100.80

Freon install adapter for a 2014 F-150 included at no additional charge

Total:                                              $ 7,648.33

If Slide In is Shipped To El Segundo, CA for Installation there             $ 796.61

Completion Date Will Be 12to 13 Weeks ARO
All pricing is based on our GSA scheduled pricing.
Jones Trailer Co. does not charge taxes on City or Government Agencies.

We hereby propose to furnish materials and labor in accordance with the above specifications
for the sum of ----- $ 8,264.94

AUTHORIZED SIGNATURE
PRICES QUOTED ARE GOOD FOR 60 DAYS FROM THE ABOVE DATE
ACCEPTANCE OF PROPOSAL

The above prices and specifications are satisfactory and are hereby accepted. You are authorized to do the work specified.

Signature ______________________________ Date ____________________________
### CUSTOMER
City Of El Segundo  
Attn: Accounts Payable  
350 Main Street  
El Segundo CA 90245

### SHIP TO:
El Segundo Police Department  
348 Main Street  
aminal control truck ford  
El Segundo CA 90245

<table>
<thead>
<tr>
<th>QUAN</th>
<th>DESCRIPTION</th>
<th>PRICE EACH</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>1.00</td>
<td>LGD45ZESPDP AC TRUCK LEGEND BAR 48 IN (REVISED) (ESPD ANIMAL CONTROL TRUCK F 150)</td>
<td>1,075.20</td>
<td>1,075.20</td>
</tr>
<tr>
<td>1.00</td>
<td>HK8 KIT PERM MNT KIT LEGEND BAR</td>
<td>26.00</td>
<td>26.00</td>
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<tr>
<td>1.00</td>
<td>SL8-A Solaris arrow with controller</td>
<td>280.50</td>
<td>280.50</td>
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<tr>
<td>1.00</td>
<td>Labor Charge (N/A)</td>
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<tr>
<td>1.00</td>
<td>MISC PARTS WIRE, LOOM, HARDWARE</td>
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<td>SHIPPING SHIPPING COST EST.</td>
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<tr>
<td>4.00</td>
<td>MPS 1200AW AMBER/WHITE 1200 SERIES LED</td>
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<td>323.40</td>
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**SUBTOTAL:** $1,750.10  
**TAX:** $155.26  
**TOTAL:** $1,905.36
AGENDA DESCRIPTION:
Consideration and possible action to adopt a resolution approving plans and specifications for installation of fiber optic cable crossing Sepulveda Boulevard, Project No. PW 14-08. (Fiscal Impact: $312,263.00)

RECOMMENDED COUNCIL ACTION:
1. Authorize staff to transfer $71,526 from the Equipment Replacement Fund to the Capital Improvement Fund (I-Net Fiber Optic) to be used for the installation of fiber optic cable crossing Sepulveda Boulevard, Project No. PW 14-08.
2. Adopt attached resolution approving Plans and Specifications for the Installation of Fiber Optic Cable crossing Sepulveda Boulevard (I-Net Fiber Project).
3. Authorize staff to request construction bids in response to the Fiber Optic Cable Plans and Specifications.
4. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Resolution

FISCAL IMPACT: Included in Adopted Budget

<table>
<thead>
<tr>
<th>Amount Budgeted:</th>
<th>$312,263.00</th>
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<tbody>
<tr>
<td>Additional Appropriation:</td>
<td>No</td>
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<tr>
<td>Account Number(s):</td>
<td>301-400-8201-8497 I-Net Fiber Optic Connections 601-400-2505-8108 Equipment Replacement Fund</td>
</tr>
</tbody>
</table>

ORIGINATED BY: Larry Klingaman, Information Systems Manager
REVIEWED BY: Mitch Tavera, Chief of Police
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
During the 2012/13 strategic planning sessions, Council approved funding for two projects in the amount of $440,000 to expand the City owned fiber optic network to provide a higher quality of service while lowering recurring costs. This amount, when added to the fiber project balance of $31,337, brought the available funds to $471,337. In addition, staff identified $71,526 of savings in the Equipment Replacement Fund by moving the City computers to a virtual system. The one time savings were marked for inclusion in the fiber project, increasing the available funds to $548,863.
At the October 16, 2012 Council Meeting, staff was approved to proceed with the first phase of the two projects connecting most City buildings West of Sepulveda Boulevard. At that meeting, staff informed Council that they would return for approval to proceed with the second project.

The first project was completed on March 18, 2014, at a cost of $230,600, leaving $312,263 remaining for the second project.

This second phase will connect City facilities west of Sepulveda Boulevard with those east of Sepulveda Boulevard. If the project proceeds according to schedule, staff expects construction to commence in January of 2015, with an anticipated completion date in April of 2015. The connection of these buildings will result in approximately $15,000 in recurring annual savings from reduced telephone and Internet service delivery charges from AT&T and Time Warner.

Upon completion of this project, nearly all City buildings will be connected by fiber optic cable. This project will also connect the City network into the data center located on the East side of the City. In addition, the City network will have the capability to be connected to multiple data centers allowing greater capacity, availability and redundancy for City provided data services.

Staff recommends that the City Council authorize the transfer of $71,526 from the Equipment Replacement Fund to the Capital Improvement Fund (I-Net Fiber Optic); adopt the plans and specifications for the installation of fiber optic cabling to connect the facilities east of Sepulveda Boulevard; approve the attached resolution; and authorize the project for receipt of construction bids.
RESOLUTION NO. __

A RESOLUTION APPROVING THE DESIGN AND PLANS FOR THE CONSTRUCTION OF FIBER OPTIC CABLE PURSUANT TO GOVERNMENT CODE SECTION 830.6 AND ESTABLISHING A PROJECT PAYMENT ACCOUNT.

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

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

A. The City Engineer prepared specifications and plans requesting Construction of Fiber Optic Cable (Fiber Project) (the "Project"). These plans are complete. Bidding for construction of the Project may begin;

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

SECTION 2: Design Immunity; Authorization.

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

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

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

D. The Information Systems Manager, or designee, is authorized to act on the City’s behalf in approving any alterations or modifications of the design and plans approved by this Resolution.

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

SECTION 3: Project Payment Account. For purposes of the Contract Documents administering the Project, the City Council directs the City Manager, or designee, to establish a fund containing sufficient monies from the current fiscal year budget to pay for the Project ("Project Payment Account"). The Project Payment Account is the sole source of funds available for the Contract Sum, as defined in the Contract Document administering the Project.

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

SECTION 5: This Resolution will become effective immediately upon adoption.
PASSED AND ADOPTED this ___ day of ______________, 20__.

__________________________
Suzanne Fuentes, Mayor

ATTEST:

__________________________
Tracy Weaver, City Clerk

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

By: _______________________
   Karl H. Berger, Assistant City Attorney
AGENDA DESCRIPTION:
Consideration and possible action regarding a request for a new Alcoholic Beverage Control (ABC) License to allow the on-site sale and consumption of beer, wine and distilled spirits (Type 47 State of California Alcoholic Beverage Control License) at a new restaurant (H BAR Sip + Savor), and the sale of beer and wine for off-site consumption at an existing market at 810 South Douglas Street (Hyatt House Hotel). Applicant: Steve Rawlings (Fiscal Impact: N/A)

RECOMMENDED COUNCIL ACTION:
1. Receive and file this report without objecting to the issuance of an alcohol license for on-site sale of beer, wine and distilled spirits for on-site consumption at a new restaurant, and the sale of beer and wine for off-site consumption at an existing guest market in a hotel at 810 South Douglas Street; and/or

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

ATTACHED SUPPORTING DOCUMENTS:
1. Crime and Arrest Statistics by Reporting Districts (RD)
2. Police Reporting Districts Map
3. Planning Commission Staff Report, dated September 25, 2014
4. Administrative Use Permit Letter, dated September 18, 2014

FISCAL IMPACT: None

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

ORIGINATED BY: Kimberly Christensen, AICP, Planning Manager

REVIEWED BY: Sam Lee, Planning and Building Safety Director

APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

I. Background

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

According to the most recent Crime and Arrest statistics report prepared by the Police Department, the proposed restaurant is located in Reporting District (RD) 319. Based on the January – June 2014 reported data prepared by the Police Department, the district had a total of 10 Part I crimes (criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson) and one felony and misdemeanor arrest. The RD is considered a high crime area, however the Police Department and the Planning and Building Safety Department do not object to ABC issuing a Type 47 alcohol license for the existing guest market and new restaurant.

The project site currently has an active Type 70 ABC license (On-sale General – Restrictive Service) for the hotel and a Type 20 ABC license (Off-sale Beer and Wine – Package Store) for the existing guest market. The applicant will surrender the two active ABC licenses. The license request would allow a Type 47 ABC license (On-sale General - Eating Place), for the sale of beer, wine, and distilled spirits in conjunction with a new restaurant, and the sale of beer and wine for off-site consumption at an existing guest market within the hotel (Hyatt House Hotel).

On-site consumption of alcohol will occur in conjunction with food service within the new restaurant containing 61 seats, all of the guest rooms, the hotel lobby, two meeting rooms, and the three outdoor seating areas adjacent to the swimming pool. The sale of alcohol for off-site consumption will be at the existing hotel guest market.

The new restaurant is approximately 1,950 square feet in net floor area and contains a dining area of 1,681 square feet. The proposed hours of operation for the restaurant and outdoor dining area, are from 6:00 a.m. to 9:30 a.m. and 5:00 p.m. to 10:00 p.m. daily. The sale of alcohol service for on-site consumption at the new restaurant is from 5:00 p.m. to 10:00 p.m. daily. The sale of beer and wine at the guest market for off-site consumption is from 6:00 a.m. to 12:00 a.m. daily. The project site is in the Urban Mixed Use South (MU-S) Zone which requires the approval of an Administrative Use Permit (AUP) for on-site sale and consumption of alcohol at restaurants in accordance with ESMC § 15-5F-4(C) and for off-site consumption of alcohol at retail establishments in accordance with ESMC § 15-5F-4(B).

On September 18, 2014, the Director of Planning and Building Safety approved an AUP application (EA No. 1050, AUP No. 13-09) for alcohol sales at a new restaurant and an existing market in a hotel at 810 South Douglas Street. The Director’s decision was forwarded to the Commission on September 25, 2014. On September 25, 2014, the Planning Commission chose to Receive and File the AUP for the alcohol license with conditions of approval.

Distinct and separate from the City’s AUP process, the Department of ABC also has mandatory findings that must be met, runs a complete background check on all alcohol license applicants, and conducts site inspections, before issuing any type of alcohol license.
III. Conclusion

Planning staff recommends that the Council Receive and File this report without objecting to a new Type 47 ABC license for the sale of beer, wine and distilled spirits at a new restaurant for on-site consumption and the sale of beer and wine for off-site consumption at an existing guest market in a hotel located at 810 South Douglas Street, or alternatively discuss and take another action related to this item.
# EL SEGUNDO POLICE DEPARTMENT

**REPORTED PERIOD: JANUARY - JUNE, 2014**

## PART I CRIMES AND ARRESTS BY REPORTING DISTRICT (RD)

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**TOTALS** 280 59 339

- Number of Reporting Districts = 53
- Average # of Part I Crimes per Reporting District = 5
- Average # of Felony/Misdemeanor Part I Crime Arrests per Reporting District = 1
- Average # of Crimes and Arrests per Reporting District = 6
- (Results from 01/01/2014 through 06/30/2014)

**High Crime Area per B&P Code Section 23958.4 = >20%**
CITY OF EL SEGUNDO

PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION:
MEETING: September 25, 2014

SUBJECT: Administrative Use Permits by the Director of Planning and Building Safety

REQUEST: Receive and File Director of Planning and Building Safety Decision.

APPLICATION(S)/ADDRESS(ES): 1) Environmental Assessment No. EA-1050 and Administrative Use Permit No. AUP 13-09

I. INTRODUCTION

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

1) Approved - Environmental Assessment No. EA-1050 and Administrative Use Permit No. AUP 13-09

Administrative Use Permit by the Director of Planning and Building Safety regarding a Type 47 Alcoholic Beverage Control (ABC) License for a new restaurant and existing guest market at a hotel (Hyatt House Hotel).

Address: 810 South Douglas Street
Applicant: Hyatt House Hotel c/o Steve Rawlings
Property Owner: Grand Prix El Segundo LLC

The project site currently has an active Type 70 Alcoholic Beverage Control (ABC) license (On-sale General – Restrictive Service) for the hotel and a Type 20 ABC license (Off-sale Beer and Wine – Package Store) for the existing guest market.

The applicant proposes to surrender the two active ABC licenses and obtain a Type 47 ABC license (On-sale General - Eating Place), which would allow the sale of beer, wine, and distilled spirits for on-site consumption at a new restaurant, and the sale of beer and wine for off-site consumption at a guest market within an existing hotel (Hyatt House Hotel). The project site is in the
Urban Mixed Use South (MU-S) Zone.

On-site consumption of alcohol is proposed within the new restaurant containing 61 seats, all of the guest rooms, the hotel lobby, two meeting rooms, and the three outdoor seating areas adjacent to the swimming pool. The sale of alcohol for off-site consumption is proposed at an existing guest market.

The proposed hours of operation for food service at the restaurant are 6:00 a.m. to 9:30 a.m. and 5:00 p.m. to 10:00 p.m. daily. The sale of alcohol at the restaurant for on-site consumption is proposed from 5:00 p.m. to 10:00 p.m. daily. The sale of alcohol at the guest market for off-site consumption is proposed from 6:00 a.m. to 12:00 a.m. daily.

II. RECOMMENDATION

Receive and File.

III. EXHIBITS

A. Environmental Assessment No. EA-1050 and Administrative Use Permit No. AUP 13-09 Decision Letter dated September 18, 2014

[Handwritten Signatures]

Paul Samaras, Principal Planner
Department of Planning & Building Safety

Sam Lee, Director
Department of Planning & Building Safety
September 18, 2014

Steve Rawlings
Alcoholic Beverage Consulting
26023 Jefferson Avenue, Suite D
Murrieta, CA 92562

RE: Environmental Assessment No. EA-1050 and Administrative Use Permit No. AUP 13-09
Sale of beer, wine, and distilled spirits for on-site consumption (Type 47 Alcoholic Beverage Control License) in conjunction with the operation of a new restaurant (H BAR Sip + Savor), and the sale of beer and wine for off-site consumption at an existing guest market at a hotel (Hyatt House Hotel).

Address: 810 South Douglas Street

Dear Mr. Rawlings:

The purpose of this letter is to inform you that, in accordance with El Segundo Municipal Code (“ESMC”) Chapter 15-22, the Planning Division reviewed your application for the above-referenced project and the Director of Planning and Building Safety APPROVED Environmental Assessment No. EA-1050 and Administrative Use Permit No. AUP 13-09 for the sale of beer, wine, and distilled spirits for on-site consumption at a new restaurant and the sale of beer and wine for off-site consumption at an existing guest market at a hotel (Hyatt House Hotel). The Director did not identify a reason to oppose the proposed Type 47 license by the California Department of Alcoholic Beverage Control (ABC) for the new restaurant and the continued sale of alcohol for off-site consumption at an existing guest market located at 810 South Douglas Street. The following are the facts in support of each finding for this decision:
FINDINGS AND FACTS IN SUPPORT OF FINDINGS:

Environmental Assessment No. EA-1050

Finding 1

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

Facts in Support of Finding 1

1. The applicant is requesting the City allow the sale of beer, wine and distilled spirits for on-site consumption at a new restaurant and the sale of beer and wine for off-site consumption at an existing guest market at the hotel.

2. The site is currently developed with five buildings, a 122-room hotel, two meeting rooms, food service at a buffet counter, a guest market, three outdoor dining areas adjacent to a swimming pool that includes a barbequing grill, tennis court, and a surface parking lot with 127 spaces.

3. The site currently has an active Type 70 ABC license (On-sale General – Restrictive Service) for the hotel and a Type 20 ABC license (Off-sale Beer and Wine - Package Store) for the existing guest market. The applicant proposes to surrender the two existing, active ABC licenses and obtain a Type 47 ABC license (On-sale General - Eating Place) for the new restaurant and the existing guest market.

4. The applicant has recently made interior improvements to an existing buffet counter and dining area at the hotel. The newly remodeled dining area is approximately 1,681 square feet in area and contains 61 seats.

5. On-site consumption of alcohol is proposed within the new restaurant containing 61 seats, the hotel lobby, all of the guest rooms, two meeting rooms, and the three outdoor dining areas adjacent to the swimming pool. The sale of alcohol for off-site consumption is proposed at the existing guest market.

6. The food service at the new restaurant is currently open to hotel guests from 6:00 a.m. to 9:30 a.m. and 5:00 p.m. to 10:00 p.m. daily. No changes in the hours are proposed for the food service. The sale of alcohol for on-site consumption at the new restaurant is proposed from 5:00 p.m. to 10:00 p.m. daily. The sale of alcohol at the guest market for off-site consumption is proposed from 6:00 a.m. to 12:00 a.m. daily.

7. The proposed alcohol service for a new restaurant and an existing guest market, results in a minor alteration to the operation of an existing building. Additionally,
the alcohol service is intended primarily for hotel guests and not necessarily for the general public, as no exterior signage or advertising of the restaurant is proposed onsite.

8. The site is not located in an area that is environmentally sensitive. The property is in an urbanized and developed area with adequate access. There are adequate utilities and public services to serve the project. Therefore, the project is not anticipated to have any significant impacts with regard to traffic, noise, air quality or water quality.

**Administrative Use Permit 13-09**

**Finding 1**

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

**Facts in Support of Finding 1**

1. Hotels, retail and restaurants are permitted uses in the Urban Mixed Use South (MU-S) Zone (ESMC §§ 15-5F-2(E), 15-5F-2 (I) and 15-5F-2 (J)).

2. The proposed alcohol service in conjunction with the operation of a new restaurant and existing market will be compatible with the hotel and other surrounding uses in the area. The new restaurant contains 61 seats. No physical changes are proposed to the existing 80 square-foot guest market and the alcoholic beverages will be on display in a lockable refrigerator or cabinet that can be secured. The minimum number of required parking spaces for the 122-room hotel, lobby, meeting rooms, guest market and new restaurant is 127 parking stalls, which are provided on-site.

3. The General Plan land use designation for the site is Urban Mixed-Use South. The Urban Mixed-Use South land use designation permits a mixture of office, research and development, retail, and hotel uses.

4. The surrounding land uses include: industrial and manufacturing uses to the north; commercial office (The Atrium at Continental Park) and restaurant (Flemings Steakhouse) uses to the south; a parking structure and the Metro Green Line rail station to the east; and an advertising agency, a private gym (Spectrum Athletic Club) and multimedia related offices (Source Interlink and Motor Trend Magazine) to the west. The proposed sale of alcohol at an existing market and new restaurant at an existing hotel is consistent with the land use designation of the site. The restaurant is similar and compatible with the existing surrounding uses. The proposed new restaurant is an ancillary use for the hotel
and intended primarily to serve its guests, as no exterior advertising or new signage for the restaurant will be permitted onsite.

5. Retail uses (excluding the sale of alcohol) are permitted in the Urban Mixed Use South (MU-S) Zone in accordance with ESMC §15-5F-2(J) and the sale of alcohol for off-site consumption at retail establishments is permitted with the approval of an Administrative Use Permit (AUP) in accordance with ESMC §§ 15-5F-4(B) and 15-22-5(B).

6. Restaurants are permitted uses in the Urban Mixed Use South (MU-S) Zone in accordance with ESMC §15-5F-2(I) and the sale of alcohol for on-site consumption is permitted with the approval of an AUP in accordance with ESMC §§15-5F-4(C) and 15-22-5(B).

7. The purpose of the Urban Mixed-Use South (MU-S) Zone is to provide a mixture of compatible commercial, office, research and development, retail and hotel uses in a single building, or multiple buildings containing different uses within each building. The proposed alcohol service and restaurant would provide a service to hotel patrons within a single building at the hotel site.

8. The hotel must obtain the appropriate required ABC license for the sale of alcohol for on-site consumption at a new restaurant, and for the sale of alcohol for off-site consumption at a guest market (ESMC §15-22-5(B)).

Finding 2

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

Facts in Support of Finding 2

1. The General Plan Land Use designation for the site is Urban Mixed Use South.

2. The zoning for the site is Urban Mixed Use South (MU-S). Restaurants are a permitted use in this Zoning District in accordance with ESMC §15-5F-2(I). The proposed use (on-site sale and consumption of alcohol at a new restaurant) requires an Administrative Use Permit in accordance with ESMC §§15-5F-4(C) and 15-22-5(B). Retail uses (excluding the sale of alcohol) are permitted in the Urban Mixed Use South (MU-S) Zone in accordance with ESMC §15-5F-2(J) and the sale of alcohol for off-site consumption at retail establishments is permitted with the approval of an AUP in accordance with ESMC §§ 15-5F-4(B) and 15-22-5(B).

3. The purpose of the Urban Mixed Use South (MU-S) Zone is to provide areas where a mixture of compatible office, commercial, retail, hotel and food serving uses can locate and develop in a mutually beneficial manner. It is the intent of
the Urban Mixed Use South (MU-S) Zone to have several types of uses within a single building. The project is consistent with the intent of the MU-S Zone. The project consists of the operation of a restaurant, a small retail market and the sale of alcohol within an existing hotel building.

4. The surrounding land uses include: industrial, manufacturing, commercial office, restaurant, parking, a metro rail station, advertising agency, private gym and multimedia related office uses. The proposed sale of alcohol for on-site consumption at a new restaurant and the sale of alcohol for off-site consumption at an existing retail establishment will be compatible with the surrounding land uses, because the proposed food and alcohol sales are primarily intended for hotel guests and their invitees.

Finding 3

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

Facts in Support of Finding 3

1. The project site currently has an active Type 70 Alcoholic Beverage Control (ABC) license (On-sale General – Restrictive Service) for the hotel and a Type 20 ABC license (Off-sale Beer and Wine – Package Store) for the existing 80 square-foot guest market. The applicant proposes to surrender the two active ABC licenses and obtain a Type 47 ABC license (On-sale General - Eating Place), which would allow the sale of beer, wine, and distilled spirits for on-site consumption at a new restaurant, and the sale of beer and wine for off-site consumption at the existing guest market.

2. The new restaurant and existing guest market are not visible from street view or intended to be open to the public. The restaurant and guest market are located inside an existing hotel (Hyatt House Hotel) in the Urban Mixed Use South (MU-S) Zone. The zoning district allows the sale and on-site consumption of alcohol at a new restaurant and the sale of alcohol for off-site consumption at an existing guest market, subject to an administrative use permit. The hotel, restaurant and guest market meet all of the minimum required development standards of the MU-S Zone.

3. The sale of alcohol within the recently remodeled 1,681 square-foot dining area of a new 1,950 square-foot restaurant, and the existing 80 square-foot guest market is primarily intended for the hotel guests. No new signage is proposed or permitted to advertise the new restaurant, the existing guest market, or the sale and service of alcohol at the hotel. As a result, there be will no increase in pedestrian activity, vehicular traffic, or demand for parking in the area or the site. A sufficient number of off-street parking spaces (127) will continue to be provided
in compliance with ESMC Chapter 15-15 for the hotel, new restaurant and guest market.

4. During the review of the subject request, the Police Department raised concerns about the unrestricted access to all five buildings onsite from the rear parking area and the lack of a single controlled entry access point for hotel guests and visitors. The existing hotel design and location of all five buildings with the rear open parking lot has facilitated an increase in criminal activity and calls for service at the site. In addition, the Police Department expressed a concern regarding the lack of a secure storage area for alcohol containers at the guest market. In order to address these concerns, the hotel will be required to have a second security guard to monitor and control the behavior of visitors or hotel guests within all five buildings and the rear parking lot area on Fridays and Saturdays from 10 p.m. to 4 a.m. Currently, only one security guard is on the premises from 10 p.m. to 4 a.m. daily. In addition, the hotel will be required to secure all alcohol containers at the guest market in a lockable refrigerator or cabinet.

5. The proposed hours of operation for food service at the new restaurant are limited from 6:00 a.m. to 9:30 a.m. and 5:00 p.m. to 10:00 p.m. daily. The sale of alcohol service for on-site consumption at the new restaurant is proposed from 5:00 p.m. to 10:00 p.m. daily. The sale of beer and wine at the guest market for off-site consumption is proposed from 6:00 a.m. to 12:00 a.m. daily. No live entertainment is proposed and no live entertainment is allowed under this AUP. Therefore, the proposed hours of operation for the new restaurant and hours for alcohol service for the restaurant will not be detrimental to the public health, safety and welfare of surrounding uses. The new restaurant and existing guest market are located in a commercial district in the City and are surrounded by non-residential uses.

Finding 4

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

Facts in Support of Finding 4

1. The sale of alcohol will not create any new impacts that would not be normally associated with the operation of a restaurant and guest market within a hotel. The hotel currently has alcohol service at the site. The site has an active Type 20 ABC License for the existing 80 square-foot guest market and a Type 70 ABC License for the 122 square-foot guest rooms of the hotel. The hotel currently provides complimentary alcoholic beverages for its guests at the buffet counter. No additional parking demand is anticipated at the hotel since there is currently food service at the buffet counter and alcohol sales at the guest market. Additionally,
no new exterior signage will be permitted to ensure there is no increase in pedestrian activity vehicular traffic, or demand for parking in the vicinity. The proposed food service and sale of alcohol for on-site and off-site consumption will be accommodated with the existing 127 off-street parking spaces available at the site.

2. The proposed hours of operation for food service at the restaurant is 6:00 a.m. to 9:30 a.m. and 5:00 p.m. to 10:00 p.m. daily. The proposed hours for the sale of alcohol service at the restaurant is 5:00 p.m. to 10:00 p.m. daily. The sale of alcohol at the guest market for off-site consumption is proposed from 8:00 a.m. to 12:00 a.m. daily. No live entertainment is proposed or will be allowed under this AUP.

3. The proposed hours of operation for alcohol sales and the location of the restaurant and guest market inside the hotel where they are not visible for the exterior will help minimize impacts to surrounding uses in the vicinity of the site. The restaurant and guest market are located in a predominantly commercial part of the City and they are not adjacent to any residential uses, which will help to minimize noise impacts on sensitive uses. As a result, the restaurant operations and the sale of alcohol for on-site and off-site consumption will not increase noise, fumes, vibration, odors, traffic or hazards that would be normally associated with a hotel, restaurant or market.

4. In addition to complying with the requirements of the City of El Segundo and the State of California Department of ABC the restaurant and guest market are subject to County Health Department regulations that address and monitor impacts of fumes and odors.

Finding 5

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

Facts in Support of Finding 5

1. The applicant is expected to obtain and maintain a Type 47 license from ABC.

DIRECTOR OF PLANNING AND BUILDING SAFETY DEPARTMENT ACTION

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

1. The proposed hours of operation for the restaurant are limited to: Monday through Sunday from 5:00 a.m. to 10:00 p.m. Bona fide food service must be available in the indoor dining area of the restaurant, hotel lobby, two meeting
rooms, and three outdoor dining areas during the hours of alcohol sales for onsite consumption. The proposed hours of alcohol sales for onsite consumption at the restaurant are 5:00 p.m. to 10:00 p.m. daily. The sale of alcohol at the guest market for off-site consumption is limited to: Monday through Sunday from 6:00 a.m. to 12:00 a.m. Any change to the hours of operation or the hours that alcohol may be served is subject to review and approval by the Director of Planning and Building Safety.

2. The seating within the restaurant must be limited to 61 indoor seats.

3. The applicant must submit detailed and dimensioned plans of the outdoor dining areas adjacent to the pool to the City for review and approval within 90 days from the date of this letter or before the issuance of an ABC License, whichever is sooner. The submitted plans must indicate the location of the outdoor fire feature, trellis, and outdoor seating configuration. The submitted plans must comply with the following:

   a. The outdoor dining areas must comply with ESMC §15-2-16 and with California Building Code (CBC) Chapters 11A and 11B accessibility requirements.
   b. A barrier around the fire feature to prevent accidental access into the fire feature.
   c. The distance between the fire feature and combustible material and furnishings must meet the fire feature’s specifications and manufacturer’s requirements.
   d. If the fire feature’s protective barrier exceeds ambient temperatures, all exit paths and occupant seating must be a minimum distance of 36 inches from the fire feature.

4. Alcohol service for on-site consumption is limited to the following areas: restaurant dining area, the hotel lobby, two meeting rooms, and three outdoor dining areas immediately adjacent to the pool.

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

6. The applicant must surrender both existing active (Type 70 and Type 20 ABC) licenses before the new Type 47 ABC license is issued.

7. The Planning and Building Safety Director must review the Administrative Use Permit (AUP 13-09) within 12 months from the date of this letter to verify compliance with all of the conditions of approval.
8. The restaurant and alcohol sales and service at the site must be accessory to the hotel use and cater primarily to hotel guests and their invitees. No new signage that is visible offsite is permitted for advertising the restaurant or the alcohol sales and service onsite.

9. The alcoholic beverages sold at the guest market must be displayed in a lockable refrigerator or cabinet that can be secured. All alcohol at the guest market must be locked and inaccessible to the public during the following hours: Monday through Sunday from 12 a.m. to 6:00 a.m. Only beer and wine may be sold at the guest market.

10. The applicant must have a minimum of two staff members (security guards and/or other staff) on duty and present in the restaurant and guest market area at all times alcohol is sold.

11. The applicant must have readily identifiable personnel to monitor and control the behavior of customers within all five buildings at the 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 that are not guests at the hotel. One security guard must be on duty every night from 10 p.m. to 4 a.m. A second security guard must be on duty from 10 p.m. to 4 a.m. on Friday and Saturday evenings.

12. Taxicab phone numbers must be posted in a conspicuous location at all times in the area(s) where alcohol is served to customers.

13. The premises must be maintained in a litter and graffiti-free manner. Any graffiti that should appear on the premises must be removed within 48 hours.

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

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

16. 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.

17. 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.
18. The applicant must post at least one 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, trash bin debris, debris in the restaurant, debris in the guest market, debris in the pool area, debris in the barbeque area, debris at or near the tennis court, or debris in the parking lot. Said contact's name and phone number must also be available through the hotel, restaurant and guest market staff at all times.

19. The applicant must, at all times, display at least one 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.

20. There cannot be any advertising on the exterior of the premises 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 from the exterior of the premises constitute a violation of this condition.

21. The licensee and employees selling alcoholic beverages to patrons must complete a training program offered by the California Department of Alcoholic Beverage Control (ABC) on alcohol responsibility and the law. The training must be offered to new employees on a quarterly basis.

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

a. Completed training from the ABC Long Beach/Lakewood District Office administered Licensee Education on Alcohol and Drugs (LEAD) Program; or,

b. Completed an approved equivalent to the 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.

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

24. The applicant must install a safe within the restaurant and guest market that is anchored to the concrete and must be noted on the plans to the satisfaction of the Police Chief, or designee.

25. 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).

26. 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.

27. The required schematic plan must address the minimum camera requirements, including 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.

28. The five buildings at the site must not be occupied by more persons than allowed by the California Building and Fire Code, as adopted by the ESMC.

29. The five buildings at the site must comply with the applicable requirements of the California Building and Fire Code requirements, as adopted by the ESMC.

30. The applicant must maintain grease interceptors for the restaurant subject to approval by the Fire Department.

31. The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Environmental Assessment No. 1050 and Administrative Use Permit No. 13-09. 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's approval of EA-1050 or AUP 13-09, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of El Segundo's elected officials, appointed officials, officers, and employees.
PLANNING COMMISSION

Please be advised that the issuance of this letter does not conclude the review process. Pursuant to ESMC §15-22-7, no decision of the Director of Planning and Building Safety is final until the decision is received and filed, or acted upon by the Planning Commission, or upheld on appeal. This determination will be transmitted to the Planning Commission at its September 25, 2014 meeting with the recommendation that the Planning Commission Receive and File the determination. The City Council will determine whether or not to protest the proposed Type 47 ABC License at its meeting on October 7, 2014. Should you have any questions regarding this permit, please contact project planner Maria Baldenegro at (310) 524-2341.

Sincerely,

Sam Lee, Director
Department of Planning and Building Safety

By signing this document, Steve Rawlings, Roger Pollak and Eric Kentoff certify that they read, understood, and agree to the Project Conditions listed in this document.

Steve Rawlings, Applicant's Representative
Alcoholic Beverage Consulting

Roger Pollak, Secretary Treasurer (Applicant)
Island Hospitality Management, Inc.

Eric Kentoff, Property Owner
Grand Prix El Segundo, LLC

{If Corporation or similar entity, needs two officer signatures or evidence that one signature binds the company}
AGENDA DESCRIPTION:
Consideration and possible action to 1) accept the work as complete and 2) authorize the City Clerk to file a Notice of Completion in the County Recorder's Office for Project No. PW 13-20. (Fiscal Impact: $360,688.00)

RECOMMENDED COUNCIL ACTION:
1. Accept the work as complete.
2. Authorize the City Clerk to file a Notice of Completion in the County Recorder's Office for Project No. PW 13-20.
3. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Notice of Completion

FISCAL IMPACT: None

Amount Budgeted: $0
Additional Appropriation: No.
Account Number(s): Funded through the Park Vista Enterprise Fund

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

BACKGROUND AND DISCUSSION:

On August 20, 2013, City Council awarded a standard Public Works contract to Best Contracting Services, Inc. Roofing (Best Contracting) for $346,333 for Park Vista Senior Housing roof repairs and allocated $34,667 for contingencies. The contractor began demolition work on November 18, 2013, significantly completed the construction on March 18, 2014, and completed all punch list items on September 29, 2014. Final inspections for Best Contracting’s work have been performed and it has been determined that the project was completed per the plans and specifications and to the satisfaction of the Park Vista Senior Housing staff and Public Works Department staff.

During the course of construction, two change orders were approved, for asbestos abatement and for deletion of the solar panel removal cost. The latter was a deletion from the original contract amount due to work completed by City staff rather than Best Contracting. The total cost of these
change orders was $14,355.00, well within the $34,667 contingency amount for the project. The final project costs are as follows:

**Budget**

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 346,333.00</td>
<td>Park Vista Senior Housing roof repairs</td>
</tr>
<tr>
<td></td>
<td>+$ 16,355.00</td>
<td>Asbestos Abatement</td>
</tr>
<tr>
<td></td>
<td>-$ 2,000.00</td>
<td>Solar Panel Removal Cost Deletion</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 360,688.00</strong></td>
<td><strong>Total Final Project Cost</strong></td>
</tr>
</tbody>
</table>

Staff therefore requests that City Council 1) accept the work as complete and 2) authorize the City Clerk to file a Notice of Completion with the County Recorder’s Office.
NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name: Park Vista Senior Housing Roof Repairs

Project No.: PW 13-20  Contract No. 4472

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

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

2. The full name of the owner is: City of El Segundo

3. The full address of the owner is: City Hall, 350 Main Street, El Segundo, CA, 90245

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

5. A work of improvement on the property hereinafter described was field reviewed by the City Engineer on September 29, 2014. The work done was: City Hall Roof Repairs.

6. On October 7, 2014, City Council of the City of El Segundo accepted the work of this contract as being complete and directed the recording of this Notice of Completion in the Office of the County Recorder.

7. The name of the Contractor for such work of improvement was: Best Contracting Services, Inc.

8. The property on which said work of improvement was completed is in the City of El Segundo, County of Los Angeles, State of California, and is described as follows: El Segundo City Hall.

9. The street address of said property is: 615 Holly Avenue, El Segundo, CA, 90245

Dated: __________________________  Stephanie Katsouelas

Public Works Director

VERIFICATION

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

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

Executed on _____________________, 2014 at El Segundo, California.

_______________________________  Stephanie Katsouelas

Public Works Director
EL SEGUNDO CITY COUNCIL

AGENDA ITEM STATEMENT

AGENDA DESCRIPTION:

Consideration and possible action to approve Amendment No. 1 to the Water Service Agreement between the City, Chevron Products Company and the West Basin Municipal Water District with regard to extending the original Water Service Agreement which provides for the City's charges for recycled water meters and a rate surcharge on recycled water utilized at the Chevron Refinery (Fiscal Impact: rate surcharge results in approximately $2,919,362 revenues projected for FY 2014/2015 to the City’s Water Enterprise Fund).

RECOMMENDED COUNCIL ACTION:

1. Consideration and possible action to approve Amendment No. 1 to the Water Service Agreement between the City, Chevron Products Company and the West Basin Municipal Water District with regard to extending the original Water Service Agreement which provides for the City’s charge for meters and a rate surcharge on recycled water utilized at the Chevron Refinery; or
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

February 2, 1999 Water Service Agreement

FISCAL IMPACT: $

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

PREPARED BY: Mark D. Hensley, City Attorney
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND & DISCUSSION:

On April 12, 2013, the City entered into a Tax Resolution Agreement with Chevron that, amongst other things, provides for Chevron to make an annual payment to the City’s general fund which is calculated by subtracting the amount of taxes that Chevron pays the City annually from an agreed upon base amount that is adjusted annually by the CPI. As part of the Tax Resolution Agreement, the City and Chevron agreed to extend an existing Water Service Agreement that was entered into between the City, Chevron and the West Basin Municipal Water District on April 23, 2013, which provides for the terms and conditions under which recycled water is provided to the Chevron refinery. This Water Service Agreement provides for Chevron to pay certain meter charges and a recycled water rate surcharge to the City. The surcharge to Chevron for the past fiscal year was approximately $2,841,505. This surcharge is placed in the City’s Water Enterprise Fund to pay for costs associated with that Fund.
The Water Service Agreement currently expires on June 30, 2016. Chevron agreed to extend the Water Service Agreement consistent with the term of the Tax Resolution Agreement which is September 30, 2027, unless the Tax Resolution Agreement is terminated earlier pursuant to the terms of that Agreement. Chevron and the West Basin Municipal Water District had a few minor issues to resolve regarding the extension (which do not affect the City) and these issues have now been resolved and the attached Amendment is ready for consideration by the City Council.
AMENDMENT NO. 1
TO THE
WATER SERVICE AGREEMENT
BY AND AMONG
CHEVRON PRODUCTS COMPANY, A DIVISION OF CHEVRON U.S.A. INC., THE CITY OF EL SEGUNDO,
AND
WEST BASIN MUNICIPAL WATER DISTRICT

This Amendment No. 1 ("Amendment") is dated and made effective as of October 7, 2014 ("Amendment Effective Date") by and among Chevron Products Company, a division of Chevron U.S.A. Inc., a Pennsylvania corporation ("Company" or "Chevron"), the CITY OF EL SEGUNDO, a municipal corporation and general law city ("CITY" or "City"), and the WEST BASIN MUNICIPAL WATER DISTRICT, a California public utility (the "Water District"). This Amendment constitutes an amendment to the WATER SERVICE AGREEMENT between Chevron and the City, dated and made effective as of February 2, 1999 referred in this Amendment as the "Recycled Water Agreement". Chevron, the City and the Water District may sometimes be referred to herein individually as a "Party" and collectively as the "Parties."

WHEREAS, the Parties entered into the Recycled Water Agreement dated on or about February 2, 1999; and

WHEREAS, the Recycled Water Agreement had an original term of fifteen (15) years from the date of initial delivery, resulting in the Recycled Water Agreement expiring on June 30, 2016; and

WHEREAS, Chevron and the City entered into a Tax Resolution Agreement with an effective date of April 23, 2013 (the "Tax Agreement"). The Tax Agreement will end on September 30, 2027; and

WHEREAS, the Parties acknowledge that the construction of the water distribution system (defined as the "System" in the Recycled Water Agreement) has been completed and is now being maintained by the Water District and the City is the retailer of the non-potable water delivered from the System; and

WHEREAS, the City, Chevron and the Water District now wish to amend the Recycled Water Agreement so that the term of the Recycled Water Agreement will be extended so that it has a term the same and consistent with the Tax Agreement, and unless the Recycled Water Agreement is otherwise terminated pursuant to its terms and/or this Amendment, the Recycled Water Agreement will be extended up to and including September 30, 2027; and.

WHEREAS, the Parties acknowledge that the only changes or increases of prices, markups, charges, rates or surcharges during the extended term of the Recycled Water Agreement shall be pursuant to the terms of the Recycled Water Agreement and this Amendment unless otherwise agreed by the Parties in writing.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties do hereby agree to amend the Recycled Water Agreement as follows:

1. **Definitions.** The capitalized terms defined in this Amendment have the meanings assigned to them, including terms defined by inclusion in quotation marks and parentheses. All other capitalized terms used, but not defined, herein shall have the same meanings assigned to such terms in the Recycled Water Agreement and any previous amendments.

2. **Term of the Agreement — Section 2.** The Parties hereby agree that the term of the Recycled Water Agreement shall be, and is hereby, extended up to, and including, September 30, 2027 unless otherwise terminated by an agreement among the Parties or pursuant to the terms of the Recycled Water Agreement or this Amendment by one or all of the Parties. Notwithstanding the foregoing, should the Tax Agreement terminate for any reason prior to the end of its Term (as defined in the Tax Agreement), CHEVRON may also terminate the Recycled Water Agreement upon thirty (30) days' notice without further liability to the CITY or the Water District.
3. **Fixed Monthly Meter and Infrastructure Charges.** In consideration of Chevron agreeing to extend the term of the Recycled Water Agreement as stated in this Amendment and effective as of the Amendment Effective Date, the Parties agree that Section 4.(a) of the Recycled Water Agreement shall be amended to read as follows:

**DISTRICT CHARGES**

"Chevron currently pays a meter/infrastructure charge directly to the Water District in the amount of $182,733.00 per month ("District Infrastructure Charge"). Additionally, the Water District bills the City for a nitrification infrastructure charge in the amount of $84,150.00 per month ("District Nitrification Infrastructure Charge") which the City in turn bills Chevron for, without any mark-up by the City, and Chevron is responsible for paying this amount. The District Infrastructure Charge and the District Nitrification Charge may be collectively referred to herein as "District Charges".

The Water District and City shall continue to bill Chevron for District Charges, and Chevron shall be responsible for paying such, and any increase in these amounts by the Water District or City shall be reasonable and no greater than those charged to other purchasers of water from the Water District and City. In no event shall the City mark-up the District Charges and in the event that the Water District ceases to impose any part or all of the District Charges then Chevron shall only be liable for paying the amount, if any, of the actual District Charges." Chernon and the Water District agree to negotiate in good faith the amount of "District Charges" the Water District or the City will charge Chevron for the remaining term of the Recycled Water Agreement to go into effect July 1, 2016.

**CITY CHARGES**

Finally, the City currently bills Chevron for seven (7) meters at an average rate of $53.15 per meter per month, for an average total of $372.05 per month, for delivery of the non-potable water ("City Meter Charges"). The City shall continue to bill Chevron for City Meter Charges, and Chevron shall be responsible for paying such, and any increase in these amounts by the City shall be reasonable and no greater than those charged to other purchasers of water from the City.

4. **Rates/Prices/Charges/Surcharges/Markups.** The City is currently charging Chevron a mark-up rate of $0.7894 per hundred cubic-foot unit in accordance with Section 4.(b) of the Recycled Water Agreement which has increased over time from the $0.3056 per hundred cubic-foot set forth in Section 4.(b)(ii) of the Recycled Water Agreement. In consideration of Chevron agreeing to extend the term of the Recycled Water Agreement as stated in this Amendment, any increases of this mark-up amount shall continue to be imposed subject to Section 4(b)(iii) of the Recycled Water Agreement.

5. **Effect of the Amendment.** Except as expressly amended, supplemented and modified herein, nothing in this Amendment in any way alters or amends the restrictions, rights or obligations under the Recycled Water Agreement that are not expressly amended herein, and all other provisions in the Recycled Water Agreement are hereby ratified, confirmed and remain in full force and effect. This Amendment shall

prevail and control with respect to any inconsistency between the interpretation of the Recycled Water Agreement, this Amendment and any other addendum or prior amendment.

IN WITNESS WHEREOF, the Parties have executed this Amendment through their authorized representatives as evidenced by the signatures below.

CITY OF EL SEGUNDO  
WEST BASIN MUNICIPAL WATER DISTRICT
By: __________________________
Suzanne Fuentes, Mayor

Date: __________________________

ATTEST:

______________________________
Tracy Weaver, City Clerk

APPROVED AS TO FORM:

______________________________
Mark D. Hensley, City Attorney

CHEVRON PRODUCTS COMPANY
a division of CHEVRON U.S.A. INC.

By: __________________________
Print: _________________________
Title: _________________________
Date: _________________________

APPROVED AS TO FORM:

By: __________________________
Print: _________________________
Title: District Counsel
EL SEGUNDO CITY COUNCIL

AGENDA ITEM STATEMENT

AGENDA DESCRIPTION:

Consideration and possible action to discuss benefits provided to members of the City Council and whether such should be reduced or eliminated either voluntarily or through formal action. (Fiscal Impact: varies based on options)

RECOMMENDED COUNCIL ACTION:

1. Receive and file report.
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None

FISCAL IMPACT: $

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

PREPARED BY: Greg Carpenter, City Manager
REVIEWED BY: Marie Fellhauer, Council Member
APPROVED BY:

BACKGROUND & DISCUSSION:

At its meeting on April 15, 2014, Council engaged in a discussion related to salary and benefits that City Council members receive to determine whether such should be reduced or eliminated. No decision was made at the time. This issue is being brought forward once again for further consideration and discussion.

Summary of Salary and Benefits

SALARY

- Monthly Salary/Stipend - $900.00 (maximum allowed by State law). This salary is codified under El Segundo Municipal Code Section 1-4-3. Currently there are five (5) Council Members taking their salary which results in an annual cost of $57,472, which includes the $3,472 annual payment to PERS. Government Code Section 36516 requires that the City Council utilize the same procedures for decreasing compensation as when increasing compensation. The City Council would need to adopt an ordinance amending Code Section 1-4-3 to reduce its compensation and such reduction would not take effect until after the 2016 General Election. Individual Council Members can decide to not accept the payments from the City.
BENEFITS

With regard to all of the benefits identified below, there is an Attorney General Opinion that concludes that such benefits cannot be changed to affect sitting Council Members. However, there is case law that suggests benefits could be reduced or eliminated. Thus, changing benefits with regard to active Council Members could subject the City to a legal challenge.

- CalPERS Retirement – Government Code Section 20322 permits Council members the option of participating in the Public Employees’ Retirement System (PERS) at any time during their term of office and are responsible for paying their full member share. The Council cannot terminate the ability of other Council Members to take this benefit so long as the City participates in the PERS retirement system. Council members are eligible to retire after five (5) years of service and fifty (50) years of age. The Retirement Benefit is based on years of service, the applicable benefit factor based on retirement age, and final compensation. Accordingly, assuming a Council Member served two terms (8 years) and retired at the age of 55 (2% benefit factor) with a single highest year salary of $10,800 (current salary of $900), the Council Member would receive an annual benefit of $1,728 (8 years x .02 x $10,800).

- Medical Insurance - Council is eligible for medical payment funding up to $1200 which is tied to the current amount that the Management/Confidential employees have received upon retirement from the City. PERS informed us that Council has been tied to Management/Confidential for this benefit since 1991. Currently there are three (3) Council Members receiving this benefit at an annual cost of $35,990. Council members are eligible to enroll in PERS medical without enrolling in the PERS Retirement Plan, or can opt to enroll in both. The Council can reduce this medical payment to the PEMHCA minimum (currently $119 per month) so long as the Council sets the medical payments under PEMHCA for another non-safety City association at the PEMHCA minimum. Setting the payment at the PEMHCA minimum means retirees’ contribution will also be lowered to the PEMHCA minimum. The City will need to keep them whole by supplementing the contribution through a Health Reimbursement Account. Council can offer a supplement above the PEMHCA minimum in the form of a cafeteria plan to sitting Council members. The Council may eliminate the obligation to provide the PEMHCA minimum by exercising the termination option described below.

- Retiree Medical Insurance - Council members who serve at least five years on Council and retire from PERS within 120 days of separation are eligible for lifetime medical insurance for themselves and their dependents. Currently, the monthly contribution is $1200.00 and there are five (5) Council Members and one (1) dependent receiving retiree medical benefits at a cost of $52,453 per year.

Termination Option – PERS has informed staff that the City has the option to terminate the medical benefit. The first step will require the City to adopt a Resolution separating Council from the Management/Confidential group and creating a discrete group consisting of either elected officials or Council members. The Resolution would also need to specify the monthly contribution that will be provided to this group. Initially the PEMHCA monthly minimum contribution must be provided. It should be noted that whatever changes are made to the monthly contribution to active elected officials will also apply to retired elected officials.
Once the above Resolutions have been filed with PERS, the City may terminate the benefit for this group through a Resolution. The ability to terminate happens only certain times of the year and generally falls between the months of June through August. The window for 2014 is closed. If the City terminates during the 2015 window period, the effective date would be January 1, 2016. The benefit will be terminated for active elected officials/Council members - and - retired annuitants, therefore, the City would be responsible for providing comparable health care benefits to the retired annuitants.

This will result in potentially some significant changes regarding administration of health care benefits for prior and current Council Members that have fully vested retiree medical benefit rights. While the City would still provide those with vested rights the $1200 per month for medical payments, these individuals will no longer be eligible to select from the list of health care providers and costs offered by PERS. Without doing additional research on provider options and how costs will vary depending on when a change is implemented, it is uncertain how terminating PEMHCA would affect the available health care providers and the costs of insurance for those with vested medical benefit rights.

In summary, subject to the above legal constraints, Council may reduce the medical benefit contribution for actives, retirees, and future Council members but will need to address the impact to retirees and vested sitting Council members. Council also has the option to terminate the medical benefit for future Council members with the understanding that this action impacts current retirees.

- Life Insurance – During their terms of office, Council members are provided with a $50,000 term life insurance policy if they opt to take this benefit. This currently costs the City approximately $468.00 per year. Council Members who retire are eligible to continue this benefit at their own cost.

- Dental and Optical Insurance – Premiums are fully paid by the City for the Council member and dependents if the Council member chooses to enroll in one or both benefits. This currently costs the City $2,322.84 per year. Council Members who retire are eligible to continue one or both of these benefits at their own cost.

Should the majority of the City Council agree to reduce or eliminate salary and/or benefits to the extent allowed by law, staff should be directed to prepare the necessary documents to implement and bring them back for City Council consideration and action.