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, JULY 21, 2015 – 5:00 PM

(NOTE: THE 5:00 PM MEETING HAS BEEN ADJOURNED TO 6:00 PM DUE TO LACK OF QUORUM)

5:00 P.M. SESSION

CALL TO ORDER

ROLL CALL
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): -2- matter

1. City of El Segundo vs. City of Los Angeles, et.al. LASC Case No. BS094279
2. Penuelas vs. City of El Segundo, LASC Case No. BC523072

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(d) (2) and (3): -1- matter.


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

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

PUBLIC EMPLOYMENT (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
AGENDA
EL SEGUNDO CITY COUNCIL
COUNCIL CHAMBERS - 350 Main Street

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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JULY 21, 2015 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE – Council Member Dugan
PRESENTATIONS

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)

C. UNFINISHED BUSINESS
1. **[CONTINUED ITEM #C2 FROM JULY 7, 2015 CITY COUNCIL MEETING]**

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 action related to this item.

2. Consideration and possible action regarding receiving an update with respect to the City's negotiations with CenterCal and Top Golf regarding the draft Due Diligence Lease Agreement that provides for the leasing of the driving range at the Lake's Golf Course to CenterCal and Top Golf for purposes of operating a Top Golf facility and the reconstruction of the golf course.

(Fiscal Impact: None)

Recommendation – 1) Consideration and possible action regarding receiving an update regarding the Agreement negotiations and provide feedback to City Manager and City Attorney as appropriate; 2) Alternatively, discuss and take other action related to this item.

3. Consideration and possible action to 1) review the proposed designs for the Richmond St. Rehabilitation Arterial Improvement Project between El Segundo Blvd. and Holly St., 2) provide direction to staff on possible revisions and 3) direct staff to proceed with preparation of construction plans and specifications.

(Fiscal Impact: $800,000.00)

Recommendation – 1) Review the proposed designs for the Richmond St. Rehabilitation Arterial Improvement Project; 2) Provide direction to staff on possible revisions to the proposed designs; 3) Direct staff to proceed with the preparation of construction plans and specifications inclusive of any design changes; 4) Alternatively, discuss and take other action related to this item.
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. Warrant Numbers 3006734 through 3006895 on Register No. 19 in the total amount of $1,344,326.90 and Wire Transfers from 6/15/2015 through 7/5/2015 in the total amount of $2,597,993.00.

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.

5. Regular City Council Meeting Minutes of July 7, 2015.

Recommendation – Approval.

6. Consideration and possible action to authorize the City Manager, or designee, to record the Notice of Completion accepting completion of work for twenty-three (23) homes related to Project RSI 14-25 (the City's Residential Sound Insulation Program's Group 67).

(Fiscal Impact: Final Contract Amount: $939,885.44)

Recommendation – 1) Authorize the City Clerk to file the City Manager's, or designee's, Notice of Completion in the County Recorder's Office; 2) Authorize the City Manager, or designee, to close out Project No. RSI 14-25; 3) Authorize the RSI Program Manager to sign the Title 21 Compliance Certificates in accordance with the requirements of the grant funding from Los Angeles World Airports (LAWA) and mail originals to LAWA; 4) Alternatively, discuss and take other action related to this item.
7. Consideration and possible action to authorize the City Manager, or designee, to record the Notice of Completion accepting completion of work for twenty-one (21) homes related to Project RSI 14-26 (the City's Residential Sound Insulation Program's Group 68).
(Fiscal Impact: Final Contract Amount $455,397.84)
Recommendation – 1) Authorize the City Clerk to file the City Manager's, or designee's, Notice of Completion in the County Recorder's Office; 2) Authorize the City Manager, or designee, to close out Project No. RSI 14-26; 3) Authorize the RSI Program Manager to sign the Title 21 Compliance Certificates in accordance with the requirements of the grant funding from Los Angeles World Airports (LAWA) and mail originals to LAW; 4) Alternatively, discuss and take other action related to this item.

8. Consideration and possible action to authorize an increase to Metron-Farnier, LLC's blanket purchase order from $100,000 to $130,000 for the purchase of water meters.
(Fiscal Impact: None)
Recommendation – 1) Authorize an increase of $30,000 to the blanket purchase order #71-00209 to Metron-Farnier, LLC from $100,000 to $130,000 for the purchase of water meters; 2) Alternatively, discuss and take other action related to this item.

9. Consideration and possible action to authorize the City Manager to execute a contract with William Avery & Associates, Inc. in an amount not to exceed $41,800.
(Fiscal Impact: $41,800)
Recommendation – 1) Authorize the City Manager to execute a contract with an executive search firm for purposes of recruiting a new Director of Finance and Fire Chief, to commence work on or about August 1, 2015; 2) Alternatively, discuss and take other action related to this item.

10. Consideration and possible action to receive and file this report regarding emergency work to repair dwelling units at the Park Vista Senior Housing Facility due to water intrusion 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: $50,000.00)
Recommendation – 1) Receive and file this report regarding emergency work to repair dwelling units at the Park Vista Senior Housing Facility due to water intrusion 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 action related to this item.
11. Consideration and possible action regarding authorizing the City Manager to enter into a one-year lease with a three one-year options with Davis & DeRosa Physical Therapy, Inc., for the continuous use of approximately 1,620 square feet of space located at 333 Main Street to house the City of El Segundo's Residential Sound Insulation (RSI) Program Office.
(Fiscal Impact: Approximately $80,000.00: $8,000.00 for FY2014-2015 budget and $72,000.00 for FY2015-2016 budget)
Recommendation – 1) Authorize City Manager to enter into a lease agreement; 2) Alternatively, discuss and take other action related to this item.

(Fiscal Impact: None)
Recommendation – 1) Waive second reading and adopt Ordinance No. 1509 amending ESMC Title 10, Chapter 5, Water Conservation; 2) Alternatively, discuss and take other action related to this item.

13. Consideration and possible action regarding approval of an amendment to the Robert Half International Inc. contract for temporary staffing in Building and Safety for License / Permit Specialist I.
(Fiscal Impact: $20,000.00) Contract Number: 4810
Recommendation – 1) Authorize City Manager to execute a contract amendment, in a form approved by the City Attorney, with Robert Half International Inc., for additional temporary staffing; 2) Alternatively, discuss and take other action related to this item.

F. NEW BUSINESS

14. Consideration and possible action to adopt an ordinance updating the El Segundo Municipal Code amending Title 13 of the El Segundo Municipal Code by adding Chapter 18 to provide an expedited, streamlined permitting process for small residential rooftop solar systems.
(Fiscal Impact: None)
Recommendation – 1) Introduce and waive first reading of Ordinance No. _____, enacting Municipal Code amendments to provide an expedited, streamlined permitting process for small residential rooftop solar energy systems; 2) Alternatively, discuss and take other action related to this item.
15. Consideration and possible action regarding potential amendments to the Downtown Specific Plan (DSP) regarding: (1) tinting or reflective glass on storefront windows; (2) signs for non-street front uses; (3) building height limit along street-side property lines; (4) design review process of projects relating to existing design review standards in the DSP; (5) parking requirements for Non-Profit Museums in the DSP area; and/or (6) parking and the Parking-In-Lieu Fee Program in the DSP and review and potential formulation of recommendations relating to parking issues in the DSP.  

(Fiscal Impact: None)

Recommendation – 1) Directing staff to prepare an amendment to the DSP Section VIII (Design Standards) regarding Tinting or Reflective Glass on Storefront Windows; 2) Directing staff to prepare an amendment to the DSP Section VIII (Design Standards) regarding Signs for Non-Street Front Uses; 3) Directing staff to prepare an amendment to the DSP Section VI (Development Standards) regarding building height along street-side property lines; 4) Directing staff to prepare an amendment to the DSP Sections V (Administration) and VIII (Design Standards) to establish a design review process and to define projects requiring design review relating to existing design review standards in the DSP; 5) Directing staff to prepare an amendment to the DSP Section VII (Parking) regarding parking requirements for Non-profit Museum uses; 6) Establishing a subcommittee to formulate potential recommendations regarding the preparation of amendments to parking standards in the DSP and/or the Parking In-Lieu Fee Program; 7) Alternatively, discuss and take other action related to this item.

G.  REPORTS – CITY MANAGER

H.  REPORTS – CITY ATTORNEY

I.  REPORTS – CITY CLERK

J.  REPORTS – CITY TREASURER

K.  REPORTS – CITY COUNCIL MEMBERS

Council Member Fellhauer –

Council Member Atkinson –
Council Member Dugan -

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

POSTED:

DATE: 7-15-15

TIME: 3:00 pm

NAME: [Signature]
EL SEGUNDO CITY COUNCIL

AGENDA ITEM STATEMENT

MEETING DATE: June 16, 2015

AGENDA HEADING: Unfinished Business

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, 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; 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:

November 5, 2013, Staff Reports (with attachments); and,
Letter of May 8, 2015 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 May 5, 2015, 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 and that the Council then subsequently withdrew the option for CenterCal to execute the Agreement. CenterCal on April 28, 2015 sent a new communication to the City proposing new terms. On May 5, 2015,
the City Council directed the City Attorney’s office to notify Ms. Deborah Geist that the Council would consider rescinding its 2013 commitment not to hold closed sessions regarding this matter. At its May 5th meeting, the Council noted that it would need to consider whether a closed session was needed to discuss CenterCal’s new terms and conditions.

Council was reminded that Ms. Geist would need to be provided 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 after the notice date 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.

On May 8, 2015, 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 on June 16, 2015 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.
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

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 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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4 § 54960.2.
5 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)).
6 § 54960.2(c).
7 Id.
8 Id.
THE JULY 21, 2015 CITY COUNCIL MEETING AGENDA ITEM #1
IS
(CONTINUED ITEM #2 FROM THE JUNE 16TH AND JULY 7TH CITY COUNCIL MEETINGS)

Exhibit A

October 1, 2013 and October 15, 2013 Letters
THE JULY 21, 2015 CITY COUNCIL MEETING AGENDA ITEM #1
IS
[CONTINUED ITEM #2 FROM THE JUNE 18TH AND JULY 7TH CITY COUNCIL MEETINGS]

RECEIVED /6-1-13
CITY CLERK’S OFFICE

City Manager’s Office

October 1, 2013

CITY CLERK’S OFFICE

October 1, 2013

RECEIVED

Via Personal Delivery

Hon. Bill Fisher, Mayor
Mr. Carl Jacobson, Mayor Pro Tem
Ms. Suzanne Fuentes
Mr. Dave Allision
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. 54950 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” provision of Government Code Section 54955.8, 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 54955.8 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 pertain 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 19, 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 privity 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, 98 Cal.App. 4th 604 (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.
68 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:

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, 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 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 ESCC against its public responsibilities under the Brown Act.

4. Substantively Misleading Agenda Description

On August 21, 2012, the ESCC 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 ESCC was to direct staff regarding future action when, in fact, the ESCC 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 ESCC 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 ESCC accurately convey notice to the public of what ESCC 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 ESCC 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. Gelst
(310) 489 7751
cfegelst@verizon.net
October 16, 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 Fellhauer

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 28, 2012 and July 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 19, 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 privity 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, 98 Cal. App. 4th 604 (2002).

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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, 96 Cal. App. 4th 904 (2002), where the Court of Appeal held that the San Diego Council had violated the Brown Act in inclusion 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 54948.8

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 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, 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 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 ESCC against its public responsibilities under the Brown Act.

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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 54956.2, 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. Gelet
(310) 488 7751
citegelet@verizon.net
Exhibit B

Draft Response Letter
October 30, 2013

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

Re: Letter dated October 15, 2013

Dear Ms. Gelat:

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

350 Main Street, El Segundo, California 90245-3813
Phone (310) 524-2300 Fax (310) 540-0489
of a [sic] agreement with Centrecal 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 Centrecal 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-essay-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
May 8, 2015

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

Re: Notice of Rescission per Government Code § 54960.2(e)

Dear Ms. Geist:

On November 5, 2013, the City Council committed to refrain from utilizing closed session to discuss real property negotiations concerning its municipal golf course known as "the Lakes." The reasons for such commitments are set forth in the enclosed letter (the "Letter").

As you know, on May 5, 2015, the City Council directed our office to provide you thirty day notice that the City Council would consider rescinding the commitment set forth in the Letter in accordance with Government Code § 54960.2(e). Accordingly, take notice that the City Council will consider a "Rescission of Brown Act Commitment" as a regular agenda item at its regular meeting held on June 16, 2015. Should the City Council decide to rescind its commitment in the Letter, you will have the right to commence legal action in accordance with the Ralph M. Brown Act.

Please note that the City reaffirms its position as set forth in the Letter: this matter is thoroughly transparent; allegations regarding Brown Act violations are without merit. Moreover, the public continues to have a vibrant dialogue regarding the City Council’s actions as to the Lakes.

Note that a copy of this letter is being provided to the Public Integrity Unit of the Los Angeles County District Attorney’s office in accordance with Government Code § 54960.2(e).

Very truly yours,

[Signature]
Assistant City Attorney

c: District Attorney
   City Council
   City Manager

350 Main Street, El Segundo, California 90245-3813
Phone (310) 524-2300   Fax (310) 640-0489
October 30, 2013

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

Re: Letter dated October 15, 2013

Dear Ms. Gelst:

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 continue 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.
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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).

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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-tongolf; 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

350 Main Street, El Segundo, California 90245-3813  
Phone (310)524-2300  Fax (310) 840-0489
2. Consideration and possible action regarding receiving an update with respect to the City's negotiations with CenterCal and Top Golf regarding the draft Due Diligence Lease Agreement that provides for the leasing of the driving range at the Lake's Golf Course to CenterCal and Top Golf for purposes of operating a Top Golf facility and the reconstruction of the golf course.
(Fiscal Impact: None)
Recommendation – 1) Consideration and possible action regarding receiving an update regarding the Agreement negotiations and provide feedback to City Manager and City Attorney as appropriate; 2) Alternatively, discuss and take other action related to this item.
AGENDA DESCRIPTION:

Consideration and possible action to 1) review the proposed designs for the Richmond St. Rehabilitation Arterial Improvement Project between El Segundo Blvd. and Holly St., 2) provide direction to staff on possible revisions and 3) direct staff to proceed with preparation of construction plans and specifications. (Fiscal Impact: $800,000)

RECOMMENDED COUNCIL ACTION:

1. Review the proposed designs for the Richmond St. Rehabilitation Arterial Improvement Project;
2. Provide direction to staff on possible revisions to the proposed designs;
3. Direct staff to proceed with the preparation of construction plans and specifications inclusive of any design changes; or
4. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Summary of Public Comments Received
Draft Design Plans

FISCAL IMPACT: Included in Adopted Budget

Amount Budgeted: $800,000
Additional Appropriation: No
Account Number(s): 301-400-8203-8703 (Capital Improvement Program)

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

BACKGROUND AND DISCUSSION:

Over the years, the 100-300 blocks of Richmond Street and its adjacent sidewalks have been severely damaged due to aggressive root system of Ficus trees. And, although the city recognized and prioritized rehabilitating the street more than seven years ago, it was not able to implement the project due to the economic crisis. Since that time, the popularity and success of El Segundo’s downtown business district has grown as the economy has rebounded. As such, the need for additional parking to meet the growing demand for patrons visiting the restaurants, shops and businesses has also become apparent. To address both the damaged streets and sidewalks and the growing parking concerns, in the fall of 2013 City Council directed staff to investigate opportunities to increase the availability of parking on Richmond St. and Standard St along the 100, 200 and 300 blocks that could be achieved in concert with the rehabilitation project. A concept study, completed in early 2014, indicated that additional parking spaces could be achieved by widening and reconfiguring striping on Richmond Street, but that no real
gains could be achieved on Standard St. due to the number of driveways present. The striping configuration proposed at that time called for a combination of angled and parallel parking.

In the fall of 2014, Council approved staff’s recommendation to install angled parking on the west side of Richmond as a “pilot project” in concert with the slurry seal project for the three blocks under consideration. The temporary striping was intended to give businesses, patrons and residents a feel for what angled parking would be like prior to permanently constructing any changes. Once installed, additional modifications were made to the striping plan, which included widening the stall widths in the 100 and 200 blocks and removing angled parking completely in the 300 block of Richmond due to community concerns about safety. With the exception of the 300 block, the overall feedback has been mostly positive about the angled parking configuration and additional parking spaces created.

In the fall of 2014, City Council also approved an $800,000 budget as part of the 2014/15 Capital Improvements Program to move forward with the rehabilitation of Richmond St., which included finalizing proposed widening and parking modifications (discussed below). The first phase of this rehabilitation project included convening a City Council subcommittee (Jacobson and Atkinson) to participate in the design phase and outreach efforts to the community about the proposed changes to Richmond St. The second phase will include preparing construction documents based on Council direction after review of the proposed plans and consideration of community feedback. During Phase I, three community meetings were held as follows:

- **Thursday, April 23**: Initial designs were presented to the subcommittee and residential/commercial focus group and then breakout groups were formed for each of the three blocks under consideration. Substantial input (discussed below) was provided by 15 homeowners and businesses adjacent to Richmond Street who attended the meeting.

- **Tuesday May 12**: Revised designs were presented to the subcommittee and residential focus group. Additional comments were received (discussed below).

- **Wednesday June 10**: The public meeting notice was published twice in the El Segundo Herald and on the City’s website. Tentative final plans were presented to the residents and businesses in attendance. Additional comments were received (discussed below).

**Design Considerations:**
The total right-of-way (ROW) width for all three blocks is 60’. The street is 40’ wide and the remaining right-of-way width on each side is 10’. Sidewalk widths currently range from low of 4’ to a maximum of 10’ behind the curb. The proposed designs call for widening Richmond Street from 40 feet to 46 feet and narrowing the sidewalks from 10’ to 7’ in the 100 and 200 blocks, and for the majority of the 300 block (see map below). This reconfiguration allows angled parking to be installed on the west side of the street and parallel parking to remain on the east side of the street. The design was drafted with the following criteria in mind:

- Restore the street and sidewalk damage caused by the trees
- Maximize the availability of parking within these three blocks
- Create parking stalls sufficiently wide to comfortably enter and exit vehicles
- Ensure drive aisles are wide enough to accommodate parking maneuvers and safe travel
- Ensure that parking stalls are sufficiently set back from driveways to provide visual clearance for exiting cars
• Comply with Americans with Disabilities Act (ADA) requirements
• Improve the pedestrian experience
• Enhance street and pedestrians lighting
• Incorporate features that are compatible with adjacent business operations (e.g., loading zones, handicap parking stalls, larger congregation areas).
• Ensure the plans can accommodate future growth and needs in the downtown area

The proposed angled and parallel parking stall configurations are shown in the graphics below. The proposed design for parallel parking stalls is reflective of the length and width ranges identified in the American Association of State Highway and Transportation Officials (AASHTO or Green Book) and Caltrans and the El Segundo Municipal Code (ESMC) guidelines, which range from 20'-26'. Stall widths for angled parking are also reflective of AASHTO and ESMC guidelines as well as the results of the pilot striping project. Please note that the length of the parallel stalls ultimately chosen will only slightly impact the total number of spaces available. This is further evaluated under the 300 block discussion below.

For discussion purposes, most of the following information is presented block-by-block so that unique design considerations, issues and community concerns of each distinct block can be clearly presented.

**General Public Comments and Concerns:**
Staff received general questions regarding the timing and scope of the project, such as how long construction will take, when is it scheduled to begin, how long individual businesses will be affected during construction, what type of business access will be available during construction, what is the plan for new trees and what ADA requirements must be met. Many of these questions could not be immediately answered because they are dependent on the construction plan sequencing, which will be developed later this year along with construction documents. However, staff assured attendees that the City will be working very closely with property and businesses owners prior to and during
construction to ensure that businesses/residents are kept fully informed of the expected impacts and resolutions.

100 Block of Richmond Street
The east side of Richmond is predominantly bordered by a large Chevron parking lot, the Old Town Theater and one commercial building, while the west side is predominantly bordered by mixed use commercial.

<table>
<thead>
<tr>
<th>Parking Spaces</th>
<th>Original Parallel</th>
<th>Proposed Layout</th>
<th>Net Gain</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 Block</td>
<td>34</td>
<td>47</td>
<td>13 (38%)</td>
</tr>
</tbody>
</table>

Concerns were raised by the Old Town Theater that there is not currently sufficient space to accommodate patrons who congregate outside the buildings entrance, and that a further reduction to the sidewalk would only exacerbate the problem. The Theater’s owners also cited concerns about ADA access and the need for an adequate loading zone for large buses who bring people to the theater. The design team was able to develop a plan to resolve their concerns by: 1) extending the curb into the street to create a larger congregation area than what is currently available, 2) designating the corner-most parking stall on the east side as a handicap parking spot and 3) creating a shared parking/loading zone just south of the theater. The plans also call for installing a handicap parking spot on the west side of the street at the “crown,” which is both centrally located within the block and at a location that minimizes the horizontal slant that can make opening and closing doors difficult.

Comments received from businesses about the proposed configuration were positive; staff is not currently aware of any opposition to the design proposed for the 100 block of Richmond St..

200 Block of Richmond Street
The east side of Richmond St. is adjacent to one public parking lot and several commercial establishments, while the west side is adjacent to one private parking lot and mixed use commercial establishments. The street design assumes that the driveway to the private parking lot will be relocated to Franklin St., thereby freeing up additional space for angled stalls on the west side of the street. Additionally, a loading zone is proposed on the northeastern end of the 200 block, which will accommodate the delivery needs of Carpet One and other nearby businesses. Second City’s patio will be removed from the public right-of-way to accommodate the narrower sidewalks proposed. The general feedback among businesses in the 200 block has been positive.
### Parking Spaces

<table>
<thead>
<tr>
<th></th>
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<th>Net Gain</th>
</tr>
</thead>
<tbody>
<tr>
<td>200 Block</td>
<td>17</td>
<td>26</td>
<td>9 (53%)</td>
</tr>
</tbody>
</table>

### 300 Block of Richmond Street

The east side of the 300 block is adjacent to the City parking structure, the 99¢ Only Store, one private parking lot and a few residential parcels, while the west side is adjacent to mixed use commercial parcels, including shops, offices and one church which also runs a daycare facility. There are several encroachments within the 10’ of public right-of-way behind the curb, which include furniture staging at the antique store, parking spaces and bollards in the private lot behind the 99¢ Only Store, the St. Michaels daycare playground and yards/driveways for the condominium development.

On the east side of the 300 block, the plan proposes parallel parking over its entire length, reducing the sidewalk from 10’ to 7’ in front of the parking structure and the 99¢ Only Store, and widening the sidewalk in front of the residential parcels from 4’ to 5’. On the west side of the 300 block, the plan proposes a combination of angled and parallel parking (see map below), narrowing the sidewalks adjacent to commercial businesses from 10’ to 7’, and widening the sidewalk in front of St. Michael’s church from 4’ to 7’ consistent with the rest of the west side of the block.

### Community Feedback

The city did not receive any comments back from the businesses located on the 300 block, but did receive a significant number of comments from the residents and church regarding in opposition to the proposed changes as follows:

- **The condominium association residents:**
  - Oppose widening the sidewalk adjacent to the condominiums from 4’ to 5’.
  - Oppose widening the sidewalk in front of St. Michaels’s Church from 4’ to 7’.
  - Oppose the proposed street widening and installation of angled parking
  - Requested that the proposed centerline stripe on Richmond St. approaching Holly Ave. be removed.
  - Believe that a parallel stall length of 20’ is sufficiently long to accommodate parked vehicles.
  - Assert that there is no parking problem within the 300 block, that it is uniquely different than the 100/200 blocks in terms of use and demand, and altering it will not alleviate the parking problems associated with the 100/200 blocks.
  - Believe that the parking garage is under utilized and has poor signage, and that if this were corrected, there would be no need to widen the 300 block.

- **St. Michaels Church/Child Care Center**
  - Does not want to relinquish 6’ of public right-of-way currently used to provide additional outdoor space for its daycare operations.
  - Opposes widening the sidewalk from 4’ to 7’ and widening the street adjacent to the church by an additional 3’.
  - Should the street be widened, the church concern about the safety of children using the bicycle lot due to potential changes in traffic patterns.
  - Has concern about the impact of construction on its daycare operations.
- Has concern about the cost the church will incur for any on-site work needed as a result of street reconstruction plans.

- Both residents and the church desire to have the character/feel of the northern section of the street remain substantially residential rather than commercial, and feel that the narrower sidewalks help achieve that.

Staff met with church officials regarding the proposed plans to better understand the church’s concerns about its daycare operations and other issues raised above. The church has three primary concerns:

1. Whether relinquishing the 6’ of public right-of-way currently used for outdoor play space would trigger the need to reduce its daycare enrollment to comply with the California Department of Social Service’s (CDSS) minimum outdoor space requirements of 75 ft² per child, or whether it would need to consider reconfiguring its playground to incorporate additional open space to meet the minimum requirements. According to the church and its license issued by CDSS, the daycare is permitted for 42 pre-schoolers and 12 infants/toddlers, for a total of 57 enrollment spots. Thus the total minimum outdoor space needed to comply with state requirements is presumed to be 4275 ft² for 57 children. Staff met with the daycare center to field measure the site and estimates that the church already provides more than 5500 ft² of outdoor space on its own property for daycare operations. Therefore, it appears that the daycare does not require the additional 600 ft² of public ROW space it currently utilizes and will not need to reconfigure its playground perimeter in order to meet the State’s requirements for its permitted enrollment capacity. The playground structures themselves also meet the State’s setback requirements without the need to be relocated. These findings address concerns about the cost of reconstructing the playground or reducing enrollment. Nevertheless, the church has indicated prefers that the sidewalks remain narrower and that it be able to continue using the ROW to minimize any impacts on its playground and daycare operations.

2. To what extent construction activities will impact its daycare operations. The church is concerned that construction will impact children’s outdoor playtime and indoor nap time while construction activities are in front of its facility, and even more so during relocation of the playground retaining wall located in the public ROW. Once plans are finalized and construction documents prepared, staff will have better insight about the potential impacts and can then investigate opportunities to minimize those impacts. Potential solutions may include staging some construction activities during the holiday when the daycare is closed, maximizing weekend work and providing appropriate screening between the playground and the construction site.

St. Michaels encroachment into the public ROW.
3. Whether the wider street will encourage northbound traffic to utilize the church driveway on Richmond to effectively u-turn in order to secure an angled parking spot on the west side of the street. Based on traffic patterns observed near the library, staff believes that most northbound travelers are more likely to attempt turning directly into the angled parking spot rather than proceed to the church driveway to make a u-turn. Still, any concerns raised can be mitigated by the installation and use of retractive traffic bollards (similar to those used in Santa Monica on 3rd Street) or other mobile devices.

**Sidewalk Widths and Parking Stall Configurations within the 300 Block**

The design criteria for the proposed sidewalk widths in the 300 block is based on the following parameters and professional opinions:

1. 7’ sidewalks adjacent to the mixed use commercial properties are adequate to comfortably accommodate patrons while also providing periodic spacing for trees and other sidewalk impediments. The proposed width meets both American Association of State Highway and Transportation Officials (AASHTO) and Americans with Disabilities Act Accessibility Guidelines (ADAAG) recommendations.

2. 4’ sidewalks, when located immediately adjacent to the street, do not meet AASHTO and ADAAG recommendations for providing adequate pedestrian access given miscellaneous encroachments. The AASHTO minimum recommendation of 4’ residential sidewalk width is increased by 2’ when the sidewalk abuts the curb to account for typical sidewalk impediments and adjacent street uses (e.g. signs, parked cars). Additionally, although handicap access routes require a minimum continuous travel width of 4’,

1 wheelchair require 5’ clear for maneuvering or for passing, making 5’ sidewalks more desirable for disabled user groups. For this reason, ADAAG ultimately recommends that continuous sidewalk widths be at least 5’ to accommodate all ADA access uses.

3. The block is predominantly mixed-use commercial on both sides of the street, and as such the wider sidewalks accommodate broader user groups who frequent or travel to and from businesses in the immediate area.

The design criteria for parking stall width and length (8.5’x24’) also follows AASHTO and ESMC guidelines. Concerns were raised about the need to have 24’ parallel stalls, especially when compared to the current configuration of 19’-20’ parallel stalls found on Richmond St. and elsewhere throughout the city. Considering that the ultimate length of parallel stalls can impact the total number of parking spaces planned, staff evaluated three stall lengths (20’, 22’, 24’) and their impact on the total number of spaces achievable. The results are as follows:

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1 ACCESS-BOARD.GOV: **R302.3 Continuous Width.** Except as provided in R302.3.1, the continuous clear width of pedestrian access routes shall be 1.2 m (4.0 ft) minimum, exclusive of the width of the curb.
The findings show that over the entire block, installing 20’ stalls for all six segments will net 5 additional spaces when compared to the proposed 24’ stalls, and 3 more than 22’ stalls. Please note that although there are currently 46 parallel stalls in the 300 block, many are less than 20’ and the driveway setbacks for visual clearance are substandard. When correcting for these deficiencies, the maximum achievable number of parallel stalls for a 20’ length is 41, which is consistent with the pre-slurry count. However, installing angled parking in segment 6 increases the total possible count by 7-10 additional stalls, depending on the comparable stall length chosen (17% or greater gain). The difference is even larger (12-15) when considering removal of the antique store driveway.

Based on observations of the types of vehicles parking on city streets and the wide variability of stall lengths installed, staff believes that the overwhelming majority of vehicles can be accommodated in 22’ parallel stalls but that 20’ stalls are too small for a sufficient number of vehicles, especially when considering the space needed to safely maneuver into and out of parallel parking spots (see photos).
Based on the summary provided above, staff recommends that City Council take the following actions:

1. Approve parking stall lengths of 22’, a variation of the ESMC, wherever it can be shown that the smaller space will result in an increased number of parking stalls for the particular curb segment. Otherwise proceed with the ESMC recommended length of 24’. There are a total of two street segments where parking would be increased by 1 stall each (segment 2 and segment 6 if not installing angled parking).
2. Approve the proposed designs for the 100 and 200 blocks of Richmond St., which will yield a total of 13 and 9 spaces, respectively.
3. Direct staff on whether to proceed with widening the 300 block to accommodate angled parking. The combination of 22’ long parallel stalls and angled parking will yield an additional 9 parking spaces when compared to installing only parallel stalls.
4. Direct staff on whether to proceed with signage enhancements at the public parking garage to encourage broader use.
5. Direct staff on whether to proceed with widening the sidewalk in front of the condominiums from 4’ to 5’ to meet ADA recommendations. Currently the 4’ sidewalk does not meet ADA standards because the width is inclusive of the curb.
6. If widening the street within the 300 block, direct staff on whether to proceed with widening the sidewalk in front of St. Michael’s Church from 4’ to 7’ to be consistent with rest of the entire block, all of which is designated/zoned as mixed commercial use. Alternatively, consider whether a lesser width sidewalk width and possible continued use of the ROW for the playground is appropriate. Staff recommends a minimum of 5’ be considered, consistent with ADA access recommendations. Currently the 4’ sidewalk does not meet ADA standards because the width is inclusive of the curb.
7. As part of the overall parking enhancement program, direct staff to prepare striping drawings to secure additional parking on El Segundo Blvd., between Main Street and Richmond St. Staff estimates that approximately 8-10 spaces can be gained by slight realignment of the 2-lane configuration. The realignment can be completed with the upcoming slurry project and the gains immediately realized.
**Proposed Timeline for Construction**
Pending direction and approve from City Council, staff anticipates the following timeline to complete the project:

### 2015

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<tr>
<th>July-September:</th>
<th>Proceed with drafting construction documents</th>
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<tbody>
<tr>
<td></td>
<td>Seek Subcommittee and community input on landscaping options</td>
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<tr>
<td>October:</td>
<td>Submit plans to the city</td>
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<td>Plan review and corrections provided</td>
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<tr>
<td>November/December</td>
<td>Release bids</td>
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### 2016

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<td>February</td>
<td>Execute Contracts</td>
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<td>Conduct outreach regarding construction timing and impacts</td>
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<td>March – May</td>
<td>Active Construction (outside the rainy season)</td>
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<td>Punch list and Completion</td>
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<td><strong>LAST NAME</strong></td>
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</tr>
<tr>
<td>Chad</td>
<td>Stephen</td>
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<td>Elizabeth</td>
<td>Tobias</td>
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CITY OF EL SEGUNDO  
WARRANTS TOTALS BY FUND

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TOTAL WARRANTS $ 1,344,326.90

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
Information on actual expenditures is available in the Director of Finance’s 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 = 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

DATE: 7-6-15

CITY MANAGER

DATE: 7-7-05
CITY OF EL SEGUNDO
PAYMENTS BY WIRE TRANSFER
6/15/15 THROUGH 7/5/15

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<td>Nationwide NRS EFT</td>
<td>EFT 457 payment</td>
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<td>EFT 401a payment</td>
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<td>7/3/2015</td>
<td>State of CA EFT</td>
<td>EFT Child support payment</td>
<td>853.45</td>
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<td>Lane Donovan Golf Pth</td>
<td>Payroll Transfer</td>
<td>25,008.37</td>
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<td>6/13/15-6/19/15</td>
<td>Workers Comp Activity</td>
<td>SCRMA checks issued</td>
<td>10,112.55</td>
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<td>Workers Comp Activity</td>
<td>SCRMA checks issued</td>
<td>50,231.11</td>
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<td>7/1/15-7/5/15</td>
<td>Workers Comp Activity</td>
<td>SCRMA checks issued</td>
<td>11,905.57</td>
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<td>Liability Trust - Claims</td>
<td>Claim checks issued</td>
<td>7,500.00</td>
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<td>6/20/15-6/25/15</td>
<td>Liability Trust - Claims</td>
<td>Claim checks issued</td>
<td>1,645.98</td>
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<tr>
<td></td>
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<td>2,597,993.00</td>
</tr>
</tbody>
</table>

DATE OF RATIFICATION: 7/6/15
TOTAL PAYMENTS BY WIRE: 2,597,993.00

Certified as to the accuracy of the wire transfers by:

Deputy City Treasurer II
Date

Director of Finance
Date

City Manager
Date

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, JULY 7, 2015 – 5:00 PM

5:00 P.M. SESSION

CALL TO ORDER – Mayor Fuentes at 5:02 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) None

SPECIAL ORDER OF BUSINESS:

1. Consideration and possible action to appoint the City Manager as the real property negotiator for purposes of potentially extending the lease term on the City’s Residential Sound Insulation Program’s offices located at 333 Main Street, El Segundo.

MOTION by Council Member Fellhauer, SECONDED by Mayor Pro Tem Jacobson to appoint the City Manager as the real property negotiator for purposes of potentially extending the lease term on the City’s Residential Sound Insulation Program’s offices located at 333 Main Street, El Segundo. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

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): -2- matter

1. City of El Segundo vs. City of Los Angeles, et.al. LASC Case No. BS094279
2. Penuelas vs. City of El Segundo, LASC Case No. BC523072

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(d) (2) and (3): -1- 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

   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): -1- matters

   Negotiation of price and lease term for property located at 333 Main Street, El Segundo (City’s current Residential Sound Insulation Offices.

   Real Property Negotiator: City Manager

   Property Owner/Lessor: David and DeRosa Physical Therapy, Inc.

Adjourned at 6:55 PM
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JULY 7, 2015 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER – Mayor Fuentes

INVOCATION – Pastor Rob McKenna, The Bridge

PLEDGE OF ALLEGIANCE – Council Member Atkinson

PRESENTATIONS

a) Southern California Edison update by Ray Pope, Region Manager and Jeffery Kennedy, District Manager spoke concerning power outages that occurred on June 8, 2015 and how residents can handle damage claims.

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)

Spencer Bauer, resident, gave a power point presentation concerning Richmond Street Improvement Project.

John Alden, resident, spoke concerning the Richmond Street Improvement Project.

Sam Pena, Republic Disposal, invited the residents to the Bi-Annual Shred Event on Saturday, July 11, 2015 from 10:00 am – 1:00 pm.

Andy Powell, President of the El Segundo Fire Fighter Association and Brandon Browning, President of the El Segundo Police Officer Association, the two organizations together donated $5000.00 to the upcoming Special Olympics.

Sheila Fowler, resident and President of ES Rotary, thanked the Council and City for their help with the Movie in the Park event taking place on Saturday, August 1, 2015.

Mike Robbins, resident, in favor of making salary cuts to the Fire and Police Departments.

Lance Jarue, resident, not in favor of making salary cuts to the Fire and Police Departments.

Melissa Brankovic, resident, not in favor of making salary cuts to the Fire and Police Departments.

Rex Vian, resident, not in favor of making salary cuts to the Fire and Police Departments.
Lisa Abbate, resident, not in favor of making salary cuts to the Fire and Police Departments.

Tara Van Buskirk, resident, not in favor making salary cuts to the Fire and Police Departments.

Nate Lemmerman, resident, not in favor of making salary cuts to the Fire and Police Departments.

Marc Rener, resident, in favor of making salary cuts to the Fire and Police Departments.

Nate Chittick, resident, not in favor of making salary cuts to the Fire and Police Departments.

Marty Smith, resident, not in favor of making salary cuts to the Fire and Police Departments.

CITY COUNCIL COMMENTS – (Related to Public Communications)

Mayor Fuentes stated the City will post the 11 City Salary Survey, all City employee W2's for the year 2012/2013, Current Consumer Price Index, and the CalPERS rate history and in addition, the City is willing to post the offers made to each Association and each Associations counter offers with each Associations written permission.

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 regarding adoption of an Urgency Ordinance and Ordinance amending El Segundo Municipal Code Title 10, Chapter 5, Water Conservation, and a resolution declaring a Level 2 Drought Response. (Fiscal Impact: None)

Mayor Fuentes stated this was the time and place to receive testimony regarding adoption of an Urgency Ordinance and Ordinance amending El Segundo Municipal Code Title 10, Chapter 5, Water Conservation, and a resolution declaring a Level 2 Drought Response.

City Clerk Weaver stated that proper notice had been given in a timely manner and that written communication had not been received in the City Clerk’s office.

Greg Carpenter, City Manager, introduced the item.
Stephanie Katsouleas, Public Works Director, gave a presentation.

Mayor Fuentes announced the public hearing is now open for public comment.

**Mike Robbins**, resident, not in favor of rushing into passing the Ordinances amending El Segundo Municipal Codes on Water Conservation. **Marc Rener**, resident, concerned with possible penalties for not conserving water and concerned with what will be used to benchmark water usage. **LuAnn DeRin**, resident, looking for clarification on the proposed Ordinances.

Mayor Fuentes closed the Public Hearing

Council discussion

Stephanie Katsouleas, Public Works Director answered questions from Council and clarified the questions asked during public comments on this item.

Mark Hensley, City Attorney, read by title only:

**ORDINANCE NO. 1508**
AN URGENCY ORDINANCE ENACTING WATER CONSERVATION MEASURES AND REQUIREMENTS IN ACCORDANCE WITH EMERGENCY REGULATIONS PROMULGATED BY THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD.

MOTION by Council Member Fellhauer, SECONDED by Mayor Pro Tem Jacobson to adopt Ordinance No. 1508. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Mark Hensley, City Attorney, read by title only:

**ORDINANCE NO. 1509**
AN ORDINANCE ENACTING WATER CONSERVATION MEASURES AND REQUIREMENTS IN ACCORDANCE WITH EMERGENCY REGULATIONS PROMULGATED BY THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD.

Council Member Fellhauer introduced Ordinance No. 1509. Second reading and the potential adoption of the Ordinance is scheduled for July 21, 2015.

Mark Hensley, City Attorney, read by title only:
RESOLUTION NO. 4924

A RESOLUTION DECLARING A LEVEL 2 DROUGHT RESPONSE AND DIRECTING THE CITY MANAGER TO IMPLEMENT WATER CONSERVATION MEASURES IN ACCORDANCE WITH SECTION 10-5-22 OF THE EL SEGUNDO MUNICIPAL CODE.

MOTION by Council Member Atkinson, SECONDED by Mayor Pro Tem Jacobson to adopt Resolution No. 4924. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

C. UNFINISHED BUSINESS

2. [CONTINUED ITEM #2 FROM JUNE 16, 2015 CITY COUNCIL MEETING]
   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.)

3. [CONTINUED ITEM #3 FROM JUNE 16, 2015 CITY COUNCIL MEETING]
   Consideration and possible action to provide preliminary comments and receive and file the draft Due Diligence and Lease Agreement between the City of El Segundo and CenterCal, LLC, with regard to the operation of a Top Golf facility on the driving range portion of the Lakes golf course and redesign of the golf course. (Item will be brought back for further discussion and possible action at a future Regular or Special City Council Meeting.)
   (Fiscal Impact: None)

OPENED ITEMS C2 AND C3 CONSECUTIVELY

Mark Hensley, City Attorney, introduced and outlined items C2 and C3.

Council Discussion

Mark Hensley, City Attorney, answered and clarified questions from Council.

MOTION by City Council Member Atkinson, SECONDED by Mayor Pro Tem Jacobson to continue item C2 to the regular meeting on July 21, 2015. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

An updated report on item C3 will be made at the July 21, 2015.

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS
4. Consideration and possible action regarding a recommendation from the Senior Citizen Housing Board Corporation Board of Directors to amend the Corporation’s bylaws and reduce its authorized number of directors from seven to five. 
(Fiscal Impact: None)

Greg Carpenter, City Manager, introduced the item.

Jim Latta, Senior Housing Board, recommends approving the Board of Directors recommendation to amend the bylaws.

MOTION by Council Member Fellhauer, SECONDED by Mayor Pro Tem Jacobson to approve the recommendation from the Board of Directors to amend the bylaws of the Senior Citizen Housing Board Corporation to reduce the authorized number of Directors from seven to five. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

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.

5. Approve Warrant Numbers 3006491 through 3006733 on Register No. 18 in the total amount of $1,590,559.02 and Wire Transfers from 6/1/2015 through 6/14/2015 in the total amount of $3,251,512.07. 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.


7. Waive the bidding process per El Segundo City Code §1-7-10 and authorize the Fire Department to piggy-back on a Los Angeles County Internal Services Department Purchasing Division’s contract RFB IS-15200475-1, for the purchase and preventative maintenance of four (4) replacement monitors manufactured by Zoll Medical Corporation. 
(Fiscal Impact: $117,338.46)

8. Waive informal bidding procedures and award a Services Agreement No. 4879 for custodial services for City of El Segundo building facilities to J&L Building Maintenance, in a form approved by the City Attorney, for $176,569 for the first year, with a 3% annual escalation for an additional four years. 
(Fiscal Impact: $176,569 the first year, with a proposed 3% annual escalation for an additional four years)
9. Authorize the City Manager to execute a first amendment to Agreement No. 4858A, in a form approved by the City Attorney, with MV Cheng & Associates to continue to provide professional, technical, and consulting support as the City's Interim Finance Director as stated in Exhibit A of the agreement, extend the term of the agreement to December 31, 2015 and modify and increase the total amount of the Agreement to $125,000.00. ($100,000.00 in General Fund and $25,000.00 in Internal Service Funds. (Fiscal Impact: An additional appropriation of $46,500.00 is needed in General Fund. An appropriation of $11,500.00 is needed in Internal Service Funds.)

10. ITEM MOVED TO A FUTURE MEETING.

11. Approve a thirty (30) day provisional appointment extension for the position of Interim Deputy City Clerk II in the City Clerk's office. (Fiscal Impact: No Fiscal Year 14/15 Impact)

MOTION by Council Member Fellhauer, SECONDED by Mayor Pro Tem Jacobson to approve Consent Agenda items 5, 6 (corrected minutes), 7, 8, 9, and 11. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

F. NEW BUSINESS

12. COUNCIL CONSENSUS: ITEM MOVED TO A FUTURE MEETING.

Greg Carpenter, City Manager, moved this item to the July 12, 2015 City Council Meeting.

G. REPORTS – CITY MANAGER - None

H. REPORTS – CITY ATTORNEY - None

I. REPORTS – CITY CLERK – None

J. REPORTS – CITY TREASURER – Not Present

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fellhauer – None

Council Member Atkinson – Mentioned the Special Olympics coming up July 21-26th and thanked all the volunteers and committee members. Check out the upcoming Herald for a schedule of events.

Council Member Dugan - None

Mayor Pro Tem Jacobson – None
Mayor Fuentes – Thanked the Police Department, the Fire Department, Recreation and Parks Department and Public Works for all their time to help make the City’s 4th of July a great one! Also thanked the sponsors who enable our City to have a wonderful 4th of July Celebration. Mentioned the Lundquist Tower at Torrance Memorial and thanked the Lundquist’s for their generosity in donating the Tower.

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total)
Mike Robbins, resident, spoke against our Public Safety Departments recent campaign pertaining to compensation.
Mark Rener, resident, spoke concerning the recent use of El Segundo’s Paramedic services and the practice of charging one’s insurance company for the service.
Spencer Bauer, resident, continued his presentation pertaining to the Richmond Street Improvement Project.

Mayor Fuentes asked the City Manager to look into the Main Street Parking structure cleaning schedule and maintenance, as mentioned in Mr. Bauer’s presentation.

MEMORIALS – None

ADJOURNMENT at 9:32 PM

Tracy Weaver, City Clerk
AGENDA DESCRIPTION:

Consideration and possible action to authorize the City Manager, or designee, to record the Notice of Completion accepting completion of work for twenty-three (23) homes related to Project RSI 14-25 (the City's Residential Sound Insulation Program's Group 67).

(Final Contract Amount: $939,885.44)

RECOMMENDED COUNCIL ACTION:

1. Authorize the City Clerk to file the City Manager’s, or designee’s, Notice of Completion in the County Recorder’s Office;
2. Authorize the City Manager, or designee, to close out Project No. RSI 14-25;
3. Authorize the RSI Program Manager to sign the Title 21 Compliance Certificates in accordance with the requirements of the grant funding from Los Angeles World Airports (LAWA) and mail originals to LAWA; and/or
4. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

- Notice of Completion
- List of homes included in Group 67 (Exhibit A to the Notice of Completion)
- Sample of Title 21 Compliance Certificate
- Sample of cover letter to property owners for Title 21 Compliance Certificates

FISCAL IMPACT: Included in Adopted Budget

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<th>$988,383</th>
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<td>Additional Appropriation:</td>
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<tr>
<td>Account Number(s):</td>
<td>116-400-0067-8960</td>
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ORIGINATED BY: James S. O’Neill, Program Manager
REVIEWED BY: Sam Lee, Director of Planning and Building Safety
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

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

At its meeting December 2, 2014 the City Council awarded a construction contract to Big West Construction Corporation for the construction of improvements at twenty-three (23) homes, commonly referred to as Group 67 of the RSI Program.

Work at the twenty-five (23) homes has now been completed. The final contract amount is $939,885.44.
The Letter Agreement between the City of El Segundo and Los Angeles World Airports (LAWA), which outlines City obligations with regards to grant funds received from LAWA, states,

"The City of El Segundo will issue a Title 21 Compliance Certificate for each eligible incompatible property that it sound insulates with LAWA and/or FAA funds..."

With sound insulation work now complete, a Title 21 Compliance Certificate would be required for these twenty-three (23) homes.
NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name: Residential Sound Insulation Program – Group 67

Project No.: RSI 14-25

Notice is given pursuant to California Civil Code §§ 3093, et seq. that:

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

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

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

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

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

6. On July 21, 2015, 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: Big West Construction Corporation

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: Private Residence(s) listed in Exhibit A

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

Dated: ________________

Sam Lee
Planning and Building Safety Director

VERIFICATION

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

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

Executed on __________________ at El Segundo, California.

Sam Lee
Planning and Building Safety Director

Notice of Completion
### Exhibit A

<table>
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<tr>
<th>RSI Number</th>
<th>Project Address</th>
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<tr>
<td>67.01</td>
<td>770 West Imperial Ave., Unit 37</td>
</tr>
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<td>67.02</td>
<td>943 Hillcrest Street</td>
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<tr>
<td>67.03</td>
<td>945 Hillcrest Street</td>
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<td>67.04</td>
<td>938 Loma Vista Street</td>
</tr>
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<td>67.05</td>
<td>225 West Walnut Avenue</td>
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<td>67.06</td>
<td>201 West Sycamore Avenue</td>
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<td>818 Virginia Street</td>
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<td>67.08</td>
<td>641 West Oak Avenue</td>
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<td>709 Loma Vista Street</td>
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<td>67.10</td>
<td>216 West Maple Avenue</td>
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<td>67.11</td>
<td>948 Eucalyptus Drive</td>
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<td>67.12</td>
<td>832 Eucalyptus Drive</td>
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<td>67.13</td>
<td>861 Sheldon Street</td>
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<td>508 East Walnut Avenue</td>
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<tr>
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<td>67.18</td>
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<td>1419 East Walnut Avenue</td>
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<tr>
<td>67.22</td>
<td>835 Center Street</td>
</tr>
<tr>
<td>67.23</td>
<td>609 East Maple Avenue</td>
</tr>
</tbody>
</table>
Assessor’s Parcel Number ______-____

TO THE CITY OF LOS ANGELES

TITLE 21 COMPLIANCE CERTIFICATE
California Airport Noise Standards
Incompatible Land Use Sound Insulation Projects

Dated ______________________

This is to certify that the residential property for which a legal description, including addresses and assessor’s parcel number, are attached hereto and marked Exhibit “A” has been determined by the City of El Segundo (“City”) to be compatible land within the noise impact boundary around Los Angeles International Airport.

Certification of land use compatibility is based on compliance with the requirements of the California Airport Noise Standards, set forth in California Code of Regulations, Title 21 “Division of Aeronautics”, Subchapter 6 “Noise Standards”, Section 5014, in that either:

☐ (a) The residential structure(s) on the property has/have been sound insulated to achieve a maximum interior Community Noise Equivalent Level of 45dB in all habitable rooms, or

☐ (b) The property owner has declined, either explicitly or through a lack of response to inquiries, an offer to participate in a Sound Insulation Program administered by the Implementing Jurisdiction which would have resulted in a maximum interior Community Noise Equivalent Level of 45dB in all habitable rooms, and that the property may, therefore, be considered compatible land pursuant to Section 5014 (a)(4). If declination is through a lack of response, this is to also certify that the City of El Segundo provided adequate opportunities and invitations for participation.

☐ (c) A noise easement has been filed with the County Recorder relative to the property in a form and manner approved by the Los Angeles City Attorney.

This Title 21 Compliance Certificate shall serve as notice to the owner(s) of the property, the California Department of Transportation, and Los Angeles World Airports that the property has been determined to be compatible land within the noise impact boundary around the subject Airport pursuant to Section 5014 of the California Airport Noise Standards.

A copy of this Certificate will be sent to Los Angeles World Airports by certified mail on the date shown above. Return receipts will be made available to Los Angeles World Airports for a period of not less than two years after that date.

This Certificate shall be filed in the City of El Segundo’s City Clerk’s Office, or in such other permanent location as approved by Los Angeles World Airports, and shall continue in effect until the subject Airport shall be abandoned and shall cease to be used for public airport purposes. Furthermore, in the case where the owner has previously declined to participate in a sound insulation program under (b) above, the Title 21 Compliance Certificate shall continue in effect until the owner(s) or owner’s heirs, successors or assigns subsequently participate in a Residential Sound Insulation Program and a new Title 21 Compliance Certificate is filed for the property with (a), above, indicated on the new recorded form.

Nothing herein contained shall constitute a waiver of any rights by the owner(s) of the property or owner’s heirs, successors and assigns.

Approved by: __________________________
James S. O’Neill
Program Manager
EXHIBIT A

Property Address: ______________________

APN: _____-_____
Planning & Building Safety
Residential Sound Insulation Program

[DATE]

[PROPERTY OWNERS]
[MAILING ADDRESS]
[MAILING ADDRESS]
[CITY], [STATE] [ZIP CODE]

Dear [PROPERTY OWNER],

Attached is a copy of the Title 21 Compliance Certificate for your property at:
[PROPERTY ADDRESS], El Segundo, California 90245

You are receiving this notice because your property received Residential Sound Insulation Improvements through the City of El Segundo’s Residential Sound Insulation (RSI) Program.

This Title 21 Compliance Certificate serves as notice that the property has been determined to be compatible land within the noise impact boundary around Los Angeles International Airport pursuant to Section 5014 of the California Airport Noise Standards.

If you have any questions, please contact me at (310) 524-2352 or via email at joneill@elsegundo.org.

Respectfully,

James S. O’Neill
Program Manager

333 Main Street, Unit A, El Segundo, California 90245
Phone (310) 524-2352 FAX (310) 662-4052
EL SEGUNDO CITY COUNCIL
MEETING DATE: July 21, 2015
AGENDA STATEMENT
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:
Consideration and possible action to authorize the City Manager, or designee, to record the Notice of Completion accepting completion of work for twenty-one (21) homes related to Project RSI 14-26 (the City's Residential Sound Insulation Program's Group 68).
(Final Contract Amount: $455,397.84)

RECOMMENDED COUNCIL ACTION:
1. Authorize the City Clerk to file the City Manager's, or designee's, Notice of Completion in the County Recorder's Office;
2. Authorize the City Manager, or designee, to close out Project No. RSI 14-26;
3. Authorize the RSI Program Manager to sign the Title 21 Compliance Certificates in accordance with the requirements of the grant funding from Los Angeles World Airports (LAWA) and mail originals to LAWA; and/or
4. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
- Notice of Completion
- List of homes included in Group 68 (Exhibit A to the Notice of Completion)
- Sample of Title 21 Compliance Certificate
- Sample of cover letter to property owners for Title 21 Compliance Certificates

FISCAL IMPACT: Included in Adopted Budget
- Amount Budgeted: $496,100
- Additional Appropriation: N/A
- Account Number(s): 116-400-0068-8960

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

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

At its meeting December 2, 2014 the City Council awarded a construction contract to Big West Construction Corporation for the construction of improvements at twenty-one (21) homes, commonly referred to as Group 68 of the RSI Program.

Work at the twenty-one (21) homes has now been completed. The final contract amount is $455,397.84.
The Letter Agreement between the City of El Segundo and Los Angeles World Airports (LAWA), which outlines City obligations with regards to grant funds received from LAWA, states,

"The City of El Segundo will issue a Title 21 Compliance Certificate for each eligible incompatible property that it sound insulates with LAWA and/or FAA funds..." 

With sound insulation work now complete, a Title 21 Compliance Certificate would be required for these twenty-one (21) homes.
NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name: Residential Sound Insulation Program – Group 68
Project No.: RSI 14-26

Notice is given pursuant to California Civil Code §§ 3093, et seq. that:

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

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

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

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

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

6. On July 7, 2015, 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: Big West Construction Corporation

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: Private Residence(s) listed in Exhibit A

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

Dated: ____________________

Sam Lee
Planning and Building Safety Director

VERIFICATION

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

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

Executed on ____________________ at El Segundo, California.

Sam Lee
Planning and Building Safety Director

Notice of Completion
<table>
<thead>
<tr>
<th>RSI Number</th>
<th>Project Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>68.01</td>
<td>720 East Imperial Avenue, Unit 1</td>
</tr>
<tr>
<td>68.02</td>
<td>720 East Imperial Avenue, Unit 2</td>
</tr>
<tr>
<td>68.03</td>
<td>720 East Imperial Avenue, Unit 3</td>
</tr>
<tr>
<td>68.04</td>
<td>720 East Imperial Avenue, Unit 4</td>
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<tr>
<td>68.05</td>
<td>720 East Imperial Avenue, Unit 5</td>
</tr>
<tr>
<td>68.06</td>
<td>720 East Imperial Avenue, Unit 6</td>
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<td>68.07</td>
<td>722 East Imperial Avenue, Unit 1</td>
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<td>68.08</td>
<td>722 East Imperial Avenue, Unit 2</td>
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<td>68.09</td>
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<td>68.10</td>
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<td>68.12</td>
<td>722 East Imperial Avenue, Unit 6</td>
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<tr>
<td>68.13</td>
<td>227 East Oak Avenue, Unit 101</td>
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<tr>
<td>68.14</td>
<td>227 East Oak Avenue, Unit 201</td>
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<tr>
<td>68.15</td>
<td>227 East Oak Avenue, Unit 301</td>
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<tr>
<td>68.16</td>
<td>227 East Oak Avenue, Unit 102</td>
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<tr>
<td>68.17</td>
<td>227 East Oak Avenue, Unit 202</td>
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<tr>
<td>68.18</td>
<td>227 East Oak Avenue, Unit 302</td>
</tr>
<tr>
<td>68.19</td>
<td>227 East Oak Avenue, Unit 103</td>
</tr>
<tr>
<td>68.20</td>
<td>227 East Oak Avenue, Unit 203</td>
</tr>
<tr>
<td>68.21</td>
<td>227 East Oak Avenue, Unit 303</td>
</tr>
</tbody>
</table>
TO THE CITY OF LOS ANGELES

TITLE 21 COMPLIANCE CERTIFICATE
California Airport Noise Standards
Incompatible Land Use Sound Insulation Projects

Dated ________________

This is to certify that the residential property for which a legal description, including addresses and assessor’s parcel number, are attached hereto and marked Exhibit “A” has been determined by the City of El Segundo (“City”) to be compatible land within the noise impact boundary around Los Angeles International Airport.

Certification of land use compatibility is based on compliance with the requirements of the California Airport Noise Standards, set forth in California Code of Regulations, Title 21 “Division of Aeronautics”, Subchapter 6 “Noise Standards”, Section 5014, in that either:

☐ (a) The residential structure(s) on the property has/have been sound insulated to achieve a maximum interior Community Noise Equivalent Level of 45dB in all habitable rooms, or

☐ (b) The property owner has declined, either explicitly or through a lack of response to inquiries, an offer to participate in a Sound Insulation Program administered by the Implementing Jurisdiction which would have resulted in a maximum interior Community Noise Equivalent Level of 45dB in all habitable rooms, and that the property may, therefore, be considered compatible land pursuant to Section 5014 (a)(4). If declination is through a lack of response, this is to also certify that the City of El Segundo provided adequate opportunities and invitations for participation.

☐ (c) A noise easement has been filed with the County Recorder relative to the property in a form and manner approved by the Los Angeles City Attorney.

This Title 21 Compliance Certificate shall serve as notice to the owner(s) of the property, the California Department of Transportation, and Los Angeles World Airports that the property has been determined to be compatible land within the noise impact boundary around the subject Airport pursuant to Section 5014 of the California Airport Noise Standards.

A copy of this Certificate will be sent to Los Angeles World Airports by certified mail on the date shown above. Return receipts will be made available to Los Angeles World Airports for a period of not less than two years after that date.

This Certificate shall be filed in the City of El Segundo’s City Clerk’s Office, or in such other permanent location as approved by Los Angeles World Airports, and shall continue in effect until the subject Airport shall be abandoned and shall cease to be used for public airport purposes. Furthermore, in the case where the owner has previously declined to participate in a sound insulation program under (b) above, the Title 21 Compliance Certificate shall continue in effect until the owner(s) or owner’s heirs, successors or assigns subsequently participate in a Residential Sound Insulation Program and a new Title 21 Compliance Certificate is filed for the property with (a), above, indicated on the new recorded form.

Nothing herein contained shall constitute a waiver of any rights by the owner(s) of the property or owner’s heirs, successors and assigns.

Approved by: ____________________________
James S. O’Neill
Program Manager
EXHIBIT A

Property Address: ____________________________

APN: ____ - ____ - ____
Planning & Building Safety  
Residential Sound Insulation Program

[DATE]

[PROPERTY OWNERS]  
[MAILING ADDRESS]  
[MAILING ADDRESS]  
[CITY], [STATE] [ZIP CODE]

Dear [PROPERTY OWNER],

Attached is a copy of the Title 21 Compliance Certificate for your property at:

[PROPERTY ADDRESS], El Segundo, California 90245

You are receiving this notice because your property received Residential Sound Insulation Improvements through the City of El Segundo’s Residential Sound Insulation (RSI) Program.

This Title 21 Compliance Certificate serves as notice that the property has been determined to be compatible land within the noise impact boundary around Los Angeles International Airport pursuant to Section 5014 of the California Airport Noise Standards.

If you have any questions, please contact me at (310) 524-2352 or via email at joneill@elsegundo.org.

Respectfully,

James S. O’Neill  
Program Manager

333 Main Street, Unit A, El Segundo, California 90245  
Phone (310) 524-2352  
FAX (310) 662-4052
AGENDA DESCRIPTION:
Consideration and possible action to authorize an increase to Metron-Farnier, LLC's blanket purchase order from $100,000 to $130,000 for the purchase of water meters. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Authorize an increase of $30,000 to the blanket purchase order #71-00209 to Metron-Farnier, LLC from $100,000 to $130,000 for the purchase of water meters.
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None

FISCAL IMPACT: Within Adopted Budget

Amount Budgeted: $150,000
Additional Appropriation: No
Account Number(s): 501-400-7102-5207 (Water Enterprises Fund)

ORIGINATED BY: James Turner, Water Supervisor
REVIEWED BY: Stephanie Katsouleas, Public Works Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

The city's water system includes thousands of water meters that register water usage by residents and businesses. As these meters age, they become less accurate and are prone to failure. This ultimately results in lost revenue because meters “slow down” in registering water usage. The Water Division routinely performs repair and maintenance activities to keep the system intact and operating correctly, which includes the water meter replacement program. Aging meters are identified and replaced with new meters, the timing of which depends on the type and size of meters being used (e.g., smaller meters typically last longer; larger meters have a shorter life expectancy). Newer meters also have the potential to contain more current technologies, allowing for increased register accuracy, longer shelf life, and less costly operational expense.

The FY 2014/15 adopted budget authorized expenditures totaling $150,000 for water meters and related purchases. These funds have been allocated as follows:
- A $100,000 blanket purchase order was issued to Metron-Farnier, LLC for the purchase of potable water meters (September 2014).
- A $12,000 purchase order was issued to Aqua-Metric Sales Co. for purchase of reclaimed meters (January, 2015).
Therefore, more than $30,000 is still available for additional potable water meter purchases. The Metron-Farnier purchase order is currently exhausted due to this year’s large number of meter replacements. To continue the implementation of the water meter replacement program for the rest of the fiscal year, staff recommends that City Council to approve a $30,000 increase to the blanket purchase order to Metron-Farnier using the remaining funds available in the water enterprises fund account #501-400-7102-5207.
AGENDA DESCRIPTION:
Consideration and possible action to authorize the City Manager to execute a contract with William Avery & Associates, Inc. in an amount not to exceed $41,800 (Fiscal Impact: $41,800)

RECOMMENDED COUNCIL ACTION:
1. Authorize the City Manager to execute a contract with an executive search firm for purposes of recruiting a new Director of Finance and Fire Chief, to commence work on or about August 1, 2015.
2. Alternatively, discuss and take other actions related to this item.

ATTACHED SUPPORTING DOCUMENTS:
William Avery & Associates Proposal

FISCAL IMPACT: $41,800
Amount Budgeted: None
Additional Appropriation: N/A
Account Number(s):

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

BACKGROUND AND DISCUSSION:
Fire Chief Kevin Smith has announced his retirement effective October 2015. Chief Smith has served the City in this critical role for over eight (8) years. Additionally, the Director of Finance has been vacant since May 28, 2015 due to Deborah Cullen’s resignation. The City has since contracted with an Interim Finance Director who will serve in this capacity until the position is filled.

In order to conduct a successful and effective recruitment and selection process for each of these positions, staff felt this would best be accomplished through the services of an Executive Search firm. The benefits associated with contracting with a Search Firm include 1) working with experts in executive recruitment who can develop a position profile based on an organizational assessment and interviews with stakeholders 2) allocating the staff and means to conduct comprehensive and aggressive outreach efforts 3) ensuring the assessment, selection, and screening processes are designed to identify ideal candidates, and 4) obtaining guaranteed placements for the first year. Proposals were received from reputable and well established firms and interviews were conducted. Factors considered during the selection process included the firm’s qualifications and expertise, recruitment strategy and approach, and cost.
The firm of William Avery & Associates, Inc. has been selected to conduct these recruitments. Avery Associates has been in business for over thirty (30) years and specializes in Executive searches. They have a proven track record of successful Executive placements in local agencies throughout the State. Their attached proposal outlines the scope of services which includes the recruitment methodology as well as the estimated timeline necessary to complete the recruitment process for both vacancies. There are efficiencies associated with conducting both recruitments in tandem as this will reduce costs associated with required travel and meetings with stakeholders. Additionally, Mr. William Avery has informed us that he will serve as the Project Lead for these recruitments rather than his Associate, Mr. Paul Kimura, as originally noted on the attached proposal.

The costs associated for these services can be absorbed within the existing funds in the City Manager’s and Human Resources Department’s budget, therefore no additional appropriation is requested.
PROPOSAL FOR THE CITY OF EL SEGUNDO  
RECRUITMENTS FOR THE DIRECTOR OF FINANCE AND FIRE CHIEF

William Avery & Associates, Inc. – Overview

William Avery & Associates, Inc. (Avery Associates) is a successful and service focused Management Consulting firm based in Los Gatos, California. Incorporated in 1982, the firm specializes in Executive Search, Labor Relations and Human Resources/Management Consulting.

The firm currently includes two Principals and several key consultants. Bill Avery, the founder of Avery Associates, heads the firm. He oversees the Labor Relations practice and leads key searches. Paul Kimura is the Principal who oversees the Executive Search and Recruitment practice. Key staff members include Ann Slate and Cris Piaiectki, who support the search practice and the firm’s administrative staff includes Tina Liu, the Finance/Contracts Administrator, and Jackie Collins and Jessica Towner. Temporary staff as needed augments the team.

Mr. Avery, having served in the past as a City Manager, provides the firm with direct experience and knowledge of city administration. Mr. Kimura’s expertise in executive, technical and business recruitment, which he gained during his nineteen years of high technology experience, provides the basis for many of the recruitment strategies and tactics utilized by the firm. Collectively and combined, the firm’s Principals offer exceptional expertise in the area of public sector recruitment and consulting.

Firm Qualifications/Experience – What Differentiates Avery Associates

Exceptional service delivery and a very high quality work product provide excellent results for our clients. This begins with the initial client meetings, which lead to detailed timelines for deliverables followed by weekly recruitment status updates following initiation of the search. Our candidate outreach efforts are professionally and confidentially conducted. The evaluation materials we provide clients are routinely characterized as accurate, comprehensive and of very high quality. We believe more so than any other public sector recruitment firm. This is largely based on our interview system utilizing behavioral interview techniques, which we describe in our recruitment plan. This leads to a quality product with excellent end results for our clients.

The service element is based on two factors: The first is the collective service philosophy from all of our organizational team members. They are each dedicated to providing service and support to clients. The second factor is based on the high level of engagement and participation from the firm Principals in every search assignment. This hands-on involvement includes client interface, identifying and developing the ideal candidate profile and position specification, development of the search strategy, candidate outreach, interviewing and assessment, completion of reference interviews, candidate presentation, final interview facilitation and when desired, negotiation of employment terms with the successful candidate.
Recruitment Team for the City of El Segundo

Paul Kimura will serve as the Project Lead in this assignment and will be supported by the administrative team of Avery Associates. Mr. Kimura will be personally involved in client meetings, development of the ideal candidate profile and search strategy, candidate outreach, interview and assessment of candidates, presentation of candidates, attendance at final interviews, final referencing and will be available throughout the search process to provide other related consulting services. Mr. Kimura will have involvement in all aspects of this recruitment with the exception of clerical and administrative tasks.

Recruitment Plan

I. Position Profile and Organizational Assessment

The initial assessment phase is a critical component of the search process. Mr. Kimura will meet with the hiring authority, key policy makers and stakeholders to discuss the organizational needs and position requirements. We also feel it's valuable to meet, at the outset, with command staff and labor management to secure their input and support in the process.

Our goal for this aspect of the recruitment process is to:

- Understand the City's priorities for these positions.
- Develop a clear understanding and consensus on the expertise, experience, education, performance attributes and operational style of the ideal candidate to help ensure a successful match.
- Discuss the goals, objectives, deliverables, and challenges related to these positions.
- Gain insight of the various organizational dynamics and departmental issues that exist within the organization.
- Identify the compelling aspects to these opportunities.

The formal position description and ideal candidate profile would be developed from the above discussions and incorporated into the formal position announcement. The candidate profile is also utilized in various other means as a marketing tool, for advertising copy, postings, and for other announcements.
II. Search Strategy and Outreach Efforts

The search strategy is developed in conjunction with the organizational assessment. We feel it is critical to develop a high level of visibility with a comprehensive outreach program supplemented by a focused targeted recruitment approach. We would incorporate the following elements into these searches:

- Development and contact of a targeted candidate list based on our extensive database of current recruitment contacts, referrals and recommendations from key sources and other current and former incumbents or related personnel who have extensive contacts and networks in each of the areas.

- Job postings on Internet-based job boards, association-based web sites that are unique to specific disciplines and/or to the public sector in general.

- Original research, which consists of identification and contact of current incumbents or other candidates who meet the various profile, but are not actively seeking other employment. This is the crux of our direct and aggressive phone and email outreach approach. It’s our experience that despite extensive mailing, postings and announcements, many will not know of a position being available.

- Print advertising in various periodicals related to the public sector or to these disciplines. Regular distribution magazines such as JOBS AVAILABLE magazine get a high degree of visibility.

- Development and distribution of the comprehensive position announcement to various city, county, and state departments, as well as agencies throughout the state and country.

III. Candidate Assessment

Our assessment process involves several “tiers” of evaluation. Candidates responding to these positions will be initially evaluated based on their resume and if appropriate, a phone “screening” by a firm Consultant. Candidates who pass the initial “qualifying” criteria are then scheduled for a formal face-to-face interview with the primary consultant in charge of the project. These extended personal interviews typically take one hour and a thorough discussion of their experience, accomplishments, management philosophy and interpersonal style takes place.

In interviewing candidates, we utilize a methodology based on “behavioral” interview techniques. Fundamentally, this approach explores a candidate’s past accomplishments and experiences. The philosophy here is that the best indicator of future performance is assessing past behavior. This methodology allows the firm to “project” how a candidate
would approach and address challenges in the new position and help ensure a positive match with the organization.

Those individuals who best fit the position requirements will have a Candidate Assessment Report developed by the project lead that conducted the interview. Additionally, two preliminary, initial reference interviews are performed on these candidates. The reference interviews provide our clients with additional insights on the candidate’s “behavior” and style.

IV. Candidate Presentation

Upon completion of formal interviews and preliminary reference interviews, a recommendation of finalist candidates for your consideration is made. We feel our extensive screening, interview, and initial reference process combined with the candidate insights provided by our detailed Candidate Assessment Report gives our clients an in-depth and detailed background on each recommended finalist. Our clients frequently comment on the value this background provides.

The final candidates are presented in our candidate presentation “book.” Each recommended finalist will have a candidate profile consisting of a candidate summary sheet, a cover letter, resume, the Candidate Assessment Report (based on the formal interview), and two initial candidate reference interviews. Others who have interviewed or given secondary consideration will also be included in the book.

V. Selection Process

Once the final candidate interview group is identified, we will assist in the structuring of the interview process and coordinate the interview scheduling activity. Our firm will also provide candidates with guidance related to travel planning, hotel accommodations, as well as other interview planning issues.

VI. Position Closure

Based on the firm’s experience in human resource management and executive search, we are able to assist our clients in the formulation of appropriate compensation and other employment arrangements. We will be available throughout our retention to assist in this process.
Timeline

Our experience reflects the approximate timeline from initial client meeting to offer acceptance will take a minimum of four months. The key activities and timeframes are as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial client meeting to identify and develop specifications</td>
<td>week 1</td>
</tr>
<tr>
<td>Develop job announcement &amp; secure related materials from client</td>
<td>week 3</td>
</tr>
<tr>
<td>Advertising developed and website postings</td>
<td>week 4</td>
</tr>
<tr>
<td>Print and distribute job announcement</td>
<td>week 5</td>
</tr>
<tr>
<td>Outreach period</td>
<td>week 6-12</td>
</tr>
<tr>
<td>Assessment/evaluation/referencing of candidates</td>
<td>week 11-14</td>
</tr>
<tr>
<td>Candidates presented and discussed with clients</td>
<td>week 15</td>
</tr>
<tr>
<td>Final interviews</td>
<td>week 16-17</td>
</tr>
<tr>
<td>Offer extended</td>
<td>week &gt;17</td>
</tr>
</tbody>
</table>

*This timeline represents a standard recruitment process. Typically, more than one recruitment conducted simultaneously is best coordinated with a lead/lag schedule of two to four weeks.

Consulting Fee

Our consulting services are based on two elements; the Professional Services Fee and reimbursable out-of-pocket expenses directly related to the recruitments. Based on the services described in this proposal, the Professional Services Consulting Fee for these assignments would be $31,800. We would provide our first consulting invoice in the amount of $10,800 at the outset of the search. A second invoice of $7,000 will be billed upon presentation and acceptance of final candidates for the first search. A third invoice of $7,000 will be billed upon presentation and acceptance of final candidates for the second search. A final invoice of $7,000 will be billed at the completion of both assignments. Our invoicing models ensures the firm will remain totally committed to the City throughout the duration of the search as the final invoice is not submitted until the City has an accepted candidate.

In addition, normal and direct out-of-pocket expenses associated with recruitments are charged back to the client. Expenses for this assignment would be a not-to-exceed amount of $10,000 without the express consent of the City. These expenses include: advertising, clerical time, supplies, printing, telephone, postage, summary background evaluations, and consultant travel for client discussions, meetings and local and out-of-area candidate interviews. The expense budget would not include interview or logistical costs for the final interviews conducted by the City. All expense items will be detailed and billed on a monthly basis.
Guarantees and Ethics

Whenever William Avery & Associates, Inc. is retained; we make several guarantees and commitments to a client. Due to our experience, knowledge and success within the management-consulting field, we assure a client that we will only present candidates who meet a substantial majority of the ideal qualifications that you have outlined. We are also committed to continue our search efforts until a successful candidate is employed.

It is also our practice to replace a candidate who may voluntarily resign during the first year of his/her employment. This same commitment applies if the client finds it necessary to terminate or to request the resignation of the selected individual in the first year for any reason. In either case, we invoice a client only for out-of-pocket expenses incurred in identifying a replacement.
Avery Profile
William Avery

William Avery founded his successful management consulting firm in 1981. He has directed William Avery & Associates in service as a Labor Relations and Executive Search consultancy, serving personally as a chief negotiator, trainer, and representative in grievance and disciplinary matters.

A specialist and widely recognized expert in employer-employee relations, he has served as a City Manager (Los Gatos) and Assistant City Manager. While City Manager, he was President of the Santa Clara County City Manager’s Association and Chair of the County Employee Relations Service.

Bill has lectured at De Anza College, San Jose State University, and Stanford University, and regularly makes presentations for the League of California Cities, CALPELRA, and other public sector organizations.

Building on his personal track record of success, he expanded the firm’s focus to include increased emphasis on public and private sector search. He added proven industry professionals with expertise in these areas. The result has been to create an exceptionally strong management consulting firm, now known as Avery Associates, with the expertise to provide the full range of services required for successful public or private sector executive search.

A key measure of the firm’s success has been the many long-term relationships that he and his staff have established with clients.

Bill holds B.A. in Political Science and an MPA from San Jose State University, where he was graduated with highest honors.
Avery Profile
Paul Kimura

Paul Kimura brings a unique combination of recruitment and business experience to Avery clients.

Paul is involved in leading Avery’s public sector professional searches. He has been both a corporate recruitment director and HR director for a number of high technology companies, ranging from Fortune 500 firms such as Novell and National Semiconductor to a Silicon Valley start-up. His proven recruitment and HR generalist skills help him bring forward the best available candidates and properly assess their skills and “fit” with client organizations.

Indeed, many of the recruitment strategies and tactics incorporated into the Avery search process are a direct result of Paul’s extensive recruitment experience in the high technology industry.

Paul has been a successful HR consultant, guiding clients through all aspects of Human Resources functions — compensation & benefits, employee and management training, performance management, and termination issues.

He is skilled in areas such as strategic planning, executive coaching, separation negotiation, and organizational assessment and design. It’s another service that Avery Associates is able to offer its clients because of the unique background of its principals — and Paul’s extended skill set in Human Resources underscores the fact that Avery professionals “have been there” and understand your needs from a personal perspective.

Paul holds a B.S. degree in Business Administration from San Jose State University. He is active in professional HR organizations and in the community, where he has worked with a number of education, youth service, civic, business, and cultural organizations.

“Just as Avery looks to form long-lasting relationships with its clients, I believe in making the same commitments within my community.”
AGENDA DESCRIPTION:

Consideration and possible action to receive and file this report regarding emergency work to repair dwelling units at the Park Vista Senior Housing Facility due to water intrusion 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: $50,000.00)

RECOMMENDED COUNCIL ACTION:

(1) Receive and file this report regarding emergency work to repair dwelling units at the Park Vista Senior Housing Facility due to water intrusion 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: $50,000.00
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: Gregg Kovacevich, Assistant City Attorney

APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

Bid documents for the Park Vista deck repair project were sent to three contractors on May 13, 2015 and two bids were received the following week on May 21, 2015. Because the bids were higher than expected, Staff sought additional bids for the project and received one additional quote, which was approximately 20% less. Staff presented the results, options and recommendations to the Park Vista Board in June at which time the Board rejected moving forward due to the higher than expected cost. Members of the Board requested a meeting with the Public Works Director and possibly the structural engineer to better understand the project before determining whether to proceed. A meeting was set up for Tuesday July 14th to walk the project and explain the options available. Staff is in the process of determining its next steps based on the outcome of site meeting with the board.
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 address the water intrusion issues at Park Vista Senior Housing Facility.
EL SEGUNDO CITY COUNCIL
AGENDA ITEM STATEMENT

AGENDA DESCRIPTION:

Consideration and possible action regarding authorizing the City Manager to enter into a one-year lease with a three one-year options with Davis & DeRosa Physical Therapy, Inc., for the continuation of use of approximately 1,620 square feet of space located at 333 Main Street to house the City of El Segundo’s Residential Sound Insulation (RSI) Program Office.

(Fiscal Impact: Approximately $80,000: $8,000 for FY2014-2015 budget and $72,000 for FY2015-2016 budget.)

RECOMMENDED COUNCIL ACTION:

1. Authorize City Manager to enter into a lease agreement.
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Air Photo/Map
2. Photographs of 333 Main Street Exterior

FISCAL IMPACT:

| Amount Budgeted: | $72,000 (FY2015-2016 Budget) |
| Additional Appropriation: | $8,000 (FY2014-2015 Budget) |
| Account Number(s): | 001-400-2901-6116 (Building Lease Charge) |

PREPARED BY: Mickie Tagle, Senior Executive Assistant
REVIEWED BY: James O’Neill, RSI Program Manager
David King, Deputy City Attorney
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND & DISCUSSION:

The City of El Segundo first leased the subject office space in August 2008. The current lease term expires on August 11, 2015. The office, selected for its downtown location, convenience for residents, and proximity to City Hall, has housed the Residential Sound Insulation (RSI) Program Office for the past seven years. The RSI staff was originally relocated due to the lack of adequate office, meeting and storage space at City Hall to accommodate the growing needs of the RSI Program. Program staff has doubled since 2008, from five positions to the current 10 positions. Additionally, the site provided increased visibility and improved public access to the office of this important program.

The negotiated rent is comparable to similar properties in the surrounding rental market. This site continues to offer the best overall combination of:

- Price – $3.36 per square foot / month gross rent
- Location – directly across the street from City Hall with good visibility to the public
- Parking – the location is within walking distance of the City/99 Cent’s parking structure
• Availability – the space is available now and no additional interior improvements are needed.
• Size/configuration – the space is approximately 1,620 square feet, located on the ground floor and is well laid to provide a lobby/reception area, meeting space, office space and storage.

The terms of the proposed lease is as follows:

• Price - $3.36 per square foot/month gross rent (meaning there are no added property taxes, maintenance expenses or building insurance charges.) The fixed rental adjustment, base rent shall increase by 3% each year.
• Term – one year with three one-year options

In addition to the lease cost, an estimated $500.00 per month will be necessary for utility and miscellaneous costs. Staff had contacted the FAA regarding the possibility of their funding the lease of office space. Unfortunately, based on the response received, it is impractical to use FAA funds for this purpose. As Los Angeles World Airport (LAWA) funds for the RSI program are subject to the same use restrictions as FAA funds, the use of LAWA funds is also impractical.

Based on all of the above information, staff recommends that the City Council authorize the City Manager to enter into a lease agreement.
View from City parking at REAR of building.

333 Main Street
AGENDA DESCRIPTION:

Consideration and possible action regarding adopting of an ordinance to modify El Segundo Municipal Code Title 10, Chapter 5, Water Conservation (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Waive second reading and adopt Ordinance No. 1509 amending ESMC Title 10, Chapter 5, Water Conservation.

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

ATTACHED SUPPORTING DOCUMENTS:

Proposed Ordinance No. 1509

FISCAL IMPACT: None

Amount Budgeted: $0
Additional Appropriation: N/A
Account Number(s): N/A

ORIGINATED BY: Stephanie Katsouleas, Public Works Director
REVIEWED BY: David King, Assistant City Attorney
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

On July 7, 2015, the City Council introduced an ordinance amending the El Segundo Municipal Code in regards to water conservation. The proposed amendments include:

- Eliminate all washing/hosing down of sidewalks and driveways.
- Limit watering to two (2) days per week.
- Prohibit landscape watering during and within 48 hours after predicted rainfall.
- Prohibit watering of landscape medians with ornamental turf unless using recycled water.

Staff recommends the City Council to waive second reading and adopt Ordinance No. 1509 amending ESMC Title 10, Chapter 5, Water Conservation.
ORDINANCE NO. 1509

AN ORDINANCE ENACTING WATER CONSERVATION MEASURES AND REQUIREMENTS IN ACCORDANCE WITH EMERGENCY REGULATIONS PROMULGATED BY THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD.

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

SECTION 1: The City Council finds as follows:

A. On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;

B. On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

C. On April 1, 2015, the Governor issued an Executive Order that, in part, directs the State Water Resources Control Board (the “Board”) to impose restrictions on water suppliers to achieve a statewide 25% reduction in potable urban usage through February 2016; require commercial, industrial, and institutional users to implement water efficiency measures; prohibit irrigation with potable water of ornamental turf in public street medians; and prohibit irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or microspray systems;

D. In response to the Governor’s Executive Order, on May 18, 2015, the Board enacted emergency regulations amending California Code of Regulations Title 23, §§ 863, 864, 865, and 866 (“Emergency Regulations”). Absent additional action taken by the Board, the Emergency Regulations will expire February 13, 2016;

E. The drought conditions that formed the basis of the Governor’s emergency proclamations continue to exist;

F. The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years;

G. The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to prevent waste and unreasonable use of water and to further promote
conservation;

H. Recent court decisions have reduced the amount of water supplied through the State Water Project;

I. Rainfall in southern California is below last year's levels and annual averages;

J. Reservoir levels statewide are well below average and below capacity;

K. Water conservation is crucial to the continued delivery of clean, safe water to El Segundo residents and customers;

L. The City will continue to offer educational materials, to promote best practices for water conservation, and to support the use of water conserving household fixtures to its users and customers in efforts of encouraging water use efficiency practices and preventing the waste of available water resources. This Ordinance sets forth water use efficiency practices and water conservation measures that will be implemented and followed by all applicable users within the service boundaries of the City;

M. Article XI, § 7 of the California Constitution empowers the City to enact and enforce ordinances regulating conditions that may be public nuisances or health hazards, or that promote social, economic, or aesthetic considerations;

N. In accordance with Water Code § 375, the City Council finds it is in the public interest to adopt this Ordinance for water conservation purposes; and

O. In accordance with the Emergency Regulations and other applicable law, the City Council desires to amend the El Segundo Municipal Code ("ESMC") to achieve the conservation standards established by the Board.

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

10-5-1: PURPOSE:

This chapter is adopted pursuant to Water Code section 375 for the purpose of establishing permanent water conservation requirements. In the event of water shortages, this chapter also establishes and implementing contingency measures in the event of water shortages. The provisions of this chapter are mandatory unless it is found that the use of water is necessary to comply with
a term or condition in a permit issued by a state or federal agency, or is otherwise exempt by this chapter.

SECTION 3: ESMC § 10-5-5 is amended to read as follows:

10-5-5: WATERING; IRRIGATION:

Except as otherwise provided by this section, it is unlawful for any person to water their lawn or landscaping or permit their lawn or landscaping to be watered between the hours of nine o'clock (9:00) A.M. and five o'clock (5:00) P.M. It is unlawful for any person to water their lawn or landscaping or permit their lawn or landscaping to be watered for a period longer than fifteen (15) minutes per station each day. Notwithstanding these prohibitions, the following is permitted:

A. Persons may operate an irrigation system between nine o'clock (9:00) A.M. and five o'clock (5:00) P.M. for the purpose of installing, repairing or routine maintenance of the same;
B. Persons may water between the hours of nine o'clock (9:00) A.M. and five o'clock (5:00) P.M. using any of the following methods:
   1. Properly programmed weather based and/or sensor based irrigation controllers;
   2. Drip irrigation;
   3. By hand, using a bucket; or
   4. By hand, using a hose with an automatic shutoff nozzle.
C. Commercial nurseries and commercial grower's products may irrigate before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.

SECTION 4: ESMC § 10-5-6 is amended to read as follows:

10-5-6: MISCELLANEOUS RESTRICTIONS:

The following are unlawful for any person:

A. Allowing grass, lawns, ground cover, shrubbery, and open ground to be watered at any time while it is raining or within 48 hours after measurable rainfall.
B. Operating landscape irrigation system(s) that allow overspray or excess runoff onto impervious surfaces (such as sidewalks, driveways, V-ditches, gutters and roadways).
C. To use a water hose to wash any vehicle including, without limitation, cars, trucks, boats, trailers, recreational vehicles, or campers, or any other
aircraft, tractor, or any other vehicle, or any portion thereof, unless the hose is equipped with an automatic shutoff nozzle. Except for individual residential vehicle washing, all wash water from vehicle washing/cleaning activity must be prevented from discharging to the stormwater drainage system.

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

10-5-10: CLEANING OF SURFACES:

It is unlawful for any person to use water through a hose to clean any sidewalk, driveway, roadway, parking lot, or any other outdoor paved or hard surfaced area, unless all wash water from such activity is prevented from discharging to the stormwater drainage system.

SECTION 6: ESMC § 10-5-16 is amended to read as follows:

10-5-16: VISITOR SERVING FACILITIES:

The owner and manager of each hotel, motel, restaurant, and other visitor serving facility must ensure that such facility displays, in places visible to all customers, placards or decals approved by the city, promoting public awareness of the need for water conservation and/or advising the public that waste of water is prohibited. Hotels, motels and other similar visitor serving facilities must provide guests the option to not have towels and linens laundered daily and prominently display this option in each guest room in easy-to-understand language.

SECTION 7: ESMC § 10-5-17 is amended to read as follows:

10-5-17: RESTAURANTS AND OTHER EATING OR DRINKING ESTABLISHMENTS:

Restaurants and any other eating and/or drinking establishments in the city cannot serve water to restaurant customers, except upon request of the customer.

SECTION 8: ESMC § 10-5-18 is amended to read as follows:

10-5-18: CONSTRUCTION:

A. It is unlawful to use potable water for compacting or dust control purposes in construction activities where there is a reasonably available source of recycled or other nonpotable water approved by the California state department of health services and appropriate for such use.
B. All water hoses used in connection with any construction activities must be equipped with an automatic shutoff nozzle when an automatic shutoff nozzle can be purchased or otherwise obtained for the size or type of hose in use.

C. Notwithstanding any other provision of this Code, use of potable water for irrigation and other outdoor use is prohibited outside of newly constructed homes and buildings unless delivered by drip or microspray systems.

SECTION 9: ESMC § 10-5-22 is amended to read as follows:

10-5-22: WATER SHORTAGE CONTINGENCY MEASURES:

The city council by resolution is authorized to require or impose reductions in the use of water if such reductions are necessary in order for the city to comply with water use restrictions imposed by federal, state or regional water agencies or to respond to emergency water shortage conditions. Depending on the expected duration and severity of the shortage, the city council may consider declaring a Level 1, Level 2, Level 3 or Level 4 Drought Response by resolution. These measures may include, without limitation, the following:

A. Level 1 Drought Response.

Declaring a Level 1 Drought Response condition demonstrates the need to reduce the City's water demand by a maximum of 10%. During a Level 1 Drought Response condition, the city will increase its public education and outreach efforts to raise public awareness of the need to implement the permanent water conservation practices established in Chapter 10-5, Sections 1 through 21.

B. Level 2 Drought Response.

Declaring a Level 2 Drought Response condition demonstrates the need to reduce the City's water demand between 10% and 20%. During a Level 2 Drought Response condition, all persons using city water must comply with the Level 1 Drought Response conditions, and must also comply with the following additional mandatory conservation measures:

1. Limit residential and commercial landscape irrigation to no more than two days per week. The City Council may assign the days by resolution and the assigned days shall be posted by the city. This subsection shall not apply to commercial growers or nurseries.
2. Cease watering landscaped public street medians with ornamental turf unless using recycled water. Potable water may be used to ensure the health of trees and shrubs.
3. Cease washing down any sidewalks and driveways, or other outdoor surfaces such as buildings, with potable water.
4. Cease allowing runoff when irrigating with potable water.
5. Any additional or innovative actions to increase the supply of water available to the city and to conserve the city's existing water supply.

C. Level 3 Drought Response.

Declaring a Level 3 Drought Response condition demonstrates the need to reduce the City's water demand between 20% and 35%. During a Level 3 Drought Response condition, all persons using city water must comply with the Level 1 and Level 2 Drought Response conditions, and must also comply with the following additional mandatory conservation measures:

1. Limit residential and commercial landscape irrigation to no more than one day per week. The City Council may assign the day by resolution and the assigned day shall be posted by the city. This section shall not apply to commercial growers or nurseries.
2. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.
3. Limit filling swimming pools, spas, hot tubs, jacuzzis, or children's wading pools is limited to not more than one day per week. The City Council may assign the day by resolution and the assigned day shall be posted by the city.
4. Any additional or innovative actions to increase the supply of water available to the city and to conserve the city's existing water supply.

D. Level 4 Drought Response.

Declaring a Level 4 Drought Response condition demonstrates the need to reduce the City's water demand by 35% or more. During a Level 4 Drought Response condition, all persons using city water must comply with the Level 1, Level 2 and Level 3 Drought Response conditions, and must also comply with the following additional mandatory conservation measures:

1. All watering without a drip irrigation or micro-spray system is prohibited. This restriction shall not apply to the following categories of use unless the city has determined that recycled water is available and may be lawfully applied to the use.
   a. Maintenance of trees and shrubs that are watered on the same schedule set forth in Subsection B by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;
   b. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;
   c. Maintenance of existing landscaping for erosion control;
d. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;

e. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under Subsection B;

f. Watering of livestock; and

g. Public works projects and actively irrigated environmental mitigation projects.

2. Repair all water leaks within twenty-four (24) hours of notification by the city unless other arrangements are made with the City Manager.

3. Stop filling swimming pools, spas, hot tubs, and/or jacuzzis of any kind whether in-ground or above-ground structures, including children's wading pools.

4. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

5. Additionally, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates or letters of availability) shall be issued, except under the following circumstances:

a. A valid, unexpired building permit has been issued for the project; or

b. The project is necessary to protect the public's health, safety, and welfare; or

c. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of city. That provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

6. Any additional or innovative actions to increase the supply of water available to the city and to conserve the city's existing water supply.

In addition, the resolution declaring a Level 4 Drought Response may direct the City Manager not to issue new water utility service connections for any development.

Prohibit the filling or emptying and refilling of swimming pools, excluding normal maintenance of water levels due to evaporation.

Prohibit the use of a temporary fire hydrant meter from the city, or otherwise using water through a temporary city water service.

Require all major water users to reduce their usage by the percentage determined by the city manager, or designee, to be necessary to sustain adequate water supply for the city. Such percentage must be based both on the rate of supply to the city and the rate of current water demand. Impose an additional water surcharge above and beyond the existing city
water rates on all city residents, water users and water consumers who fail or refuse to abide by the requirements, restrictions and priorities adopted by the city in response to the emergency water shortage condition.
Suspend all sales and deliveries of city water, or use of city water, for construction or grading purposes.
Reduce or prohibit consumption or use of city water by residential, recreational, commercial, industrial and institutional water users for landscape irrigation purposes.
Initiate or implement additional or innovative actions to increase the supply of water available to the city and to conserve the city's existing water supply.

SECTION 10: ESMC § 10-5-24 is amended to read as follows:

10-5-24: ENFORCEMENT:

Any violation of this chapter is a misdemeanor punishable by up to 30 days in county jail and/or a fine of up to $1,000. At least one written warning must be provided to persons upon the first violation of this chapter. Second and subsequent violations may be enforced in accordance with applicable law including, without limitation, this code. It is the code enforcement officer's responsibility to enforce this chapter.

SECTION 11: Environmental Review. This ordinance is exempt from 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 to clarify existing policies and practices related to water service; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. This Ordinance is adopted, in part, for protection of the environment. Accordingly, this Ordinance does not constitute a "project" that requires environmental review (see specifically CEQA Guidelines § 15378(b)(2, 5)). Moreover, even if the Ordinance were a project, it constitutes a specific action needed to mitigate an emergency in accordance with CEQA Guidelines § 15269(c) and would be categorically exempt from additional environmental review.

SECTION 12: 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 13: Enforceability. Repeal or supersession of any provision of the ESMC 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 or superseded part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 14: 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 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 15: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 16: Publication. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and within ten (10) days after the passage and adoption of this Ordinance, cause it to be published in a newspaper of general circulation in accordance with California law.

SECTION 17: Effective Date. This Ordinance will become effective on the thirty-first (31st) day after its adoption.

PASSED AND ADOPTED this ___ day of ________, 2015.

Suzanne Fuentes
Mayor

ATTEST:

Tracy Weaver, City Clerk

APPROVED AS TO FORM:

By: ___________________________________________________________________
Mark D. Hensley, City Attorney
AGENDA DESCRIPTION:
Consideration and possible action regarding approval of an amendment to the Robert Half International Inc. contract for temporary staffing in Building and Safety for License / Permit Specialist I. (Fiscal Impact $20,000.00) Contract Number: 4810

RECOMMENDED COUNCIL ACTION:
1. Authorize City Manager to execute a contract amendment, in a form approved by the City Attorney, with Robert Half International Inc., for additional temporary staffing.
2. Alternatively, discuss and take other possible action related to this item.

FISCAL IMPACT: None

Amount Budgeted: $45,000.00
Additional Appropriation: N/A
Account Number(s): From Account: 001-400-2403-4101 (Building Safety Full Time Salaries)
To Account: 001-400-2403-6214 (Building Safety Professional and Technical)

ORIGINATED BY: Paige Vaughan, Building and Safety Manager
REVIEWED BY: Sam Lee, Planning and Building Safety Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
The planning and Building and Safety Department has several vacant positions and an increased level of activity. In order to address this issue, on February 2nd, 2015, the City Manager approved a five year on-call agreement for staffing services with Robert Half International Inc to provide consulting services for the Building and Safety Division in amount not to exceed $25,000 total. Since that time, the firm has provided satisfactory customer service consistent with their contract terms and conditions. It is anticipated the current amount ($25,000) will be expended by the end of September 2015, because any amendment to the contract will cause the contract amount to exceed $25,000, City Council approval is required.

At this time, staff is requesting the City Council approve a first amendment to the Contract for the amount of $20,000.00, in a form approved by the City Attorney, for Robert Half International Inc. to continue to provide temporary staffing services to the Building and Safety Division.
AGENDA DESCRIPTION:
Consideration and possible action to adopt an ordinance updating the El Segundo Municipal Code amending Title 13 of the El Segundo Municipal Code by adding Chapter 18 to provide an expedited, streamlined permitting process for small residential rooftop solar systems. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Introduce and waive first reading of Ordinance No. _____, enacting Municipal Code amendments to provide an expedited, streamlined permitting process for small residential rooftop solar energy systems.
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Draft Ordinance
2. Background of Assembly Bill 2188

FISCAL IMPACT: None

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

ORIGINATED BY: Paige Vaughan, Building and Safety Manager
REVIEWS BY: Sam Lee, Planning and Building Safety Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
In September 2014, Governor Brown signed into law the Solar Permitting Efficiency Act (Assembly Bill 2188) which requires local governments to adopt an administrative Ordinance creating an expedited permit process for small, residential rooftop solar installations under 10 kilowatts. Under this new law, the local ordinance must provide a process that substantially conforms to the process set forth in the California Solar Permitting Guidebook, which is published by the Governor’s Office of Planning and Research. Although the City already expedites the review of applications for small, residential rooftop solar installations, state law requires the City to adopt an ordinance creating an expedited process.

The City currently expedites the review of such applications by reviewing and issuing applications; nonetheless, state law requires the City adopt an ordinance that creates an expedited, streamlined permitted process. In addition, the City must administratively adopt a checklist of requirements with which small residential rooftop solar energy systems must comply
to be eligible for expedited review. The checklist and permit applications must also be posted on
the City’s website (Gov. Code § 65850.5).

The attached ordinance is intended to satisfy the state law requirement, and City staff
recommend the City Council introduce and waive first reading of the ordinance, and schedule a
second reading and adoption of the ordinance. Upon second reading, the ordinance will become
effective after thirty (30) days.

Staff recommends that City Council introduce and waive first reading of the proposed ordinance
amending Title 13 of the El Segundo Municipal Code, and schedule a second reading and
adoption of the ordinance.
ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 13 OF THE EL SEGUNDO MUNICIPAL CODE BY ADDING CHAPTER 18 TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS.

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

SECTION 1: Findings. The City Council finds as follows:

A. The City Council of the City of El Segundo recognizes the importance of green technology and wishes to advance the use of solar energy by its citizens, businesses and industries;

B. By this ordinance, the City Council seeks to implement Assembly Bill 2188 by creating an expedited, streamlined permitting process for small residential rooftop solar energy systems.

SECTION 2: Environmental Assessment. Adoption of 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: Title 13 (Building Regulations) of the El Segundo Municipal Code (“ESMC”) is amended to add a new Chapter 18 to read as follows:

“Chapter 18 - EXPEDITED PERMIT PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

Section 13-18-1: Purpose.

This chapter implements the Solar Rights Act as codified at Government Code § 65850.5 to achieve timely and cost-effective installations of small residential rooftop...
solar energy systems.

Section 13-18-2: Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meaning set forth in this Code, the Act, or regulations promulgated in accordance with applicable law.


“Director” means the city manager, or designee. In the absence of a different designation by the city manager, the Director of Planning and Building Safety, or designee, is the Director.

“Electronic submittal” means utilization of office equipment and software used for communicating including, without limitation, telephone, facsimile machine, office automation equipment (computer terminals or personal computers, including laptops) and communications software applications such as electronic mail and Internet browsers.

“Information Technologies” or “IT” means any system, device, hardware, software, or other equipment designed and used for transmitting or receiving communications by any form of electronic mail (e-mail) or any network of interconnected computers, including, without limitation, the Internet, as used for such purposes.

“Internet” or “world wide web” means a global network connecting multiple information technologies from schools, libraries, businesses, or private homes, using a common set of communication protocols.

“Reasonable restrictions” on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

“Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:

A. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars ($1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.

B. For Photovoltaic Systems: an amount not to exceed one thousand dollars ($1,000) over the system cost as originally specified and proposed, or a
decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

"Small residential rooftop solar energy system" means all of the following:

A. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

B. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city and all state and local health and safety standards.

C. A solar energy system that is installed on a single or duplex family dwelling.

D. A solar panel or module array that does not exceed the maximum legal building height as defined by the city.

"Solar Energy System" means either of the following:

A. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

B. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

Section 13-18-3: Applicability.

A. This chapter applies to the permitting of all small residential rooftop solar energy systems in the city.

B. Small residential rooftop solar energy systems legally established or permitted before the effective date of this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements do not require a permit.


A. All solar energy systems must meet applicable legal health and safety standards and requirements.

B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications must be certified
by an accredited listing agency as defined by the California Plumbing and Mechanical Code, as adopted by this Code.

C. Solar energy systems for producing electricity must meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

Section 13-18-5: Duties of the Director.

A. All documents required for the submission of an expedited solar energy system application must be made available on the internet.

B. Electronic submittal of the required permit application and documents by information technologies is available to all small residential rooftop solar energy system permit applicants. All forms, applications, and other documents may be signed electronically in accordance with Government Code § 16.5.

C. The Director must develop a standard plan and checklist of all requirements with which small residential rooftop solar energy systems must comply to be eligible for expedited review.

D. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) must substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor’s Office of Planning and Research.

E. All fees prescribed for the permitting of small residential rooftop solar energy system must comply with Government Code §§ 65850.55, 66015, and 66016; along with Health and Safety Code § 17951.

Section 13-18-6: Permit review and inspection requirements.

A. The Director must implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The Director must issue a ministerial building permit on the same day for over-the-counter applications or within three business days for electronic submittals, upon receipt of a complete application that meets the requirements of the approved checklist and standard plan. The Director may require an applicant to apply for an administrative use permit if the Director finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions must be in writing and may be appealed to the Planning Commission in accordance with this Code.
B. Review of the application is limited to whether the application meets applicable law.

C. If an administrative use permit is required, the Director may deny an application for the use permit if the Director makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings must include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the Planning Commission in accordance with this Code.

D. Any condition imposed on an application must be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

E. The Director cannot condition approval of an application on by requiring formation of an home owner association.

F. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for issuing an expedited permit must be sent to the applicant for resubmission.

G. Only one inspection is required and must be performed by the Director for small residential rooftop solar energy systems eligible for expedited review.

H. The inspection must be done in a timely manner and should include consolidated inspections.

I. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this chapter.”

SECTION 4: 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 5: Enforceability. Repeal of any provision of the ESMC 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 6: 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 7: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 9: This Ordinance will take effect on the 31st day following its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this ____ day of _________________, 2015.

_______________________________
Suzanne Fuentes,
Mayor

ATTEST:

By: ____________________________
Tracy Weaver,
City Clerk

APPROVED AS TO FORM:

By: ____________________________
Mark D. Hensley,
City Attorney
Assembly Bill No. 2188

CHAPTER 521

An act to amend Section 714 of the Civil Code, and to amend Section 65850.5 of the Government Code, relating to solar energy.

[ Approved by Governor September 21, 2014. Filed with Secretary of State September 21, 2014. ]

LEGISLATIVE COUNSEL'S DIGEST

AB 2188, Muratsuchi. Solar energy: permits.

(1) Existing law provides that it is the policy of the state to promote and encourage the use of solar energy systems, as defined, and to limit obstacles to their use. Existing law states that the implementation of consistent statewide standards to achieve timely and cost-effective installation of solar energy systems is not a municipal affair, but is instead a matter of statewide concern. Existing law requires a city or county to administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Existing law requires a solar energy system for heating water to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would specify that these provisions address a statewide concern. The bill would additionally require a city, county, or city and county to adopt, on or before September 30, 2015, in consultation with specified public entities an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems, as specified. The bill would additionally require a city, county, or city and county to inspect a small residential rooftop solar energy system eligible for expedited review in a timely manner, as specified. The bill would prohibit a city, county, or city and county from conditioning the approval of any solar energy system permit on approval of that system by an association that manages a common interest development. The bill would require a solar energy system for heating water in single family residences and solar collectors for heating water in commercial or swimming pool applications to be certified by an accredited listing agency, as defined.

Because the bill would impose new duties upon local governments and local agencies, it would impose a state-mandated local program.

(2) Existing law prohibits any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document from effectively prohibiting or restricting the installation or use of a solar energy system. Existing law exempts from that prohibition provisions that impose reasonable restrictions on a solar energy system that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance. Existing law defines the term "significantly," for these purposes, with regard to solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, to mean an amount exceeding 20% of the cost of the system or decreasing the efficiency of the solar energy system by an amount exceeding 20%, and with regard to photovoltaic systems that comply with state and federal law, an amount not to exceed $2,000 over the system cost or a decrease in system efficiency of an amount exceeding 20%, as specified. Existing law requires a solar energy system for heating water
subject to the provisions described above to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would instead define the term "significantly," for these purposes, with regard to solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, to mean an amount exceeding 10% of the cost of the system, not to exceed $1,000, or decreasing the efficiency of the solar energy system by an amount exceeding 10%, and with regard to photovoltaic systems that comply with state and federal law, an amount not to exceed $1,000 over the system cost or a decrease in system efficiency of an amount exceeding 10%, as specified. The bill would require a solar energy system for heating water in single family residences and solar collectors for heating water in commercial or swimming pool applications subject to the provisions described above to be certified by an accredited listing agency, as defined.

(3) Existing law requires an application for approval for the installation or use of a solar energy system to be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property and prohibits the approver from willfully avoiding or delaying approval. Existing law requires the approving entity to notify the applicant in writing within 60 days of receipt of the application if the application is denied, as specified.

The bill would instead require the approving entity to notify the applicant in writing within 45 days of receipt of the application if the application is denied, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) In recent years, the state has both encouraged the development of innovative distributed generation technology and prioritized the widespread adoption of solar power as a renewable energy resource through programs such as the California Solar Initiative.

(b) Rooftop solar energy is a leading renewable energy technology that will help this state reach its energy and environmental goals.

(c) To reach the state’s Million Solar Roofs goal, hundreds of thousands of additional rooftop solar energy systems will need to be deployed in the coming years.

(d) Various studies, including one by the Lawrence Berkeley National Laboratory, show that, despite the 1978 California Solar Rights Act, declaring that the “implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair … but is instead a matter of statewide concern,” the permitting process governing the installation of rooftop solar energy systems varies widely across jurisdictions and, contrary to the intent of the law, is both an "obstacle" to the state's clean energy and greenhouse reduction goals and a "burdensome cost" to homeowners, businesses, schools, and public agencies.

(e) The United States Department of Energy, through its SunShot Initiative, has distributed millions of dollars in grants to local and state governments, including California jurisdictions, and nonprofit organizations to reduce the costs of distributed solar through streamlined and standardized permitting.

(f) A modernized and standardized permitting process for installations of small-scale solar distributed generation technology on residential rooftops will increase the deployment of solar distributed generation, help to expand access to lower income households, provide solar customers greater installation ease, improve the state’s ability to reach its clean energy goals, and generate much needed jobs in the state, all while maintaining safety standards.

SEC. 2. Section 714 of the Civil Code is amended to read:

714. (a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing
document, as defined in Section 4150 or 6552, that effectively prohibits or restricts the installation or use of a solar energy system is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on solar energy systems. However, it is the policy of the state to promote and encourage the use of solar energy systems and to remove obstacles thereto. Accordingly, reasonable restrictions on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

(c) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities, consistent with Section 65850.5 of the Government Code.

(2) Solar energy systems used for heating water in single family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the Plumbing and Mechanical Codes.

(3) A solar energy system for producing electricity shall also meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(d) For the purposes of this section:

(1) (A) For solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, "significantly" means an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars ($1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.

(B) For photovoltaic systems that comply with state and federal law, "significantly" means an amount not to exceed one thousand dollars ($1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

(2) "Solar energy system" has the same meaning as defined in paragraphs (1) and (2) of subdivision (a) of Section 801.5.

(e) (1) Whenever approval is required for the installation or use of a solar energy system, the application for approval shall be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed.

(2) For an approving entity that is an association, as defined in Section 4080 or 6528, and that is not a public entity, both of the following shall apply:

(A) The approval or denial of an application shall be in writing.

(B) If an application is not denied in writing within 45 days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information.

(f) Any entity, other than a public entity, that willfully violates this section shall be liable to the applicant or other party for actual damages occasioned thereby, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars ($1,000).

(g) In any action to enforce compliance with this section, the prevailing party shall be awarded reasonable attorney’s fees.

(h) (1) A public entity that fails to comply with this section may not receive funds from a state-sponsored grant or loan program for solar energy. A public entity shall certify its compliance with the requirements of this section when applying for funds from a state-sponsored grant or loan program.

(2) A local public entity may not exempt residents in its jurisdiction from the requirements of this section.

SEC. 3. Section 65850.5 of the Government Code is amended to read:

65850.5. (a) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair, as that term is used in Section 5 of Article XI of the
California Constitution, but is instead a matter of statewide concern. It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install solar energy systems. It is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use. It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems.

(b) A city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install a solar energy system shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city or county makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety, the city or county may require the applicant to apply for a use permit.

(c) A city, county, or city and county may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

(d) The decision of the building official pursuant to subdivisions (b) and (c) may be appealed to the planning commission of the city, county, or city and county.

(e) Any conditions imposed on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

(f) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

(2) Solar energy systems for heating water in single family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the California Plumbing and Mechanical Codes.

(3) A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(g) (1) On or before September 30, 2015, every city, county, or city and county, in consultation with the local fire department or district and the utility director, if the city, county, or city and county operates a utility, shall adopt an ordinance, consistent with the goals and intent of subdivision (a), that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. In developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist, as determined by the city, county, and city and county, shall be deemed complete. Upon confirmation by the city, county, or city and county of the application and supporting documents being complete and meeting the requirements of the checklist, and consistent with the ordinance, a city, county, or city and county shall, consistent with subdivision (b), approve the application and issue all required permits or authorizations. Upon receipt of an incomplete application, a city, county, or city and county shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

(2) The checklist and required permitting documentation shall be published on a publically accessible Internet Web site, if the city, county, or city and county has an Internet Web site, and the city, county, or city and county shall allow for electronic submittal of a permit application and associated documentation, and shall authorize the electronic signature on all forms, applications, and other documentation in lieu of a wet signature by an applicant. In developing the ordinance, the city, county, or city and county shall substantially conform its expedited, streamlined permitting process with the recommendations for expedited permitting, including the checklists and standard plans contained in the most current version of the California Solar Permitting Guidebook.
and adopted by the Governor's Office of Planning and Research. A city, county, or city and county may adopt an ordinance that modifies the checklists and standards found in the guidebook due to unique climactic, geological, seismological, or topographical conditions. If a city, county, or city and county determines that it is unable to authorize the acceptance of an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant, the city, county, or city and county shall state, in the ordinance required under this subdivision, the reasons for its inability to accept electronic signatures and acceptance of an electronic signature shall not be required.

(h) For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection, except that a separate fire safety inspection may be performed in a city, county, or city and county that does not have an agreement with a local fire authority to conduct a fire safety inspection on behalf of the fire authority. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized, however the subsequent inspection need not conform to the requirements of this subdivision.

(i) A city, county, or city and county shall not condition approval for any solar energy system permit on the approval of a solar energy system by an association, as that term is defined in Section 4080 of the Civil Code.

(j) The following definitions apply to this section:

(1) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a city, county, or city and county on another similarly situated application in a prior successful application for a permit. A city, county, or city and county shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

(2) "Electronic submittal" means the utilization of one or more of the following:

(A) Email,

(B) The Internet,

(C) Facsimile,

(3) "Small residential rooftop solar energy system" means all of the following:

(A) A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

(B) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, county, or city and county and paragraph (3) of subdivision (c) of Section 714 of the Civil Code.

(C) A solar energy system that is installed on a single or duplex family dwelling.

(D) A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

(4) "Solar energy system" has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code.

(5) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.
AGENDA DESCRIPTION:
Consideration and possible action regarding potential amendments to the Downtown Specific Plan (DSP) regarding: (1) tinting or reflective glass on storefront windows; (2) signs for non-street front uses; (3) building height limit along street-side property lines; (4) design review process of projects relating to existing design review standards in the DSP; (5) parking requirements for Non-Profit Museums in the DSP area; and/or (6) parking and the Parking-In-Lieu Fee Program in the DSP and review and potential formulation of recommendations relating to parking issues in the DSP. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION: It is recommended that the City Council consider:

1. Directing staff to prepare an amendment to the DSP Section VIII (Design Standards) regarding Tinting or Reflective Glass on Storefront Windows; and/or
2. Directing staff to prepare an amendment to the DSP Section VIII (Design Standards) regarding Signs for Non-Street Front Uses; and/or
3. Directing staff to prepare an amendment to the DSP Section VI (Development Standards) regarding building height along street-side property lines; and/or
4. Directing staff to prepare an amendment to the DSP Sections V (Administration) and VIII (Design Standards) to establish a design review process and to define projects requiring design review relating to existing design review standards in the DSP; and/or
5. Directing staff to prepare an amendment to the DSP Section VII (Parking) regarding parking requirements for Non-profit Museum uses; and/or
6. Establishing a subcommittee to formulate potential recommendations regarding the preparation of amendments to parking standards in the DSP and/or the Parking In-Lieu Fee Program; and/or
7. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Excerpts from the Downtown Specific Plan.

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, Director of Planning and Building Safety

APPROVED BY: Greg Carpenter, City Manager
INTRODUCTION:

The purpose of the following report is two-fold: (1) to bring several matters regarding the DSP to the City Council’s attention and for possible action and (2) per the Planning Commission’s direction, to present information regarding parking in the downtown and options for the City Council’s consideration.

BACKGROUND AND DISCUSSION:

I. Background and Discussion

A. Downtown Specific Plan (DSP) Background

History and Intent. The Downtown Specific Plan (DSP) was established on August 1, 2000 with the adoption of Ordinance No. 1319. The DSP was the culmination of a multi-year visioning effort to help revitalize the downtown area. The effort was led by a Downtown Task Force of community and business leaders appointed by the City Council. The Task Force developed a Vision Statement and a Downtown Philosophy and Concept, which were incorporated in the adopted Specific Plan (see attached excerpts). The two statements emphasize improving the physical appearance of the downtown area, maintaining and enhancing “village” and pedestrian character, carefully considering the preferred mix of uses (retail, office, and residential) and strategically using key parcels in the downtown area.

Amendments. Since its adoption, the Downtown Specific Plan (DSP) has been amended several times and those amendments are summarized in the following table.

<table>
<thead>
<tr>
<th>Ordinance/Number</th>
<th>Resolution</th>
<th>Adoption Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinance No. 1336</td>
<td>May 15, 2001</td>
<td>To allow tenant/business owner residential uses above the street-front level.</td>
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<tr>
<td>Resolution No. 4339</td>
<td>November 5, 2003</td>
<td>To establish a parking in-lieu fee of $17,500 per space.</td>
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<tr>
<td>Ordinance No. 1368</td>
<td>November 18, 2003</td>
<td>To add a parking in-lieu fee program for additions to existing buildings or construction of new buildings.</td>
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<tr>
<td>Resolution No. 4347</td>
<td>December 2, 2003</td>
<td>To set a temporary parking in-lieu fee of $2,500 per space for a period of six months and $17,500 thereafter.</td>
<td></td>
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<tr>
<td>Resolution No. 4382</td>
<td>July 20, 2004</td>
<td>To set a temporary parking in-lieu fee of $12,500 per space for a period of one (1) year and $17,500 thereafter.</td>
<td></td>
</tr>
<tr>
<td>Ordinance No.</td>
<td>Date</td>
<td>Description</td>
<td></td>
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<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>1387</td>
<td>November 15, 2005</td>
<td>The expansion of the DSP to include properties in the 200 block of West Grand Avenue.</td>
<td></td>
</tr>
<tr>
<td>1400</td>
<td>October 3, 2006</td>
<td>To modify building front setback restrictions for the portion of buildings exceeding 30 feet in height.</td>
<td></td>
</tr>
<tr>
<td>4599</td>
<td>June 2, 2009</td>
<td>To allow the payment of in-lieu fees over a period of time not to exceed twenty (20) years (payment plan).</td>
<td></td>
</tr>
<tr>
<td>1429</td>
<td>June 2, 2009</td>
<td>To incorporate provisions for temporary and permanent outdoor uses and establish procedures for making parking in-lieu payments.</td>
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<tr>
<td>1447</td>
<td>October 5, 2010</td>
<td>To amend the permitted and conditionally permitted uses to allow Assembly Hall uses as conditionally permitted uses.</td>
<td></td>
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</tbody>
</table>

### B. Potential Amendments to the DSP

#### I. Tinted or Reflective Glass on Storefront Window in the Downtown Specific Plan (DSP) Area

Downtown Specific Plan (DSP) Section VIII (Design Standards) states that “storefront windows shall be clear glass, neither tinted nor reflective.” The intent of this and other façade-related provisions, as stated in DSP Section VIII (Design Standards) is to provide transparency between the street and store interiors, which helps to maintain the pedestrian-friendly character of the downtown. The Downtown Specific Plan allows the use of street trees, awnings, and arbors to provide shade for storefronts and to reduce glare caused by direct sunlight exposure.

Staff recommends modifying or removing the restriction on the use of tinted glass on storefront windows (as required in DSP § VIII(A)(4)(a)(i)(bb)(ii)(cc) and (dd)). Many businesses use tinted glass to reduce sunlight and glare impacts that affect the interior of their businesses. In some cases, businesses are on streets with an orientation that exposes them to direct sunlight virtually the entire day which can present a variety of operational impacts. Alternative solutions such as the use of awnings and landscaping to help address light and glare issues may not always solve the entire problem and can also inhibit the ability to install signs that have sufficient visibility. Most businesses in the downtown are on small lots with limited street frontage (typically 25 feet wide) for signage opportunities. Additionally, tinted glass may also be used as an integral element of the architectural design that can add visual interest to a building.
Staff believes that the use of lightly tinted or colored glass can reduce sunlight and glare impacts and still achieve the intended result of allowing pedestrians to see into businesses. In addition, tinted and/or colored glass can better meet the energy efficiency requirements of the 2013 California Energy Code (Table 140.3-C regarding U factors and solar heat gain coefficients). Furthermore, the use of tinted and/or colored glass helps to reduce the energy needs of commercial businesses, particularly air conditioning costs, is consistent with the General Plan Air Quality Element Goal AQ12 “Reduction in Residential, Commercial, and Industrial Energy Consumption” and is consistent with Air Quality Element Policy AQ12-1.2 which states “It is the policy of the City of El Segundo that the City encourage the incorporation of energy conservation features in the design of new projects and the installation of conservation devices in existing developments.” Staff believes that modifying the language to allow this change and/or to allow the change subject to review and approval by the Planning and Building Safety Director is reasonable. Alternatively, if the Council feels that the use of tinted glass is no longer of significant concern, the restriction can be eliminated entirely.

**Planning Commission Discussion.** The Planning Commission was in favor of relaxing or eliminating the window tinting restriction and giving the Planning and Building Safety Director more discretion on the issue. The Planning Commission was not in favor of relaxing or eliminating the restriction on reflective glass on windows.

2. Additional Signs for Non-Street Front Uses in the DSP Area

DSP Section VIII (Design Standards) states that “Perpendicular/Pedestrian signage may be used for non-street fronting businesses and shall be no more than nine square feet.” In addition, DSP Section VIII allows “a maximum of two square feet of lettered/logo and/or icon painted directly onto the entrance (without a background).” The signs permitted for non-street front businesses are part of an overall limit of 25 square feet per lot. The intent of these and other sign-related provisions in the DSP is to allow for attractive signs in scale with existing buildings that preserve the pedestrian-friendly character of the downtown and serve as invitations for people to enter and patronize stores and restaurants.

Several business owners have recently expressed their concern that the permitted signs for non-street front uses cannot adequately advertise their business and attract patrons for the following reasons: 1) there are other existing signs or obstructions (trees, awnings, etc.) that would limit the visibility of a perpendicular sign; 2) a building may have already used the maximum permitted sign area (25 square feet), which would prevent the addition of new signs; 3) some businesses may not have any external building frontage; and 4) some multi-tenant buildings do not have side entrances, which eliminates the second option (discussed above) for signs over a side entrance. Consequently, several business owners have requested that the City consider permitting more sign types and a higher maximum area permitted for signs on non-street front uses. Staff recommends that the City Council consider an amendment to the DSP to address these challenges for non-street front uses that have limited opportunities for signage.

**Planning Commission Discussion.** The Planning Commission was in favor of allowing additional, but limited signage on non-street fronting building elevations. It directed staff to set a specific limit that would be proportionate with the size and scale of the buildings.
and the size limits of signage allowed in the DSP, but to allow flexibility for the Planning Commission to review and approved signage that exceeds those limits.

3. Building height limit and setback requirement along street-side property lines in the DSP Area

DSP Section VI (Development Standards) states that “To the extent a building exceeds 30 feet in height, the front portion of the building that exceeds 30 feet in height must be setback 25 feet from the front property line.” This requirement was added to the Specific Plan’s development standards in 2006 to address a concern about the height and mass of buildings along street frontages (especially Main Street) and the potential “canyonization effect” of three-story buildings that do not have a minimum required setback on the third floor. The intent of this provision is to maintain lower building heights and a more pedestrian scale of development along the street. In addition, this height limitation and setback requirement is consistent with the existing development along Main Street and Richmond Street, where buildings located adjacent to the street are primarily single-story.

Staff has recently received inquiries from property owners for the development of corner properties with frontage on two intersecting streets. Based on the current DSP Development Standards, the height restriction and setback requirement discussed above applies only to front property line. Staff is concerned that the 2006 amendment did not address the intent for street-facing side property lines as to whether these street-facing side setbacks for buildings and structures should be the same or different than front setbacks for buildings and structures. Therefore, staff suggests that the City Council consider an amendment to the DSP to make one of the following changes to clarify this issue: 1) to specifically state that the same standard is applied to buildings and structures along street-facing side property lines as is applied to front setbacks; or 2) to apply a modified standard that is either more or less restrictive for building frontages along street-facing side property lines than for front property lines in the DSP with clarification as to which the Council recommends.

**Planning Commission Discussion.** The Planning Commission was generally not in favor of establishing an additional setback for buildings exceeding 30 feet in height along street-facing side property lines particularly since most lots in the Downtown are small and narrow. The Commission expressed concern that such a standard would reduce the property rights and value of corner lots in the DSP however they did request more information regarding this issue and lot sizes.

4. Design review process in the Downtown Specific Plan (DSP) Area

Downtown Specific Plan (DSP) Section VIII (Design Standards) regulates the design of development of both public and private property. The provisions regarding public property affect street configuration, street parking, alley treatments, public sidewalks, paving, façade design, lighting, and signage. In addition, in 2008, the City Council adopted an Architectural/Design Review fee (Resolution 4574, October 21, 2008) to pay for the cost reviewing individual projects for consistency with the Downtown Specific Plan (DSP) Design Standards. However, the Downtown Specific Plan did not establish a Design Review process to property implement these standards.
Staff recommends that the City Council consider an amendment to the DSP as follows: 1) to establish a ministerial, an administrative, and/or a Planning Commission-level process for design review; and 2) to determine the types of projects that require either level of design review to implement the existing DSP design standards.

**Planning Commission Discussion.** The Planning Commission was in favor of establishing a more defined design review process and clearly defining which project types that would require each type of review.

5. Parking for Non-profit Museum Uses in the Downtown Specific Plan (DSP) Area

Properties in the downtown are generally comprised of small substandard lots (commonly 3,125 square feet in size) and many of those properties have little or no parking on site. Additionally, providing parking on site frequently is not feasible because lots are typically too narrow (25 feet in width) to provide sufficient stall length and aisle width to allow vehicle back up and maneuvering. Non-profit museums provide a public benefit to the community in that they provide the community access to art and other educational exhibits. In addition, museums are destination uses that attract visitors to the Downtown who typically visit other retail and restaurant uses on the same trip and help support the business community in the Downtown. Museums frequently operate on a more limited schedule than typical businesses and operate during off peak hours such as evenings and weekends when some Downtown uses such as general offices and medical/dental offices are closed. This makes it likely that more street parking is available.

Currently, the City has one museum in the Downtown, the El Segundo Museum of Art (ESMOA). Based upon the size of the museum, nine (9) parking spaces are required in the DSP parking standards. ESMOA cannot provide the parking spaces on site. The museum arranged for the use of nine (9) parking spaces in the Chevron surface parking lots located on the 100 block of Main Street just north of El Segundo Boulevard (southeast corner) during nights and weekends when ESMOA is open to the public and conducts events. However this does not meet the City’s requirements for the parking spaces to be available at all times and such off-site parking requires a parking covenant. The museum is not open to the general public during weekdays except by special appointment and has a small staff that does not work extensive hours. As a result, ESMOA does not compete with other office uses for street parking and has limited need to provide parking except for weekends and special events conducted limitedly on Friday nights and weekends. Staff believes that the actual parking demand could be met through a combination of changes to the parking requirements for Non-Profit Museums in the DSP.

The City Council could consider an amendment to the Downtown Specific Plan (DSP) Section VII regarding parking for Non-Profit Museums to: reduce the number of parking spaces required for Non-Profit Museums (with or without a Parking Demand Study); and/or allow off-site parking at the Chevron lot or similar property for a limited number of evening and/or weekend events per year without the requirement of a parking covenant (Staff recommends a maximum of 12 events); and/or allow the use of the Parking In-Lieu Fee Program to meet the parking requirements but waive the payment of the Parking In-
Lieu Fee for the Non-Profit Museum; or eliminate parking requirements for Non-Profit Museums.

Due to the unique operation and limited hours of the museum, the public benefit provided, and the availability of public parking to meet the needs of the museum, staff recommends that the City Council consider an amendment to the Downtown Specific Plan (DSP) Section VII (Parking) to modify the parking requirements for Non-Profit Museums in the manner described above and/or to amend the Parking In-Lieu Fee Program to allow the waiver of some or all of the fees. Greater detail regarding the general DSP parking requirements and Parking In-Lieu Fee Program are outlined in Item No. 6 below.

**Planning Commission Discussion.** The Planning Commission was not in favor of waiving/discounting the parking in-lieu fees or of eliminating the parking requirements for nonprofit museums. The Planning Commission had some concerns regarding reducing parking requirements as well but did express support for the possibility of allowing a tailored parking program that could include the use of valet parking and off-site parking such as at Chevron (without a parking covenant) for large events and possibly a parking reduction during hours the museum is not conducting large events based upon analysis through a parking demand study.

6. Parking In-Lieu Fee Program in the Downtown Specific Plan (DSP) Area

The Parking In-Lieu Fee Program is intended to allow property owners to pay a fee instead of providing additional parking for new construction or additions to existing buildings. The current fee is set at $17,500 per parking space. The intent of the program is to encourage expansion of existing businesses, the attraction of new businesses, and the physical improvement of properties in the downtown area. The Parking In-Lieu Fee Program was added in 2003 to the Downtown Specific Plan to supplement existing parking incentives contained in the Specific Plan. Those existing incentives are summarized below:

a) Residential uses. No additional parking for tenant/business owner-occupied residential units above commercial uses.

b) Restaurants and outdoor dining areas. No parking is required for restaurants less than 500 square feet in size, which do not provide sit-down eating accommodations (take-out), or for outdoor uses including dining and gathering areas, up to 200 square feet.

c) Existing Buildings with Permitted Uses. Existing uses in an existing building may change to any other use enumerated in the Permitted Uses section of the applicable Specific Plan District without providing additional on-site parking spaces.

d) Parking Demand Study. The Director of Planning and Building Safety may modify the required number of parking spaces or approve joint use or off-site parking, for fewer than 10 spaces, based on the submittal of a parking demand study. Reductions of 10 or more spaces require Planning Commission approval. (Section VII – Parking)

e) Historic Preservation. Additions to commercial structures identified as Historically Significant (DSP Exhibit 7) may add up to 50 percent of the existing floor area, not to exceed 500 square feet, without providing additional parking (See attached DSP excerpts).
C. Information regarding Parking and available Options.

In the last few years, as more businesses/properties have taken advantage of the DSP parking incentives, other businesses, residents, and the Planning Commission have expressed concerns regarding the lack of parking in the downtown area. In 2014, the Planning Commission directed staff to relay these concerns to the City Council, which staff did. In a recent Planning Commission meeting, the Commission expressed concern again about these issues and directed staff to present information regarding parking in the downtown at a subsequent meeting.

In response to the Planning Commission’s direction, staff presented the history and intent of the DSP which is described earlier in this report, including some of the parking-related incentives in Section VII (Parking) of the DSP. In addition to these incentives, Section IX (Implementation and Financing) outlined the elements of a parking management plan for the Downtown Specific Plan area. The DSP anticipated that as the area is revitalized over time that the parking demand would increase and put a strain on the available supply. The proposed parking management plan contained short-term, medium term, and long term options, which are summarized in the table below:

<table>
<thead>
<tr>
<th>Options Pursuant to Parking Management Plan</th>
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<tbody>
<tr>
<td><strong>Short-term</strong></td>
</tr>
<tr>
<td>• Create Visitor Parking Information</td>
</tr>
<tr>
<td>• Implement a Shared Use Parking Program</td>
</tr>
<tr>
<td>• Establish Baseline Parking Ratios for the Downtown as a Whole and Monitor over Time</td>
</tr>
<tr>
<td>• Enhance Directional Signage</td>
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<tr>
<td><strong>Medium-term</strong></td>
</tr>
<tr>
<td>• Implement Trial Period Shared Valet Parking Program During Peak Season</td>
</tr>
<tr>
<td>• Add Angled On-street Parking</td>
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<tr>
<td><strong>Long-term</strong></td>
</tr>
<tr>
<td>• Install Parking Meters to Manage Parking Turnover and Raise Revenues for Parking Improvements</td>
</tr>
<tr>
<td>• While Implementing Parking Management Strategies, Continue to Investigate Costs and Feasibility of Added Parking</td>
</tr>
</tbody>
</table>

The options listed above are discussed in detail in Section IX (Implementation and Financing) of the DSP. The City has not fully implemented a parking management plan as outlined in the DSP. However, it has taken steps to implement some of the options, such as the addition of on-street parking on Richmond Street and a related study to add more on-street parking in or around the downtown area.
Staff believes that the City can build upon the parking management plan which is part of the DSP and expand it to pursue additional options for increasing the parking supply and/or managing the parking demand in the downtown area. The options may range from amending existing DSP regulations regarding parking to making physical improvements. Accordingly, the City Council may take one or more of the following options:

1. Discuss and formulate recommendations regarding the preparation of amendments to parking standards in the Downtown Specific Plan and/or the Parking In-Lieu Fee Program as a collective body;
2. Appoint a subcommittee to work with staff to discuss and formulate recommendations regarding the preparation of such amendments;
3. Not recommend any changes to the parking standards in the DSP and the Parking In-Lieu Fee Program; and/or
4. Take alternative action.

**Planning Commission Discussion.** The Planning Commission is in favor of pursuing amendments to the parking standards in the Downtown Specific Plan and the Parking In-Lieu Fee Program. Additionally, the Planning Commission expressed an interest in forming a subcommittee to work with staff on these issues.

Historically, subcommittees have always been approved and appointed by the City Council. If the City Council chooses to form a subcommittee, the subcommittee will work with staff on these issues and report back to the entire Commission and the City Council at a future date.

**II. Conclusion and Recommendation**

The Planning and Building Safety Department recommends that the Council consider directing staff to prepare several amendments to the DSP pursuant to Planning Commission's recommendations including: 1) Tinting Glass on Storefront Windows; and/or 2) Signs for Non-Street Front Uses; and/or 3) building height along street-side property lines; and/or 4) establishing a design review process and defining which types of projects require design review; and/or 5) parking requirements for Non-profit Museum uses; and/or 6) to appoint a subcommittee to formulate potential recommendations regarding the preparation of amendments to parking standards in the DSP and/or the Parking In-Lieu Fee Program; and/or 7) alternatively, discuss and take other possible action related to this item.
I. INTRODUCTION

A. Specific Plan Project Description

The proposed project is a Specific Plan for the Downtown area of El Segundo. The Plan envisions a ten-year horizon for planning and development purposes. Although the Plan will not "expire" in ten-years, it is anticipated that the goals of the Plan will be achieved within the ten-year planning horizon, and that the Plan will be re-evaluated, updated and revised, if necessary, after ten years. The project includes a General Plan Amendment (GPA 99-2), a Zone Change (ZC 99-2) and a Zone Text Amendment (ZTA 99-5). The Downtown Specific Plan encompasses the majority of the Downtown Commercial (C-RS) Zone, as well as the Civic Center Complex, which is zoned Public Facilities (P-F). The Plan area is generally located west of Sepulveda Boulevard and north of El Segundo Boulevard (Exhibits 1-3). El Segundo's Downtown is the heart of the community. Due to its location within the community and distance from regional arterials, Downtown remains a small, distinct district approximately two blocks by five blocks in size.

The Plan area is currently developed with commercial, residential and public uses, and future development is anticipated to be similar in nature. The entire Specific Plan area is approximately 26.3 acres in size. The majority of the lots within the Specific Plan area are 25 feet wide by 140 feet deep, 3500 square feet in area, although many of the lots have been combined and developed under common ownership.

In general, the purpose of the Specific Plan is to provide the opportunity to implement the Vision of the community for the Downtown; to enhance the quality small town environment that the residents currently enjoy. The Plan provides this opportunity by the adoption of new development standards, design regulations, and other criteria. The City Council initiated the preparation of a Specific Plan in response to concerns and requests from the community to enhance the Downtown environment that the residents value so highly.

The Specific Plan will provide land use and development standards for the area including, but not limited to, standards for heights, setbacks, density, lot area, outdoor uses, landscaping, parking, loading, circulation and signage. Design standards will also be included within the Specific Plan to regulate site development, street configurations, streetscape (sidewalks, street furniture, bus stops, bicycles), landscaping, lighting (street and pedestrian, decorative and security), architecture and signage. The Specific Plan is divided into six Districts, each having distinct characteristics and standards. Two related projects, which are currently separately underway, are the update of the City's Circulation and Housing Elements.

The current and proposed development standards allow a commercial density or floor area ratio (FAR) of 1.0:1. An example of a FAR or density of 1.0:1 is a 3,500 square foot lot would allow a 3,500 square foot building. One strategic site, the City parking lot (17,500 square feet in area) on the northeast corner of Richmond Street and Franklin Avenue, in the 200 block of Richmond Street, is proposed to allow a 1.5:1 FAR. The Specific Plan area currently has approximately 560,000 square feet of commercial uses. For this evaluation, a ten-year horizon was used with an addition of 271,814 square feet of new commercial uses. This is 24% of the maximum 1,123,848 square feet of total build-out allowed by the current zoning and General Plan.

The current zoning allows a maximum of 276 dwelling units within the Plan area. This equates to one unit per 25 foot wide lot (12.5 dwelling units per acre), not including the Civic Center site. Currently there are approximately 87 residential units in the Plan area.
The final Plan will not allow the development of any new residential units, although the existing units may continue and may be rebuilt if accidentally destroyed.

Two locations for plazas have been identified. One is the existing plaza fronting Main Street at the Civic Center and the other is located to the rear of the Pursell Building, (on the northwest corner of Main Street and Grand Avenue), across the alley from the Grand Avenue District (on the northeast corner of Richmond Street and Grand Avenue). Plazas are intensively used gathering places and serve as the hub for neighborhood activity. They are designed to accommodate resting, eating, strolling and people watching. Plazas are typically ringed by restaurants, galleries and other retail uses. Food service and goods from portable retail carts or wagons are often available within plazas.

As part of a zone change adopted in September 2005, the western boundary of the Downtown Specific Plan was expanded to include several properties on the north and south sides of West Grand Avenue between the alley west of Richmond Street and Concord Street to establish the new "West Grand Avenue Transitional District." The West Grand Avenue Transitional District is added to encompass several properties that are similar in nature to those within the Plan Area by moving the western boundary of the Plan Area to Concord Street. (Ord. 1387, November 15, 2005)
EXHIBIT 2
LOCAL VICINITY

[Map showing local vicinity with labels for Westchester, Los Angeles International Airport, El Segundo, Manhattan Beach, Hawthorne, and Redondo Beach. The map also indicates a project area.]
B. Specific Plan Boundary

The Plan area includes the 100-500 blocks of Main Street, the 100-300 blocks of Richmond Street and the abutting property along Grand Avenue. The 200 block of West Grand Avenue between Concord Street and the alley west of Richmond Street was incorporated into the Specific Plan area in September 2005. The alleys to the east and west of Main and Richmond Street form the perimeter boundaries of the Plan area, with the exception of the 300 block east side of Main Street as the Civic Center Complex extends east to Standard Street. (Ord. 1387, November 15, 2005)

The Downtown is divided by three principal streets -Main Street, Grand Avenue, and El Segundo Boulevard. Additionally, three smaller streets-Franklin, Holly and Pine Avenues cross the Plan area, running in an east-west direction. Each of the three principal streets connects to major, region-serving arterials or freeways. El Segundo Boulevard, on the southern boundary of the Plan area, runs in an east-west direction and connects to the I-405 Freeway and to Sepulveda Boulevard. Grand Avenue, an east-west street, connects to Sepulveda Boulevard on the east and the beach to the west. Main Street runs north and south between El Segundo Boulevard and Imperial Highway, which borders Los Angeles International Airport (LAX). Main Street has an 80-foot right-of-way with 12-foot sidewalks and 56 feet of paving, curb to curb. Richmond Street, which runs in a north-south direction and is one block west of Main Street, has a 60-foot right-of-way, with 10-foot sidewalks and 40 feet of street, curb to curb. The I-105 Freeway is north of the Plan area, immediately north of Imperial Highway.

Grand Avenue is one of only two City streets that connects to the beach. It is the principal east-west street in Downtown El Segundo and crosses both Main and Richmond Streets. The portion of Grand Avenue addressed in the Downtown Specific Plan is between Main and Concord Streets. Beyond Concord Street, Grand Avenue crests the hill of an ancient sand dune and disappears from view toward the ocean. Grand Avenue to the west of Concord Street has recently been planted with Cajeput trees to provide a visual welcome to El Segundo.

Grand Avenue is one of the widest streets in the City, having formerly been the early alignment of one of the trolley cars that criss-crossed the region before falling victim to the automobile. The right-of-way is 100 feet in width with 10-foot sidewalks on both sides and an 18-foot center median, including a 4-foot median and 7-foot wide parallel parking areas on each side of the center island. Parallel parking is also provided on both curb lanes.

C. Specific Plan Vision

In November of 1998, a Downtown Task Force of community and business leaders appointed by the City Council presented a 7 page summary report entitled "Developing a Vision for Downtown El Segundo". In July, 1999, the City Council re-formed the Downtown Task Force to develop a Specific Plan and Vision Statement for future development of the Downtown area. The Downtown Task Force conducted numerous meetings, and at its final meeting on February 22,2000 adopted a Specific Plan Concept Document including the following Vision Statement. The Planning Commission reviewed the draft Specific Plan Document, developed from the Task Force concepts, and in May, 2000 recommended approval of the Specific Plan, including the following Vision Statement, to the City Council. The following is the Vision Statement for the Downtown Specific Plan adopted by the Task Force:
Downtown is the heart of El Segundo. It is the focal point for the community and one of the cohesive elements that ties the community together. The Vision for the Downtown is to:

- Provide a better balance of uses.
- Create a more thoughtful and creative use of public space.
- Organize creative and consistent programming of events and public activities.
- Create a consistent public-private partnership to market El Segundo's assets to investors and customers.
- Strengthen commitment to the strategic use of key parcels in the Downtown.
- Create more attractive landscaping and street furnishings.
- Improve signage.

D. Downtown Philosophy and Concept

The Downtown Task Force also adopted the following Downtown philosophy and concept, as part of the Specific Plan Concept Document which was adopted on February 22, 2000:

- Service residents, local employees and visitors.
- Maintain a safe and secure environment.
- Maintain architectural and economic diversity with a mix of retail, office, service and residential.
- Maintain and enhance pedestrian friendly environment.
- Enhance the "village" character.
- Enhance the "Midwest-feel" and the "Gaslamp" (San Diego) character.
- Consolidate retail to encourage synergy between businesses and to facilitate pedestrian access.
- Shrink Downtown retail area if supported by market analysis, converting non-core areas to a mix of offices and multi-family residential, to avoid the blight of vacancies.
- Encourage a mixture of uses and 'target' uses at strategic sites through financial incentives and pro-active marketing and advertising.
- Encourage preservation of historically significant buildings on Richmond Street.
- Enhance Civic Center Plaza, as the focal point of Downtown.
- Continue to support and expand the farmers market.
- Use design review process to achieve aesthetic goals.
- Establish a Business Improvement District (B.I.D.) -300, 400 & 500 blocks Main Street only.

E. Statutory Authority

California Government Code Sections 65450 through 65457 provide the necessary authorization for the City of El Segundo to prepare and adopt this Specific Plan. Hearings are required by both the Planning Commission and City Council, after which the Specific Plan can be adopted by the Council either by resolution (as policy) or by ordinance (as regulation). This document has been adopted by ordinance as a regulation. In addition to the Planning Commission and City Council public hearings, two Downtown Task Forces of community residential and business representatives held numerous public meetings and provided the groundwork for the Vision Statement and concepts of the Plan.

The Downtown Specific Plan is a regulatory plan which will serve as zoning law for properties within the boundaries of the Plan. All proposed development plans or agreements, tentative or parcel maps, and any other development approvals must be consistent with this Specific Plan and with the General Plan.
The Downtown Specific Plan supersedes other regulations and ordinances of the City for the control of land use and development within the Specific Plan boundaries. The Specific Plan may be amended to further the systematic implementation of the General Plan.
VII. PARKING

1. Purpose-
The purpose of this section is to provide for adequate parking standards, to assure that parking spaces shall be suitably maintained and available for the use of the occupants of the site and to mitigate potential associated on-street parking and traffic circulation problems throughout the Downtown and surrounding areas.

2. General Provisions-
   a. No use or building shall be established, erected, enlarged or expanded unless parking facilities are provided and maintained as required by this Section.
   b. Parking facilities should be designed so that a car within a facility will not have to enter a street to move from one location to any other location within the same facility.
   c. Bumpers or tire stops a minimum 6 inches in height shall be provided in all parking areas abutting a building, structure, sidewalk, planting area, street or alley.
   d. All tandem parking spaces, where allowed, shall be clearly outlined on the surface of the parking facility.
   e. Parking facilities in all Districts shall be designed in such a manner that any vehicle on the property will be able to maneuver as necessary so that it may exit from the property traveling in a forward direction. However, cars may exit onto an alley traveling in a reverse direction.
   f. Where the application of the following cumulative parking schedules results in a fractional space of .5 or greater, the number of required parking spaces shall be rounded up to the next whole number.
   g. No vehicular use area, except driveway access to a property, for any residential use shall be located, in whole or in part, in any required front yard or front two-thirds of any required side yard.
   h. No person, company or organization shall fail to maintain the facilities required to be provided by this Section, or by any applicable provision of prior laws, variance, use permit, or precise plan heretofore or hereafter granted by the Planning Commission or City Council. No required parking shall be utilized in any manner so as to make it unavailable for the occupants, their clients or visitors of a building or use during the hours such building or use is normally occupied except for purposes of utilizing it for Temporary Outdoor Retail Sale Events or Temporary Outdoor Dining in accordance with the requirements of the DSP. This meaning shall not be construed to prohibit security devices.
   i. All permanent on-site parking, loading, or other vehicular use area shall be paved with approved concrete or asphalted concrete. On-site parking areas to be used for no longer than one year shall be surfaced and maintained with an impervious material acceptable to the Director of Planning and Building Safety so as to eliminate dust and mud. All on-site parking areas shall be graded and drained to dispose of all surface water in accordance with the Uniform Building Code.
   j. Any lights provided to illuminate any parking area shall be arranged so as to direct the light away from any residential dwelling unit.
k. Temporary Use Parking. Outdoor Retail Sale Events and Temporary Outdoor Dining are required to provide parking based upon the parking requirements set forth in the DSP during the time period that such use is in operation. To the extent that the Outdoor Retail Sale Events or Temporary Outdoor Dining is located on parking spaces that are otherwise required for other uses located on the property, then in addition to the Temporary Parking spaces required for the Outdoor Retail Events or the Temporary Outdoor Dining the property owner or tenant is required to provide parking spaced to replace the parking spaces that are being utilized for the Outdoor Retail Sale Event or the Temporary Outdoor Dining. Parking requirements for Temporary Outdoor Retail Sale Events and Temporary Outdoor Dining may be fulfilled by providing sufficient on-site parking, parking through an offsite parking covenant, or by obtaining parking space permits for the City Parking Garage, or any combination of these three options. To utilize Temporary Outdoor Dining, the property owner and tenant, if applicable, must execute an acknowledgement to be recorded in the County Recorder's Office that the Temporary Outdoor Retail Sale Event or Temporary Outdoor Dining use will cease if at any time the parking requirements are not met, including in the event that parking space permits expire and are not re-issued for the City Parking Garage.

(Ord. 1429, June 2 2009)

3. Parking Spaces Required-
The number of parking spaces required for the establishment of a building or use shall be provided and thereafter maintained at the following ratios; provided, however, that for any building or use enlarged or increased in capacity, additional parking facilities shall be required only for such enlargement or increase. Additional parking facilities need not be provided for enlargements or additions to existing residential units. Unless stated otherwise, parking shall be based on net floor area defined in Section 20.08.420 of the El Segundo Municipal Code.

a. Residential Uses:
   i) Dwelling units/Live/work - No additional parking required. People who occupy the residential units will be the ones working in the commercial units, therefore, additional parking spaces would not be needed.

b. Nonresidential Uses:
   i) Bed and Breakfast Hotels - 1 space for each of the first 100 rooms; % space for each of the next 100 rooms; and % space for each room above 200 rooms.

   ii) Retail, offices, commercial, video arcade, and food-to-go uses - 1 space for each 300 sq. ft. for the first 25,000 sq. ft.; 1 space for each 350 sq. ft. for the second 25,000 sq. ft.; 1 space for each 400 sq. ft. for the area in excess of 50,000 sq. ft. No parking is required for outdoor retail uses including gathering areas (such as outdoor party areas), newsstands, coffee carts and flower stands, up to 200 square feet in area.
iii) Restaurants - 1 space for each 75 sq. ft. of dining area, including outdoor dining areas exceeding 200 sq. ft. in area 1 space for each 250 square feet of non-dining areas. No parking is required for restaurants less than 500 sq. ft. which do not provide sit-down eating accommodations, or for outdoor uses including dining and gathering areas, up to 200 sq. ft. in area.

iv) Bars - 1 space for each 75 sq. ft., including outdoor areas exceeding 200 sq; ft. in area.

v) Medical/Dental offices and clinics -1 space for each 200 sq. ft.

vi) Schools -Daycare, pre-school, elementary, middle school and junior high - 1 space for each classroom, plus 1 space for each employee.

vii) Schools -High school -7 spaces per classroom plus auditorium or stadium parking requirements.

viii) Schools -Adult, college, business and trade schools - 1 space for every 50 sq. ft. of gross floor area or 1 space for every 3 fixed seats -whichever is greater.

ix) Places of Public Assembly (including but not limited to, theaters, auditoriums, banquet facilities, meeting rooms, clubs, lodges and mortuaries) -With fixed seats-1 space for every 5 seats.* Without fixed seats-1 space for every 50 sq. ft. of floor area used for assembly purposes.

* Based upon the Uniform Building Code, areas having fixed benches or pews shall have 1 seat for each 18 inches of length. Dining areas shall have 1 seat for each 24 inches of booth length, or major portion thereof.

b. Compact Parking:
Compact parking shall not be allowed, except parking spaces provided in excess of the required number may be compact size.

c. Parking Reductions:

i) Parking Demand Study. The Director of Planning and Building Safety may modify the required number of parking spaces or approve joint use or off-site parking, for fewer than 10 spaces, based on the submittal of a parking demand study. Reductions of 10 or more spaces require Planning Commission approval. Additionally, for any use for which the number of parking spaces is not listed, the Director of Planning and Building Safety or Planning Commission will specify the required number of spaces based on a parking demand study. A parking demand study must include, without limitation, information specifying the number of employees, customers, visitors, clients, residents and owner-occupancy of residence and business (for existing legal non-conforming residential uses), shifts, deliveries, parking spaces, or other criteria established by the Director of Planning and Building Safety. The study may also include the use of valet or attendant parking.

ii) Parking In-Lieu Fees
a. The number of parking spaces required by this chapter due to the addition of area to an existing building or the construction of a new building may be reduced by the payment of a parking in-lieu fee established by the City Council resolution from time to time.

b. Any residential unit constructed after the adoption of this program, which is subsequently converted to a non-residential use is required to provide parking as required by this chapter for such use or pay a parking in-lieu fee for the floor area converted to the non-residential use.

c. Except as otherwise provided, the parking in-lieu fee must be paid before the City issues Certificate of Occupancy. Funds collected by the City from such payment must be deposited in a special fund and used only by the City to acquire and or develop additional parking and related facilities which are determined by the City Council to be necessary to serve the downtown. Funds paid to the City for in-lieu parking are non-refundable.

d. For good cause shown, as reasonably determined by the Director of Planning and Building Safety using objective criteria established by City Council resolution, the parking in-lieu fee may be paid over a period of time not to exceed twenty (20) years from the date the City issues a final Certificate of Occupancy. The obligation to pay such in-lieu fee must be secured with appropriate sureties identified by City Council resolution (including, without limitation, a restrictive covenant recorded against real property) and approved as to form by the City Attorney.

e. Parking provided by the City will be developed within or adjacent to boundaries of the Downtown Specific Plan. Payment of a parking in-lieu fee does not provide or vest any property owner with a special right, privilege or interest of any kind in any parking facility that may result from the payment of the fee. There is no guarantee that the City will build parking at any particular time or that it will build parking in a location that will be of advantage to the property owner paying the fee.

(Ord. 1429, June 2 2009)

4. Mixed Occupancies-In the case of mixed uses in a building or on a site, the total requirements for parking facilities shall be the sum of the requirements for the various uses computed. Parking facilities for one use may be considered as providing required parking facilities for another use, if approved through a parking demand study, a joint-use agreement or another mechanism approved by the Director of Community, Economic and Development Services or the Planning Commission.

5. Parking Area Development Standards-
   a. Stall sizes: Standard stalls shall be 8.5 feet wide by 18 feet deep; Dead-end parking stall or adjacent to an obstruction shall be 10 feet wide by 18 feet deep; compact parking spaces, only allowed for parking in excess of the Code requirements, shall be 8.5 feet wide by 15 feet deep.
   b. Aisle widths: Aisle width for angled parking spaces shall not be less than the following:

<table>
<thead>
<tr>
<th>Angles of Parking</th>
<th>Aisle Width Clear</th>
<th>Parking Stall Depth*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel to 30 degrees</td>
<td>12 feet</td>
<td>16 feet</td>
</tr>
<tr>
<td>45 degrees</td>
<td>15 feet</td>
<td>19 feet</td>
</tr>
<tr>
<td>60 degrees</td>
<td>18 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>90 degrees</td>
<td>25 feet</td>
<td>18 feet</td>
</tr>
</tbody>
</table>

   *Measured perpendicular to aisle

   c. Tandem Parking: A maximum of 30% of the total required parking for commercial uses may be tandem. Greater than 30% tandem spaces may be allowed with approval of a parking demand study. Parking spaces provided in excess of the required number may be tandem.
d. Parking of Licensed Recreational Vehicles and Habitable Vehicles:
   i) Parking of any mobile home, camper, house trailer or other habitable vehicle
      outside of an authorized mobile home park or licensed recreational vehicle
      parking facility is **prohibited except** that such vehicles may be parked on any
      public property or right of way subject to any applicable parking restrictions,
      including Section 9.40.010 of the El Segundo Municipal Code.

   ii) A habitable vehicle parked on private property may be occupied for residential
       purposes for no longer than 72 hours (outside of an authorized mobile home
       park) within any 30-day period. No habitable vehicle may be occupied for
       commercial purposes except as provided by Section 16.01.140 of the El

e. Entrances and Exits:
   The location and design of all driveway entrances and exits shall be subject to the
   approval of the Director of Community, Economic and Development Services. Access
   must be from the alley or side street, except for access to handicapped parking stalls if
   approved through the design review process. Curb cut and driveway widths must be a
   minimum of 10 feet and a maximum of 30 feet in width.

f. Handicapped Parking:
   Handicapped parking shall be provided in accordance with Part 2 of Title 24 of the
   California Administrative Code.

6. Loading Standards:
   The following loading spaces, with the dimensions as listed, are required based on the
   net square footage of the building or use.

<table>
<thead>
<tr>
<th>商用用途</th>
<th>建筑 - 平方英尺</th>
<th>装载空间数量</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-15,000</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>15,001-30,000</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>30,001-75,000</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>每增加100,000平方英尺或其部分</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>床和早餐酒店</th>
<th>建筑 - 平方英尺</th>
<th>装载空间数量</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000-15,000</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>15,001-75,000</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>每增加100,000平方英尺或其部分</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>尺寸</th>
<th>英尺</th>
</tr>
</thead>
<tbody>
<tr>
<td>宽度</td>
<td>12</td>
</tr>
<tr>
<td>深度</td>
<td>25</td>
</tr>
<tr>
<td>垂直间隙</td>
<td>16</td>
</tr>
</tbody>
</table>
7. Plan Preparation and Permit Approval-
A proposed parking plan shall be submitted to the Director of Community, Economic and Development Services at the time of the application for the building permit for the building for which the parking is required, or at the time any required Planning application is submitted. The plans shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping, and parking spaces in full compliance with code requirements. No building permit shall be issued until the applicant has presented satisfactory evidence to the Director of Community, Economic and Development Services that parking facilities required by this Section will be provided and maintained.

8. Joint Use and Off-Site Parking Facilities-
Parking spaces may be joint use or located off-site on a different lot or lots, subject to approval of a parking demand study and a parking agreement. The Director of Community, Economic and Development Services may approve a parking demand study for joint use and off-site parking for fewer than 10 spaces. The Planning Commission shall review any joint-use and off-site parking for 10 or more spaces. The agreement shall be recorded in the office of the County Recorder, prior to the issuance of a Building Permit. The agreement may include conditions as the Director of Community, Economic and Development Services or the Planning Commission deems appropriate.

9. Sites with Transportation Systems Management (TSM) and Transportation Demand Management (TDM) Plans-
The number of required parking spaces may be further modified subject to approval of a Transportation Systems Management or Transportation Demand Management Plan, pursuant to the procedures and requirements of Chapters 20.55 and 20.56 of the El Segundo Municipal Code.

10. Existing Buildings with Permitted Uses-
Existing uses in an existing building may change to any other use enumerated in the PERMITTED USES section of the applicable Specific Plan District without providing additional on-site parking spaces, provided that all existing on-site parking spaces provided in connection with the building or structure shall be continued and available for use with the subject building.

11. Failure to Maintain Required Parking-
In the event parking facilities required to be provided under this Section, or required pursuant to any application approved in accordance with this Section, are not maintained, the Director of Community, Economic and Development Services may revoke and cancel the certificate of occupancy issued for such structure. Prior to such revocation, the Planning Commission shall hold a public hearing in accordance with the public hearing procedures provided in Chapter 20.90, Procedures for Hearings, Notices and Fees, of the El Segundo Municipal Code. However, if it appears that failure to maintain such required parking was reasonably beyond the control of the person required to maintain the same, the certificate of occupancy shall not be revoked until the owner has had at least 90 days to reestablish the minimum required parking. In the event the certificate of occupancy is revoked, the premises covered thereby shall not be occupied or used for any purpose until a new certificate of occupancy has been issued.
The costs of the three designs that were submitted by the architectural teams range between $539,000 to $613,600, as the firms were given two preliminary budgets of $250,000 and $600,000. The original scope of the project was anticipated to include the demolition and removal of all of the existing concrete Plaza and the installation of landscaping, plaza furniture, and performance and public gathering areas. Recently the scope of the project has been further refined by the City Council's Downtown Subcommittee. The new scope does not include the removal of the concrete, but instead envisions working with the existing improvements to enhance the area and make it more functional and attractive. It is envisioned that the following elements will be included in the Plaza renovation: portable sound system, fixed lighting, potted landscaping, benches, relocation of existing central sculptures and re-use of the central raised planter area as a stage. It is anticipated that the improvements will not exceed $225,000. The Council has already approved $575,000 of Capital Improvement Program funds (1999/2004 budget) for the project and $30,000 has been spent on the design charrette process. The balance of the unallocated Civic Center funds ($320,000) are anticipated to be reallocated to Downtown streetscape improvements or other Downtown improvement projects or programs. Section VIII, E, 1, Design Standards, Plazas, Civic Center Plaza of this Specific Plan, provides more detailed information on the design of the Plaza.

D. Parking Management Program

1. Introduction/Summary

The City's traffic engineer states that at the present time, parking is not a critical issue in Downtown El Segundo, although there may be a perception by some Downtown shoppers that parking is inadequate. The parking supply and location of parking are generally adequate to serve the existing uses in the area. Downtown patrons may need to walk 1 or 2 blocks to their destination after locating a parking space, however this is typical in a pedestrian-oriented Downtown setting. The Downtown Specific Plan, however, will result in various changes to Downtown El Segundo. The changes may include a different mix of commercial businesses, higher densities, modified street layouts, modified on-street parking and other changes. The need for parking in the Downtown area will change as the Plan is implemented. The turnover in commercial uses, or the potential intensification of land uses, may result in higher parking demand. The location of the parking demand may also shift, and the number of on-street spaces may change due to the streetscape improvements that are ultimately included in the Plan.

A parking management plan for the Downtown area must be comprehensive and also flexible enough to respond to the parking challenges that arise as part of the plan. The following strategies are key to the implementation of the parking management plan:

- Develop a parking management plan that looks ahead to the ultimate build out of the Specific Plan area and considers the potential "worst case" parking demand scenario.
• Phase in parking modifications and improvements over time as the Specific Plan is implemented. Seek lower cost, high efficiency solutions first, followed by higher cost capital improvements when they are needed.

• Work cooperatively with area businesses and other stakeholders since they are the ultimate users of the parking system.

• Consider the potential impacts not only in the Downtown area but also on adjacent residential neighborhoods.

2. Current Parking Conditions and Standards

The Downtown area currently is served by surface parking that is a combination of on-street curb parking and off-street private and public parking in a series of lots. Off-street parking is primarily provided in back of businesses via alley access, with some lots also fronting Main and Richmond Streets, and Grand Avenue. There are a total of approximately 1,285 public and private off-street spaces in the Downtown Specific Plan area. In addition, there are approximately 370 public curbside spaces. Curb parking in mostly regulated by a two-hour maximum limit, from 8:00 A.M. to 6:00 P.M. that is enforced via tire marking. Additionally there are 20-minute maximum single spaces scattered throughout the Downtown, again with the 8:00 A.M. to 6:00 P.M. limit and in the 300 block of Main Street no parking is allowed from 2:00 P.M. to 8:00 P.M. to accommodate the farmers market. Blocks with the highest amount of off-street parking, all in private lots, include the 100 block of Richmond Street on the east side (200 spaces), the 100 block of Main Street on the east side (115 spaces) and the 300 block of Richmond Street on the east side (110 spaces). All other blocks have 95 or fewer spaces, with the lowest block containing 35 spaces. Seven percent of the off-street spaces are compact size and the remainder are standard size.

The current parking development standards for the Downtown area (CR-S Zone) include provisions for joint use parking, off-site parking, compact spaces, parking demand study reductions and tandem spaces. Additional parking is required for new square footage, however, the Zoning Code allows an existing building to change from one use to any other permitted use in the zone without increasing required parking, as long as all of the existing parking is retained. The majority of the existing buildings in the Plan area provide on-site parking: although generally it is limited to only 3 to 5 spaces per 25-foot wide lot. These current provisions allow some flexibility but need to be reviewed in the overall context of the Specific Plan, and revised to ensure that parking is being managed in an efficient manner. Additional flexibility, creative parking solutions, and administrative level of review is desirable to encourage new development within the Plan area, while still ensuring adequate parking facilities for new development.

3. Elements of the Downtown Parking Management Program

To be successful, a parking plan for the Downtown area must serve a variety of businesses, civic uses and residents. Each parking “user” group has different needs and therefore parking for each group must be considered differently. For example, employees of Downtown businesses use parking for extended periods throughout the day and they are able to park farther away from their destination than customers of the
commercial businesses. Certain businesses generate high demand mid-day (office, some commercial retail uses) while others generate lunchtime and evening demand (restaurants for example). The parking management plan must accommodate each user group to most efficiently serve their needs without impacting the other groups.

The cost of developing surface off-street parking may include purchase of the land and construction of the parking area, driveways, signing, striping, drainage, landscaping, lighting etc. Subterranean or surface parking is more expensive due to the capital costs of the structures. Therefore, it is important to consider a wide range of parking solutions in addition to adding more parking. The types of parking improvements recommended for the Specific Plan include, but are not necessarily limited to, the following:

- **Parking management techniques** including better parking signage and information (brochures and maps), modifying time limits, consideration of parking meters and fees.

- **Parking services** such as a "joint" valet parking program for a series of adjacent businesses.

- **Cooperative parking solutions** such as shared use agreements among businesses in the Downtown area that would allow one business to use parking at another business during its off-peak hours.

- **On-street parking modifications** such as adding parking via the use of diagonal parking instead of parallel curb spaces (Grand Avenue and east-west side streets off of Main Street and potentially portions of Main Street).

- **Construction of off-street parking** in surface lots or structures with fee agreements for Downtown businesses that come into the area and require new parking.

The hallmark of this plan will be to phase in the necessary parking improvements over time, as needed, based on the changes occurring Downtown. Lower cost, less capital intensive improvements should be implemented first. However, the ultimate need for additional parking should be planned for at this time to allow adequate lead time to identify and obtain appropriate sites and finance the purchase of land (if required) and construction costs. A phased approach to parking improvement in the Downtown area is described.

4. **Parking Management Options**

The options presented in this section are oriented to the multiple user groups that park Downtown. It is not feasible, nor desirable to develop a parking management plan that simply addresses the needs of one user group at the expense of other user groups. For example, the plan must not add commercial parking without addressing resident concerns, or conversely create "resident only" parking without recognizing the need to maintain access for the public. Therefore, a series of options are presented that address the many parking related issues. Table 1 summarizes the options.
a. Short-Term Parking Management Options- (implement upon adoption of the Specific Plan)

Option: Create Visitor Parking Information Guide/map

Discussion: Many cities and Downtown districts have created user-friendly maps and parking guides that are oriented toward the Downtown visitor. The guide would include clear maps showing all public parking, as well as information regarding time limits and rates (if applicable).

The guide/map should be professionally prepared with high quality graphics and should be made available at public venues (City Hall, libraries, etc.) and distributed to all businesses that would be willing to make them available to customers (e.g., on the counter at stores, in offices and at restaurants).

Option: Implement a Shared Use Parking Program

Discussion: The most under-utilized parking throughout the Downtown is in off-street private parking lots. It is important to recognize that the use of private lots is not a universal solution to parking problems since it requires the cooperation of private land owners who may have specific reasons for not sharing parking. However, use of selected lots may be a method to help relieve the parking problem. Traditional impediments to the use of private parking include lot owners’ concerns over liability, safety, vandalism and interference with their own business. While some of these concerns are well founded, some can be overcome through the use of negotiated agreements and common insurance policies that are obtained with the assistance of the City. Additionally, the City could enter into agreements with property owners of large parking lots with excess capacity (such as the Chevron parking lots) and "sublease" the spaces out to businesses in need of additional spaces. This recommendation will require the following initial actions by the City:

- survey private lot owners regarding the willingness to consider shared use of parking.
- investigate the availability of insurance coverage for public use of private lots and assist businesses in obtaining the insurance.
- consider police or private patrol to monitor the private lots.
- after identifying potential sites, secure agreements for use of the lots by adjacent businesses, determine parking fees (if any) to be charged, develop shared use parking contracts that specify hours of operation, maintenance, insurance requirements and other pertinent issues.
- develop signage and re-stripe private lots if needed on case-by-case basis.
**Option:** Establish Baseline Parking Ratios for the Downtown as a Whole and Monitor over Time

**Discussion:** Although each new business should not be required to provide parking on-site, the Downtown as whole will require new parking as development occurs. Therefore, the current parking surplus should be identified via detailed parking and land use surveys. The surveys will compare parking requirements based on standard parking ratios to the amount of parking available in the Downtown. Then, as new development occurs, the remaining surplus would be monitored on an on-going basis. New businesses or development - that does not provide parking could pay into a parking "in-lieu" fund that would be used to develop joint parking areas when needed. When the parking demand gets within approximately 80 to 85 percent of the parking supply, then new parking should be provided. This type of parking "budget" would allow new businesses to come into the Downtown area without undue burdens to provide more parking by themselves.

Lot Utilization - approximately every six months conduct hourly surveys of the number of spaces utilized in key public and private lots and on-street for a weekday and Saturday. Also conduct regular monitoring of land uses added or subtracted and their associated parking requirements.

Land Use Patterns - Establish a database that is updated at least every six months that includes the type of business on each parcel, building area and amount of parking provided. A parking demand spreadsheet is also then updated bi-annually that will estimate the total parking demand for the Downtown, which is compared to the total parking supply.

**Option:** Enhance Directional Signage

**Discussion:** The signage is generally clear, consistent and covers most of Downtown. Some additional signs would help to further clarify the location of some Downtown lots, and to direct vehicles to alley access parking areas. A unified theme for directional signs should also be developed as part of the Specific Plan.

b. **Mid-Term Parking Management Options-(implement when needed after Plan adoption)**

**Option:** Implement Trial Period Shared Valet Parking Program During Peak Season

**Discussion:** As development and activity intensifies in the Downtown area, a peak season shared valet system would provide the convenience of on-street parking for business patrons and allow the use of more remote available parking. This service will only work with a minimum amount of activity generated by a group of nighttime attractions such as restaurants and shops. This measure is not recommended until the perceived demand is great enough to cover the costs of the service.

The valet would service a group of adjacent businesses. This may require the removal of a few on-street parking spaces during the time of valet operation.
It is recognized that some shopping trips require parking immediately adjacent to the business (dry-cleaners, take-out coffee, etc.), however, many visitors are willing to walk a few blocks during more extended visits.

For the valet service, there would be a fee charged per vehicle of approximately $5 or $6 (to be negotiated with the valet operator), which would cover all of the costs. If it was determined that this cost is too high for the customers, the City and/or businesses could subsidize the program, thereby reducing the fee to the valet patrons. All insurance, materials and other costs would be covered by the valet operator within the $5 or $6 per vehicle fee.

**Option:** Add Angled On-street Parking

**Discussion:** This option would add on-street parking where it would be most needed in the future as development occurs. Main Street only has sufficient width for angled parking on one side, however, angled parking may actually reduce the number of on-street parking spaces due to the elimination of parking at the corners to accommodate a left-turn pocket. Angled parking is feasible on Grand Avenue if the median parking area is removed. Also, it may be feasible to provide angled parking on one or more side streets, such as the 100 blocks east side of Holly and Pine Avenues, which connect to Main Street, by converting the streets to one-way flow. This option would be implemented in conjunction with other streetscape/design options as part of the overall Specific Plan.

c. **Longer Term Parking Management Options**-(implement after short and mid term measures and as development warrants)

**Option:** Install Parking Meters to Manage Parking Turnover and Raise Revenues for Parking Improvements

**Discussion:** One of the most effective parking management tools is pricing. Many persons using Downtown businesses will be willing to pay for parking depending upon the nature of the business they are visiting in the area. Local employees, for example, will be less likely to want to pay for metered parking. Therefore, prime curbside spaces can be reserved for customers via the use of meters and time limits. With reasonable rates and time limits, meters do not harm businesses while they help to properly allocate parking spaces to the various user groups. Obvious disadvantages to meters include aesthetics and the perception that they will drive away business patron customers.

**Options:** While Implementing Parking Management Strategies, Continue to Investigate Costs and Feasibility of Added Parking

**Discussion:** When considering potential growth patterns Downtown and given the City's Zoning Code which allows continued growth without providing more parking (for new businesses in existing buildings that maintain existing non-conforming parking), more general public parking will be necessary in the future if density increases without adding parking. The number of added parking spaces can be determined more precisely following implementation of the highest priority management strategies.
Building new parking will take several years due to the need for environmental clearances, environmental studies, design and construction. Therefore, the City should continue to investigate the engineering feasibility, costs and environmental consequences of adding parking Downtown at the same time that parking management strategies are being tested. Also, use of an in-lieu fee would provide funding for parking over time as businesses turn over or parcels are redeveloped.
## EXHIBIT 6
### SUMMARY OF PARKING MANAGEMENT OPTIONS

<table>
<thead>
<tr>
<th>OPTIONS</th>
<th>DESIRED EFFECTS/ISSUES</th>
<th>Relative Cost to Implement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>H, M, L (1)</td>
</tr>
</tbody>
</table>

### Short-Term Parking Management Options

| Create Visitor Parking Information Guide/Map | - increase awareness of parking opportunities  
- more effective use of available parking  
- need support of business community to circulate guide/map | Low  
(approximately $5,000 to $10,000) |
|---------------------------------------------|---------------------------------------------------------------------------------|-------------------------------------------------|
| Implement a Shared Use Parking Program     | - better utilize available private spaces  
- would require additional detailed analysis and coordination with private property owners | Low  
(staff/administration costs) |
| Establish Baseline Parking Ratios for the Downtown as a Whole and Monitor Over Time | - identify current parking surplus  
- monitor development as it occurs and its impact on overall parking operations  
- add new parking or take other actions when supply reaches approximately 85% of demand, prior to reaching a critical point | Moderate  
(staff/administration costs equivalent to several hours per week, after initial labor intensive inventory) |
| Enhance Directional Signage                | - provide more clear and consistent signage  
- better utilize alley-access parking  
- enhance aesthetics                      | Moderate |

### Mid-Term Parking Management Options

| Implement Trial Period Shared Valet Parking Program During Peak Season | - provide convenient customer parking  
- assist parking impacted business  
- need to analyze potential sites and select Contractor | Low to Moderate  
($5,000 to $15,000 per season for City support) |
|---------------------------------------------------------------------------- |---------------------------------------------------------------------------------|-------------------------------------------------|
| Add On-street Angle Parking                                               | - provide more spaced via use of angle rather than parallel curb parking  
- slows traffic, promotes pedestrian use                                  | Moderate  
(costs for signing and striping) |

(1) Cost: H - High Cost associated with major capital expenditure, M - Moderate Cost for physical improvements and/or staff/administrative costs,  
L - Low Cost reflecting limited staff time allocation or minor supplies/equipment cost.
### Longer Term Parking Management Options

<table>
<thead>
<tr>
<th>Install Parking Meters on Selected Streets</th>
<th>Moderate to High (Initial cost, ultimately self supporting)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• manage the parking supply, enhance turnover for businesses</td>
<td></td>
</tr>
<tr>
<td>• prevent all-day parking by employees in prime spaces</td>
<td></td>
</tr>
<tr>
<td>• raise revenues needed for parking expansions</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>While Implementing Parking Management Strategies, Continue to Investigate Costs and Feasibility of Added Parking</th>
<th>High to Very High (surface - $1500 per space, structure approximately $7,500 to $15,000 per space, $150,000 to $1.5 million for 100 spaces) depending on surface or structure and other details</th>
</tr>
</thead>
<tbody>
<tr>
<td>• provide added patron and employee parking</td>
<td></td>
</tr>
<tr>
<td>• remove employee parking from adjacent residential streets</td>
<td></td>
</tr>
<tr>
<td>• requires additional detailed analysis of economic factors</td>
<td></td>
</tr>
</tbody>
</table>

(1) Cost: H - High Cost associated with major capital expenditure, M - Moderate Cost for physical improvements and/or staff administrative costs, L - Low Cost reflecting limited stafftime allocation or minor supplies/equipment cost.
E. Public Events, Activities and Programming

The ongoing scheduling, coordination and implementation of special events in the Downtown area are seen as a key component in the effort to revitalize the Downtown. Downtown events enhance the image that the Downtown is the center of activity in the community. In order to provide creative, diverse and high quality events and programs throughout the year in Downtown, the City retained an Events Coordinator/Facilitator in June of 1999. The events coordinator met with the Council Downtown Revitalization Subcommittee, DES I (the Downtown subcommittee of the local Chamber of Commerce), and the City's Event Coordination Steering Committee and developed a draft list of events. These include events such as a Main Street Bike Parade, June Jamboree—Food and Music Festival, Concierge Day, Annual West Fest, and Scavenger Hunt, designed to attract local and nearby residents to the Downtown year round. This will increase the awareness level of the types of shops and services that are available in the Downtown which will directly benefit local residents, merchants, and property owners by creating a broader and consistent customer base.

Many of the events include participation by and coordination with other groups and local service organizations such as the Chamber of Commerce, Rotary, and Kiwanis. The new events are intended to complement existing successful Downtown events (such as the Richmond Street Fair, Main Street Cruise, and the Holiday Parade) by coordinating new promotional programs around the existing schedule of events. In addition to developing, organizing and implementing various monthly events, the Coordinator also acts as a clearinghouse to coordinate the City of El Segundo Master Event Calendar. This central location for business owners and residents to access event information is seen as key to planning future events to eliminate potential date conflicts and to help ensure successful events with maximum participation. The Master Calendar includes maintaining a website calendar and issuing press releases.

The existing weekly farmers market in the 300 block of Main Street, initiated in July of 1999, is also one of the key Downtown events, being managed separately from the other Downtown events by the Recreation and Parks Department. The budget for the farmers market includes approximately $35,000 of 1999/2000 General Fund monies. The farmers market generates approximately $4000 a month during the 3 summer months and $2000 a month during the balance of the year, a total of approximately $30,000 in revenue annually.

The City Council approved $20,000 of General Fund monies in both the 1998/1999 and 1999/2000 budget years for the Downtown Events Coordinator, although the 1998/1999 funds were not spent and were carried over to the 1999/2000 budget. An additional $10,000 was allocated from the 1999/2000 Downtown marketing materials account and will be used for the Downtown Food and Music Festival, scheduled for June, 2000. Subject to City Council direction, it is anticipated that future budget years may have approximately $30,000 annually in General Fund monies for Downtown Events.

F. Marketing, Advertising and Promotion

Marketing and promoting the Downtown to attract new businesses, retain existing quality businesses that meet the goals of the Plan, and advertise Downtown services, businesses and events, are key components to a successful Downtown.
The City Council approved retaining a retail recruitment firm in January, 1999 in an effort to place new highly desirable retail businesses in selected key locations Downtown. However, priorities were shifted and the $35,000 approved in the 1998/1999 budget year from the General Fund was reallocated to the Downtown Events programming. Additional funds of $14,500 were allocated in the 1999/2000 budget year, and $10,000 of this was recently reallocated to the Downtown Food and Music festival (discussed above) and the balance will be used for banners to promote the farmers market. It is anticipated that in the 2000/2001 budget year, additional funds of approximately $20,000 will be requested for retail recruitment. The firm selected will have to have proven success in placing businesses as part of successful downtown revitalization programs, and work closely with Downtown property owners.

Promotional materials prepared and distributed by the City include a Downtown Map with Points of Interest. This map was developed originally in 1998 and is regularly distributed to the Chamber of Commerce, area hotels, City Hall, Public Library, Downtown businesses, and new companies in town. The map provides general information about the Downtown and is keyed to a list of retail and restaurant uses in the Downtown. This map should be updated as part of the Downtown revitalization effort to ensure that it provides up to date and accurate information.

Another promotional program is the installation of banner poles, banners, and flags on Sepulveda Boulevard, a State highway with approximately 70,000 vehicle trips per day, to publicize City Events and promote the Downtown. Two types of banners are envisioned. The first would use the existing median light poles to install flags (approximately 3 feet by 8 feet) to publicize community events. There are 35 existing light poles on Sepulveda, Which could accommodate two flags each, located on each side of the pole. The second type of banners would require the installation of two banner poles, with mounting hardware and cables at each location. Banners would be approximately 3 feet wide by 40 feet long and would hang over the middle of Sepulveda Boulevard. Installation and removal of the flags or banners would be an additional cost of approximately $400 for each set of flags or banners for each installation and removal.

In February of 2000, the City Council approved re-allocating $60,000 from the City "welcome monument" project, previously approved in the 1999/2000 Capital Improvement Program budget, to the banner project. The $60,000 includes the installation of the banner poles only, (four poles at two locations) not the banners. General fund monies of $4,500 are available for banners (Downtown marketing materials) and it is anticipated that this will be used for one large (3-foot by 40-foot) banner to advertise the Downtown Farmers Market. Other Farmers Market advertising which has been used, that could also be used for other efforts, includes cable television advertising in nearby communities, advertisements in area newspapers, and advertisements on internal e-mail networks for major corporations located in El Segundo. Any additional funds remaining from the banners will be used to promote other Downtown events. It is anticipated that the City Council will review a request for additional funds for other banners in the near future. In addition, it is anticipated that event sponsors and coordinators would pay to install banners to promote their individual events.

Other types of marketing could include advertisements, flyers, billboards, or other promotional materials.
A lunchtime shuttle to bring employees from the business center of El Segundo, west of Sepulveda Boulevard, to the Downtown has been explored in the past and could be analyzed further if desired. The Chamber of Commerce and a BID could also be involved with promoting and advertising the Downtown.

G. Development Incentives

Development incentives can be used as a tool to attract and retain quality businesses in the Downtown. Through the Business Attraction Program (Chapter 3.06 of the El Segundo Municipal Code) and the City's economic development program, the City currently offers numerous incentives for qualified target businesses throughout the City. The incentives apply to the Downtown area also, and are proposed to continue. These incentives include:

1. Expedited and reduced cost entitlements:

   - Permit approvals may be expedited through the Community, Economic and Development Services application and permit processes at the request and the expense of the applicant.
   - The City may enter into agreements that guarantee that permits will be reviewed within a certain time frame, as agreed to by the City and the applicant ahead of time. If the City does not review the plans within the established time frame then all associated City fees are refunded.
   - Building Safety Division fees are negotiable and may be reduced as much as 50%.

2. Local tax credits and rates:

   - **Business License Tax**: The business license tax can be reduced and/or eliminated if El Segundo is used as a point of sale. The tax will be offset by the amount of the sales tax generated to the City in the previous year, up to the point where zero fees are due to the City.
   - **Utility users tax**: Gas, water, electric, and telephone taxes are negotiable, up to the point where zero tax is required. Currently these rates are 3% for gas, water, and electric, and 2% for telephone.
   - **Transient Occupancy Tax**: The City's transient occupancy tax for hotel users is currently 8%, one of the lowest in Los Angeles County.

   Additional incentives could be provided in the Downtown Plan Area such as the reduction, or elimination of traffic impact fees and the further reduction of Planning and Building Safety Division fees.

3. Removal of Nonconforming Signs:

   The City finds that in order to enhance the environment of the Downtown it is desirable to encourage the removal of nonconforming signs at a rapid pace. Therefore, the City may offer owners of nonconforming signs the following incentives to hasten their removal.
In order to qualify for the nonconforming sign removal incentive, a sign proposed to be removed must meet the following requirements. The sign must have been a legal, conforming sign at the time of its placement. (In other words, the sign cannot be illegal). The sign must be located in the Main Street District (300-400 Blocks Main Street). The sign shall not be an abandoned sign at the time of application. In the granting of nonconforming sign removal incentives the City will apply the following priority ranking schedule: roof signs, pole signs (freestanding sign over 10 feet high), internally illuminated signs, and plastic signs. Owners of nonconforming signs may, at their discretion, choose to participate in the following sign removal incentive program. The City will select a number of applicants each year to participate in the program based on the priority of signs provided above and the availability of funds.

The nonconforming sign removal incentive program is a three-year program commencing on the effective date of this Specific Plan. The program is designed to encourage the rapid removal of the least desirable types of signs by providing larger incentives in the early years and tapering off to no incentives in the fourth year.

The incentives which may be provided are as follows:

- **Years one and two**
  Free removal of nonconforming sign.
  Free design service to provide conforming, attractive sign sketches. *
- **Year three**
  Free removal of nonconforming sign

* Those participants availing themselves of the free design service must agree to utilize one of the alternative sketches provided and to erect a new sign within three months of receiving the sketch designs. If said new sign is not erected, the participant will be required to reimburse the City for the cost of the sign design service.

The removal of non-conforming signs program could be financed through General Fund monies or a Business Improvement District (BID).

**H. Historic Preservation**

The City will provide incentives to owners of structures in the Richmond Street District (100-200 blocks Richmond Street) to maintain, preserve, and improve their historic properties on a completely voluntary basis. Eligible structures are not required to participate in the incentive programs. Only historically significant structures, as identified on the attached map, are eligible for these incentives.

The program is a two-part approach to encourage the preservation of El Segundo's historic past. The first part is a series of incentives (regulatory or financial) to encourage historically significant properties to continue to function without major structural alterations that would affect the historical features of the building. The second part is a strong "disincentive" to discourage demolition of historically significant structures by owners which had used any incentive. This second approach does not prohibit the demolition of a historic structure if the owner has not received regulatory or financial incentives from the City.
Protecting the cultural heritage and historical architectural resources that are found in the Richmond Street District is part of the overall goal for the revitalization of the area. This program seeks to give owners of eligible historic properties relief from the contemporary municipal codes, ordinances, taxes and laws levied on newer contemporary structures. By assisting the owners of historic properties, the authenticity of the character of Richmond Street can be preserved, thus improving the economic climate for all owners and merchants.
EXHIBIT 7
HISTORICALLY SIGNIFICANT STRUCTURES

GRAND AVE.

200
225
223
221
215
211-213
209
203

116-130
222
216-220

FRANKLIN AVE.

147
145
143
139
135
131
123-129
121
117
115

RICHMOND ST.

146
144
142
140

EL SEGUNDO BLVD.

Historically Significant Structure

(Not to scale)
1. Regulatory Incentives

Historically significant properties are eligible "to apply for the following preservation benefits. The granting of any benefit shall be conditioned upon a written agreement between the City and property owner that ensures preservation of the building’s historic character and strongly discourages future demolition. Government Code Section 37361 allows specific zoning criteria for historical buildings.

a. Parking
   Commercial historic structures may be granted a reduction in parking requirements, to a maximum of 50 percent, based on a Parking Demand Study and the degree to which the historic character of the building is preserved and/or enhanced.

b. Building Permit and Planning Application Fees
   All building permit and planning application fees for historically significant structures will be waived by the Director of Community, Economic and Development Services (subject to City Manager approval) for those proposed projects compatible with preserving the historic character of the subject building.

c. Business License Fees
   Local business license tax fees will be waived or reduced for historically significant structures, by the Director of Community, Economic and Development Services, (subject to City Manager approval) for those projects that have completed construction that has renovated, improved, or preserved the historical character of the subject building.

d. Additions to Historic Commercial Structures
   Historic commercial structures may add up to 50 percent of the existing floor area, not to exceed 500 square feet, without providing additional parking and without bringing other existing nonconformity’s into compliance, except for permanent signs, with current Specific Plan Standards. The structures would still be required to comply with the floor area ratio (FAR) requirements of the district.

e. Setback Flexibility
   Additions to historically significant structures may be allowed to maintain setbacks up to the line of existing encroachments, provided that all setbacks as required by the Uniform Building Code, are maintained for new construction.

f. State Historic Building Code
   The California State Historic Building Code (SHBC) provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of historically significant structures. The SHBC may only be used for officially designated historically significant structures, (cultural resources) or in official Historic Districts, in accordance with regulations detailed in Chapter 20.52, Historic Preservation, of the El Segundo Municipal Code.
These standards would be applied during the City's building permit procedure as this code would supplement or replace the Uniform Building Code (UBC) requirements.

g. Rehabilitation Tax Credit
A tax credit may be available for historically significant structures if work performed on the structure constitutes a "Certified Rehabilitation." The tax credit may only be used for officially designated historically significant structures, (cultural resources) or in official Historic Districts, in accordance with regulations detailed in Chapter 20.52, Historic Preservation, of the El Segundo Municipal Code.

h. Conservation or facade easements
A conservation or facade easement is a contract between private property owners and qualified non-profit organizations (which may be the City). The easements enable a property owner to preserve a historically significant building in perpetuity in return for certain tax benefits. The easement may only be used for officially designated historically significant structures, (cultural resources) or in official Historic Districts, in accordance with regulations detailed in Chapter 20.52, Historic Preservation, of the El Segundo Municipal Code.

2. Financial Incentives
   a. Mills Act Contracts-Property Tax reductions
      As a preservation incentive, historic property agreements offer advantages to both the City and the property owner. These agreements, commonly referred to as "Mills Act contracts," provide for property tax relief for owners of qualified historic properties who agree to comply with certain preservation restrictions. The tax credit may only be used for officially designated historically significant structures, (cultural resources) or in official Historic Districts, in accordance with regulations detailed in Chapter 20.52, Historic Preservation, of the El Segundo Municipal Code.

      For purposes of this Specific Plan, this section does not detail all of the tax and revenue information of the Mills Act. This section does not provide contracts, complete Government Code sections, or Tax Code information. Any individual interested in more details on a Mills Act contract for their historic property is urged to contact the State's Office of Historic Preservation for more information.

      The use of Mills Act contracts gives the City the flexibility to deal with historic structure on a case by case basis. The City has the option to choose which properties are suitable for the incentive by evaluating various factors, such as the Significance of the building to the community, development pressures on the site, or the need for rehabilitation. These contracts can be used both as a tool to preserve an individual building and as part of the broader Specific Plan Implementation Program.