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, NOVEMBER 18, 2008 - 5:00 P.M.

Next Resolution # 4577
Next Ordinance # 1425

5:00 P.M. SESSION

CALL TO ORDER

ROLL CALL

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

None

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

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

1. City of El Segundo vs. City of Los Angeles, et. al. LASC No. BS094279
2. Allstar Fire Equipment Co. v. City of Los Angeles, LASC Case No. BS115556
3. Coleman v. City of El Segundo, LASC No. YC057685

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code §54956.9(b): -0- potential case (no further public statement is required at this time); Initiation of litigation pursuant to Government Code §54956.9(c): -1- matter.

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

CONFERENCE WITH CITY’S LABOR NEGOTIATOR (Gov’t Code §54957.6): - 4- matters
City Negotiators: City Manager Jack Wayt; Human Resources Director Bob Hyland; Finance Director Deborah Cullen; Richard Kreisler. Employee Organizations: (1) Unrepresented management/confidential employees (City employees who are not members of bargaining units); (2) El Segundo Police Officers’ Association; (3) El Segundo Firefighter’s Association; (4) the El Segundo Police Management Association.

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

SPECIAL MATTERS: - 0- matter
AGENDA
EL SEGUNDO CITY COUNCIL
COUNCIL CHAMBERS - 350 Main Street

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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, NOVEMBER 18, 2008 - 7:00 P.M.

Next Resolution # 4577
Next Ordinance # 1425

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Pastor Roger Kinsey, Pacific Baptist Church

PLEDGE OF ALLEGIANCE – Council Member Carl Jacobson
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.

A. PROCEDURAL MOTIONS

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

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

C. UNFINISHED BUSINESS

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

1. Consideration and possible action to adopt the Aviation Safety and Noise Abatement Committee's (ASNAC) recommended comments to the California Department of Transportation in response to Los Angeles International Airport's (LAX) request for a Noise Variance regarding its operations at LAX.
Recommendation – (1) Receive ASNAC recommendations as part of El Segundo's input to the LAX Noise Variance process; (2) Alternatively, discuss and take other action related to this item.

E. CONSENT AGENDA

All items listed are to be adopted by one motion without discussion and passed unanimously. If a call for discussion of an item is made, the item(s) will be considered individually under the next heading of business.
2. Warrant Numbers 2568633 to 2568885 on Register No. 3 in the total amount of $558,075.31 and Wire Transfers from 10/24/2008 through 11/06/2008 in the total amount of $1,117,342.40.

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.

3. Regular City Council Meeting Minutes and Special City Council Meeting Minutes of November 5, 2008.

Recommendation – Approval.

4. Consideration and possible action regarding approval of a revised Class Specification for the job classification of Park Maintenance Supervisor.

Recommendation – (1) Approve the proposed Class Specification; (2) Alternatively, discuss and take other action related to this item.

5. Consideration and possible action regarding approval of the Employment Examination Plan for Pool Maintenance Technician.

Recommendation – (2) Approve the Examination Plan for Pool Maintenance Technician; (2) Alternatively, discuss and take other action related to this item.

6. Consideration and possible action regarding acceptance of the project for the 2007-2008 annual contract for curb, gutter, handicap access ramps, sidewalk and other minor improvements at various locations citywide. Approved Capital Improvement Project. Project No. PW 08-05. CDBG Project No. 601066-07. (Fiscal Impact: $231,446.20)

Recommendation – (2) Accept the work as complete; (2) Authorize the City Clerk to file a Notice of Completion in the County Recorder’s Office; (3) Alternatively, discuss and take other action related to this item.

7. Consideration and possible action to approve a Professional Service Agreement with AKM Consulting Engineers for improvements to the City’s wastewater collection system, specifically a conceptual design of possible elimination of Pump Station No. 7 (640 Virginia Street), the upgrade of Pump Station No. 1 (625 West Acacia Avenue), and the replacement of the force main from Pump Station No. 1 to Imperial Avenue. (Fiscal Impact: $276,480)

Recommendation – (1) Approve a Professional Service Agreement with AKM Consulting Engineers; (2) Authorize the City Manager to execute the agreement in a form as approved by the City Attorney; (3) Alternatively, discuss and take other action related to this item.
8. Consideration and possible action to authorize staff to solicit bids for the upgrade of field lighting at George Brett Field and the Softball Field in Recreation Park at 339 Sheldon Street. Approved Capital Improvement Program Project No. PW 08-15 (Fiscal Impact: $290,000)

Recommendation – (1) Authorize staff to solicit bids for the upgrade of field lighting at Brett Field and the Softball Field; (2) Alternatively discuss and take other action related to this item.

9. Consideration and possible action authorizing the City Manager to enter into an agreement to accept a matching grant of $24,000 in funding from the Governor's Office of Emergency Services ("OES") that authorizes the El Segundo Fire Department to evaluate and implement a pilot community notification system for mass notifications. The City's twenty percent (20%) match will be through a soft match of staff resources and Beach Cities Community Awareness and Emergency Response Association ("CAER") participation. (Fiscal Impact: $24,000)

Recommendation – (1) Authorize the City Manager to enter into an agreement to accept a grant of $24,000 in funds from the OES to evaluate mass notification systems and select a vendor for a pilot community notification system; (2) Alternatively, discuss and take other action related to this item.

10. Consideration and possible action to approve a resolution to support the City's participation in the South Bay Cities Council of Governments Energy Partnership. (Fiscal Impact: None)

Recommendation – (1) Approve the attached resolution that supports the South Bay Cities Council of Governments Energy Partnership and our City's participation in the programs and projects of the South Bay Environmental Savings Center; (2) Alternatively, discuss and take other action related to this item.

CALL ITEMS FROM CONSENT AGENDA

F. NEW BUSINESS

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY
I. REPORTS – CITY CLERK

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Brann –

Council Member Fisher –

Council Member Jacobson –

Mayor Pro Tem Busch –

11. Consideration and possible action regarding a presentation and discussion regarding public art regulations and direction to the Planning and Building Safety staff to prepare an ordinance amending the Municipal Code to establish regulations for a "Percent for Art or Art in Public Places Program". (Fiscal Impact: None)

Recommendation – (1) Receive staff presentation; (2) Discussion; (3) Direct Planning and Building Safety staff to prepare an ordinance to amend the Municipal Code to establish regulations for a "Percent for Art or Art in Public Places Program"; (4) Alternatively, take other possible related action to this item.

Mayor McDowell –

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

MEMORIALS –
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:  November 12, 2008

TIME:  1:10 p.m.

NAME:  [Signature]
Proclamation  City of El Segundo, California

WHEREAS,  In an effort to provide for children who otherwise might not experience the joy of the holiday season, the City of El Segundo Fire Department, for the past fifteen years, has joined the Los Angeles County Fire Department Spark of Love program and has been a collection site for toys and food items donated during the holidays.

WHEREAS,  The ever upward spiraling cost of living burdens disadvantaged and displaced families who may not be able to give gifts during the holiday season without help from the Spark of Love program.

WHEREAS,  The true holiday spirit is reflected in unselfish giving and our thoughts and hearts go out to those less fortunate than ourselves.

WHEREAS,  In the past, with the help of civic-minded citizens who live and work in our community, hundreds of toys plus food items have been collected and distributed to children and families in El Segundo and other South Bay cities.

NOW, THEREFORE, the Mayor and Members of the City Council of the City of El Segundo, California, do hereby proclaim November 25, 2008 through December 15, 2008 as the Spark of Love TOY DRIVE

The community is encouraged to support this holiday program by contributing toys and non-perishable foods to the El Segundo Fire Department, Fire Station No. 1 at 314 Main Street, during the period of November 25 through December 15, 2008

Mayor Kelly McDowell

Mayor Pro Tem Eric H. Busch

Council Member Bill Fisher

Council Member Carl Jacobson

Council Member Don Brann
AGENDA DESCRIPTION:
Consideration and possible action to adopt the Aviation Safety and Noise Abatement Committee's (ASNAC) recommended comments to the California Department of Transportation in response to Los Angeles International Airport's (LAX) request for a Noise Variance regarding its operations at LAX. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Receive ASNAC recommendations as part of El Segundo's input to the LAX Noise Variance process;
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None

FISCAL IMPACT: None

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

ORIGINATED BY:  Liz Garnholz, Chairperson
REVIEWED BY:  
APPROVED BY:  Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
No written documentation available. An oral report will be presented by ASNAC representative.
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<th>Fund Description</th>
<th>Amount</th>
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<td>General Fund</td>
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<td>Traffic Safety Fund</td>
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<td>State Gas Tax Fund</td>
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<td>Associated Recreation Activities Fund</td>
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<td>Asset Forfeiture Fund</td>
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<td>L.A.W.A. Fund</td>
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<td>Infrastructure Replacement Fund</td>
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<td>Expendable Trust Fund - Other</td>
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<td>Outside Services Trust</td>
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Total Warrants: $558,075.31

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

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

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

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

CODES:

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

A = Payroll and Employee Benefit checks

B - F = Computer generated Early Release disbursements and/or adjustments approved by the City Manager. Such as: payments for utility services, petty cash and employee travel expense reimbursements, various refunds, contract employee services consistent with current contractual agreements, instances where prompt payment discount can be obtained or late payment penalties can be avoided or when a situation arises that the City Manager approves.

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

FINANCE DIRECTOR: ___________________________ CITY MANAGER: ___________________________

DATE: 11/6/08 DATE: 11/10/08
CITY OF EL SEGUNDO
PAYMENTS BY WIRE TRANSFER
10/24/2008 THROUGH 11/06/2008

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<th>Date</th>
<th>Payee</th>
<th>Amount</th>
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<td>Employee I Bonds correct prior memo</td>
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<td>Employee I Bonds correct prior memo</td>
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<td>Employee EE Bonds</td>
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<td>Employee I Bonds</td>
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<td>Federal Taxes</td>
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<td>Employee EE Bonds</td>
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<td>Qrtly Energy Payment</td>
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<td>Payroll Transfer</td>
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<td>Workers Comp Activity</td>
<td>24,979.60</td>
<td>SCRMA checks issued</td>
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**DATE OF RATIFICATION: 11/18/08**

**TOTAL PAYMENTS BY WIRE:**

1,117,342.40

Certified as to the accuracy of the wire transfers by:

Deputy Treasurer

Director of Finance

City Manager

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
WEDNESDAY, NOVEMBER 5, 2008 - 5:00 P.M.

5:00 P.M. SESSION

CALL TO ORDER – Mayor McDowell at 5:02 p.m.

ROLL CALL

Mayor McDowell - Present
Mayor Pro Tem Busch - Present
Council Member Brann - Present
Council Member Fisher - Present
Council Member Jacobson - Present

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SPECIAL ORDER OF BUSINESS:

None

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov’t Code §54956.9(a) – -2- matter

City of El Segundo vs. City of Los Angeles, et. al. LASC No. BS094279
Alistar Fire Equipment Co. v. City of Los Angeles, LASC Case No. BS115556

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code §54956.9(b): -0- potential case (no further public statement is required at this time); Initiation of litigation pursuant to Government Code §54956.9(c): -1- matter.

DISCUSSION OF PERSONNEL MATTERS (Gov’t Code §54957): - 0- matter
CONFERENCE WITH CITY'S LABOR NEGOTIATOR (Gov't Code §54957.6): - 4- matters
City Negotiators:  City Manager Jack Wayt; Human Resources Director Bob Hyland; Finance
Director Deborah Cullen; Richard Kreisler. Employee Organizations: (1) Unrepresented
management/confidential employees (City employees who are not members of bargaining units);
(2) El Segundo Police Officers' Association; (3) El Segundo Firefighter's Association; (4) the El
Segundo Police Management Association.

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

SPECIAL MATTERS: - 0- matter

Council recessed at 6:50 p.m.
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
WEDNESDAY, NOVEMBER 5, 2008 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER – Mayor McDowell at 7:00 p.m.

INVOCATION – Deputy City Clerk Domann

PLEDGE OF ALLEGIANCE – Council Member Bill Fisher

PRESENTATIONS

a. Mayor McDowell presented a proclamation to City Treasurer and Army Veteran Ralph Lanphere, observing Veterans Day, November 11, 2008.

ROLL CALL

Mayor McDowell - Present
Mayor Pro Tem Busch - Present
Council Member Brann - Present
Council Member Fisher - Present
Council Member Jacobson - Present

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

Victoria Tam, Tree Musketeers, spoke regarding recycling and the upcoming America Recycles Day and invited individuals and service groups to participate in the program.

Ron Swanson, resident and businessman, spoke regarding the Halloween Frolic. Also spoke regarding the parking problem in Smoky Hollow. Requested the City review this problem.

A. PROCEDURAL MOTIONS

Consideration of a motion to read all ordinances and resolutions on the Agenda by title only.
MOTION by Council Member Brann, SECONDED by Council Member Jacobson to read all ordinances and resolutions on the Agenda by title only. MOTION PASSED BY UNANIMOUS VOICE VOTE, 5/0

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

C. UNFINISHED BUSINESS

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

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

1. Approved Warrant Numbers 2568331 to 2568632 on Register No. 2 in the total amount of $1,511,265.64 and Wire Transfers from 9/26/2008 through 10/9/2008 in the total amount of $1,382,808.38 and Wire Transfers from 10/10/2008 through 10/23/2008 in the total amount of $1,863,193.98. Ratified: Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.


3. Authorized the City Manager to execute Agreement No. 3870 with the El Camino College to continue an In-Service Firefighter Training Program within the Fire Department through June 30, 2013. (Fiscal Impact: Reimbursement of approximately $30,000 annually)

4. PULLED FOR DISCUSSION BY MAYOR MCDOWELL

5. Authorize the City Manager to execute Agreement No. 3871 in a form approved by the City Attorney with Burlington Northern and Santa Fe Railways to build a concrete rail crossing over 118th Street just west of the intersection of Aviation Boulevard. (Fiscal Impact: $50,000)


7. Approved Contract Change Order in conjunction with construction of the Nash Street/Douglas Street One-Way to Two-Way Street Conversion project from Imperial Highway to El Segundo Boulevard. (Fiscal Impact: $68,820.11) Authorized the City Manager to execute Change Order No. 3 to the existing Public Works Contract with KDC, Inc., dba Dynalectric (Dynalectric) in the amount of $68,820.11.
8. Approved Class Specification for the new job classification of Pool Maintenance Technician and adopted Resolution No. 4575 establishing a basic monthly salary range. Operating Budget. (Fiscal Impact: $5,880)

9. Adopted Resolution No. 4576 providing for an increase in the Basic Monthly Salary Range for the job classification of Principal Civil Engineer. Operating Budget. (Fiscal Impact: $3,343)

MOTION by Council Member Brann, SECONDED by Council Member Fisher to approve Consent Agenda Items 1, 2, 3, 5, 6, 7, 8 and 9. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

CALL ITEMS FROM CONSENT AGENDA

4. Consideration and possible action to authorize the City Manager to enter into Agreement with Beach Cities Transit to participate in funding operation for the 109 Line for two years in conjunction with the Cities of Hermosa Beach, Redondo Beach and Manhattan Beach. (Fiscal Impact: $64,598 for FY 2008-09 and $72,412 for FY 2009-10. Two year fiscal impact: $137,010)

Jack Wayt, City Manager, gave a brief report.

Fiona Diaz of Beach Cities Transit responded to Council questions.

MOTION by Mayor McDowell, SECONDED by Mayor Pro Tem Busch to authorize the City Manager to enter into Agreement No. 3872 with Beach Cities Transit to participate in funding operation for the 109 Line for two years in conjunction with the Cities of Hermosa Beach, Redondo Beach and Manhattan Beach. (Fiscal Impact: $64,598 for FY 2008-09 and $72,412 for FY 2009-10. Beach Cities Transit to provide a progress and performance report on Bus Line 109 in six months. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

F. NEW BUSINESS

G. REPORTS – CITY MANAGER - NONE

H. REPORTS – CITY ATTORNEY - NONE

I. REPORTS – CITY CLERK - NONE

J. REPORTS – CITY TREASURER - NONE

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Brann – Thanked staff for addressing the bus stop issue on Mariposa and Nash. Noted record voter turnout yesterday in Los Angeles County. Thanked El Segundo voters for supporting the El Segundo High School Bond Measure M.
Council Member Fisher – Congratulated the Recreation and Parks Department for the successful Halloween Frolic.

Council Member Jacobson – NONE

Mayor Pro Tem Busch – Thanked the Recreation and Parks Department for their efforts on the Halloween Frolic and Farmers’ Market. Spoke regarding the upcoming Kiwanis Mike Gordon Memorial Golf Tournament.

Mayor McDowell – Spoke regarding the record voter turnout yesterday.

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have receive value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed. - NONE

MEMORIALS – NONE

CLOSED SESSION – NONE

ADJOURNMENT – 7:48 p.m.

______________________________
Cindy Mortesen, City Clerk
CALL TO ORDER – Mayor McDowell at 4:00 p.m.

ROLL CALL

Mayor McDowell - Present
Mayor Pro Tem Busch - Present
Council Member Brann - Present
Council Member Fisher - Present
Council Member Jacobson - Present

PUBLIC COMMUNICATIONS - (Related to City Business Only - 5 minute limit per person, 30 minute limit total). Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves before addressing the City Council. Failure to do so is a misdemeanor and punishable by a fine of $250. - NONE

SPECIAL MATTERS: -1- matter

City Negotiators: City Manager Jack Wayt; Human Resources Director Bob Hyland; Finance Director Deborah Cullen; Richard Kreisler. Employee Organizations: (a) Unrepresented management/confidential employees (City employees who are not members of bargaining units); (b) El Segundo Police Officers' Association; (c) El Segundo Firefighter's Association; and (d) El Segundo Police Management Association.

ADJOURNMENT at 5:01 p.m.

__________________________
Cathy Domann, Deputy City Clerk
AGENDA DESCRIPTION:
Consideration and possible action regarding approval of a revised Class Specification for the job classification of Park Maintenance Supervisor.

RECOMMENDED COUNCIL ACTION:

1. Approve the proposed Class Specification.
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Park Maintenance Supervisor Class Specification

FISCAL IMPACT: Included in Adopted Budget

<table>
<thead>
<tr>
<th>Amount Budgeted:</th>
<th>$ N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Appropriation:</td>
<td>N/A</td>
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</tbody>
</table>

Account Number(s):

ORIGINATED BY: Bob Hyland, Director of Human Resources
REVIEWED BY: Bob Hyland, Director of Human Resources
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

One of the City’s longest tenured employees has announced his intent to retire in early 2009.

In anticipation of initiating the recruitment, testing and selection process necessary to fill the position, Recreation and Parks Department staff reviewed the current Park Maintenance Supervisor Class Specification and determined that several items should be added to it.

The major addition to the Class Specification is the requirement to possess, prior to the completion of the twelve month probationary period, International Society of Arboriculture Certified Arborist Certification.

An incumbent in the job classification of Park Maintenance Supervisor supervises the Department tree crew and tree maintenance contractors and follows the policies outlined in the City’s Street Tree Master Plan. It is extremely important that the incumbent possess the knowledge required to effectively communicate with our residents regarding Arboriculture. The practices, procedures and guidelines followed in the Parks Division for tree care are in accordance with the International Society of Arboriculture.

Thus, staff believes that addition of this certification is an appropriate requirement for this job classification.
City of El Segundo, CA

Job Description
Job Code: 1210

PARK MAINTENANCE SUPERVISOR

Definition: Under general supervision, plans, coordinates, supervises, and participates in the maintenance and upkeep of City parks, grounds, athletic fields, trees, and other park related facilities.

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

Characteristic Duties and Responsibilities:

- Inspects and determines necessary maintenance, oversees and participates in the work of maintaining parks, grounds, facilities; plants, trims, prunes and removes city trees, hedges, and shrubs; applies fertilizers and pesticides; prepares and lines athletic fields; designs, repairs and installs sprinkler systems; cleans buildings and picks up trash.

- Determines suitable tree species for the City in consideration of appearance, cost and maintenance; plants, trims, prunes and removes trees, coordinates and inspects city and contract tree trimming and landscape maintenance crews.

- Reviews plans for projects; estimates time and material costs for projects, purchases supplies and equipment; ensures crews are supplied with adequate and appropriate tools, equipment, and materials; evaluates and institutes changes in work methods, practices, and priorities.

- Investigates service requests and complaints from the public; responds to emergency calls from the public and other agencies coordinating with other City staff as necessary; explains priorities, programs and policies to the public; provides appropriate follow-up.

- Trains staff in the proper and safe operation and maintenance of equipment.

- Maintains records and writes reports.

- Schedules, assigns, reviews and evaluates work of assigned staff; assists in hiring and staff training, initiates corrective and/or disciplinary action and responds to grievances following established personnel policies and procedures and in consultation with the Director and Human Resources. Coordinates and inspects work performed by contract crews.
Knowledge, Skills and Other Characteristics:

Knowledge of the methods, materials, and equipment used in grounds maintenance, pest control, construction, maintenance and repair of parks, trees, facilities, and irrigation systems.
Knowledge of the application, operation, maintenance, and repair of tools and equipment used in grounds maintenance and caretaking.
Knowledge of hazards and applicable safety precautions for equipment operation.
Knowledge of equipment capabilities, limitations, and safe operating characteristics.
Knowledge of OSHA safety standards related to assigned tasks and equipment operation and maintenance.
Knowledge of the principles of supervision.

Skill reading and interpreting plans, specifications, and drawings.
Skill performing skilled and semi-skilled landscape construction and maintenance tasks.
Skill in operation, maintenance, and repair of equipment used in grounds maintenance and caretaking.
Skill effectively analyzing and responding to emergency situations.
Skill utilizing public relations techniques responding to inquiries and complaints.
Skill supervising, training, evaluating and motivating employees.
Skill in operating department personal computers and standard office computer programs.
Skill conducting research and preparing clear, concise and comprehensive reports.
Skill presenting ideas and concepts orally and in writing.
Skill maintaining accurate records.
Skill in establishing and maintaining effective working relationships with other department staff, other City employees and the public.

Working Conditions:

Regularly exposed to weather conditions.
Regularly required to lift and/or carry heavy objects up to 50 pounds.

Licensing/Certification Requirements:

A valid California Driver’s license at a level appropriate to the equipment operated.
Possession of an International Society of Arboriculture Certified Arborist Certification is highly desirable at appointment, and must be obtained during the 12 month probationary period for Park Maintenance Supervisor.

Minimum Qualifications:

Graduation from high school or GED, specialized training in parks maintenance, horticulture or related field, three (3) years of progressively responsible experience in a lead or supervisory capacity, or an equivalent combination of education and experience.
EXAMINATIONS PLAN

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

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

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

Police and Fire Departments:

The examination plan, for entrance or promotional, for the Police and Fire Departments, shall consist of a written examination and one or more of the following:
1. Oral;
2. Demonstration; and
3. Any evaluation of education certification, experience, or skills or any test of manual
   skills or physical fitness, which fairly evaluates the relative capacities of the applicant.

<table>
<thead>
<tr>
<th>Pool Maintenance Technician</th>
<th>Open-Competitive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structured Technical</td>
<td></td>
</tr>
<tr>
<td>and Career Preparation Interview</td>
<td>Weighted 100%</td>
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</table>
AGENDA DESCRIPTION:

Consideration and possible action regarding acceptance of the project for the 2007-2008 annual contract for curb, gutter, handicap access ramps, sidewalk and other minor improvements at various locations citywide. Approved Capital Improvement Project. Project No. PW 08-05. CDBG Project No. 601066-07
(Fiscal Impact: $231,446.20)

RECOMMENDED COUNCIL ACTION:

1. Accept the work as complete.
2. Authorize the City Clerk to file a Notice of Completion in the County Recorder's Office.
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Notice of Completion

FISCAL IMPACT: Included in Adopted Budget

Amount Requested: $231,446.20
Additional Appropriation: No
Account Number(s): 106-400-8203-8604 ($107,432.20)
                   111-400-2795-8441 ($124,014.00)

ORIGINATED BY: Maryam M. Jonas, Principal Civil Engineer
REVIEWED BY: Dana Greenwood, Public Works Director
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

On July 15, 2008, the City Council awarded a contract to Kalban, Inc. in the amount of $210,434.00 and approved an additional 10% contingency for potential change orders for the 2007-2008 annual contract for curb, gutter, handicap access ramps, sidewalk and other minor improvements at various locations citywide.

The final contract amount of $231,446.20 represents actual measured quantities at the completion of the job which includes additional handicap access ramps, sidewalk and curb replacement. The installation of sixty three (63) new handicap access ramps was funded by a grant from Community Development Block Grant (CDBG) in the amount of $124,014.00.
All work has now been completed to the satisfaction of the City and staff recommends acceptance of the project.
NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name: 2007-2008 annual contract for curb, gutter, handicap access ramps, sidewalk and other minor improvements at various locations citywide

Project No.: PW 08-05

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

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

2. The full name of the owner is: City of El Segundo

3. The full address of the owner is: City Hall, 350 Main Street, El Segundo, CA, 90245

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

5. A work of improvement on the property hereinafter described was field reviewed by the City Engineer on October 2, 2008. The work done was: Replacement of displaced sidewalk, curbs, gutters, handicap access ramps and driveways.

6. On November 18, 2008, 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: Kalban, Inc.

8. The property on which said work of improvement was completed is in the City of El Segundo, County of Los Angeles, State of California, and is described as follows: Public Right-of-way.

9. The street address of said property is: Citywide

Dated: ____________________________

Dana Greenwood
Public Works Director

VERIFICATION

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

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

Executed on ________________, 2008 at El Segundo, California.

Dana Greenwood
Public Works Director
AGENDA DESCRIPTION:
Consideration and possible action to approve a Professional Service Agreement with AKM Consulting Engineers for improvements to the City's wastewater collection system, specifically a conceptual design of possible elimination of Pump Station No. 7 (640 Virginia Street), the upgrade of Pump Station No. 1 (625 West Acacia Avenue), and the replacement of the force main from Pump Station No. 1 to Imperial Avenue. (Fiscal Impact: $276,480.00)

RECOMMENDED COUNCIL ACTION:
1. Approve a Professional Service Agreement with AKM Consulting Engineers
2. Authorize the City Manager to execute the agreement in a form as approved by the City Attorney.
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Rate Schedule

FISCAL IMPACT: Included in Adopted Budget

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<td>Account Number(s)</td>
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ORIGINATED BY: Maryam M. Jonas, Principal Civil Engineer
REVIEWED BY: Dana Greenwood, Public Works Director
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
On May 8, 2008, staff issued a Request for Proposals for Design of Sanitary Sewer Pump Station No. 1 and Elimination of Pump Station No. 7.

Staff received the following proposals for professional engineering services for this project:

| AKM Consulting Engineers | $276,480.00 |
| RBF and Associates | $249,745.00 |

Pursuant to a review of the two (2) proposals received, staff recommends retaining AKM Consulting Engineers to provide the professional engineering services. The selection of the consultant is based on their qualifications. The rate structure was not used, however, in the
selection process since State Law (Section 4526 of the Government Code) requires that professional services be selected on the basis of demonstrated competence and necessary professional qualifications.

The scope of services includes:

1. Evaluation of Existing Conditions
   Review, analyze, and document the existing flows, conditions, assets and deficiencies including coordination with the utility companies and field survey.

2. Preliminary Design Report
   Determine the feasibility of decommissioning Pump Station No. 7

3. Design Development
   Develop construction documents suitable for bidding purposes, based upon the work completed in the preliminary report.

4. Construction Documents
   Prepare construction documents to include final drawings, specifications, calculations, and final cost estimate.

5. Bidding
   This task will involve responding to contractor questions during the bid, attending the pre-bid meeting, preparing addenda and bid review.

6. Construction Observation and Administration
   The consultant will provide responses to requests for information, review of shop drawings and preparation of as-built plans in Mylar and AutoCAD format.

The Base price for these services is $268,480. The base price does not cover reimbursable expenses for this project estimated to be $8,000. Reimbursable expenses include the consultant’s reproduction costs, plotting, copying, special delivery, handling of documents, and shipping. It also covers permits, plan check, and soil testing. Total cost for Services is $276,480.

The rehabilitation of Pump Station No. 1 and possible elimination of Pump Station No. 7 is included in the adopted 2008-2009 Capital Improvement Program. Funding for this project is available through the sewer enterprise fund.
## City of El Segundo

### Design of Sanitary Sewer Pump Station No. 1 and Elimination of Pump Station No. 7 - RFP No. 08-08

<table>
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<tr>
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<th>Project Manager</th>
<th>Project Engineer</th>
<th>Senior Engineer</th>
<th>Associate Engineer</th>
<th>CADD Tech.</th>
<th>Word Process</th>
<th>Sub</th>
<th>Total Hours</th>
<th>Total Budget</th>
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<td>1. Research and investigation</td>
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<td>a. Respond to C.O. and RFI</td>
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<td>c. Start up Services</td>
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<td>d. As-Built Drawings</td>
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AGENDA DESCRIPTION:

Consideration and possible action to authorize staff to solicit bids for the upgrade of field lighting at George Brett Field and the Softball Field in Recreation Park at 339 Sheldon Street. Approved Capital Improvement Program Project No. PW 08-15 (Fiscal Impact: $290,000.00)

RECOMMENDED COUNCIL ACTION:

(1) Authorize staff to solicit bids for the upgrade of field lighting at Brett Field and the Softball Field; and (2) Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Location Map

FISCAL IMPACT: Included in Adopted Budget

<table>
<thead>
<tr>
<th>Amount Budgeted:</th>
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<tr>
<td>Additional Appropriation:</td>
<td>N/A</td>
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<tr>
<td>Account Number(s):</td>
<td>301-400-8202-8995</td>
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</table>

ORIGINATED BY: Dan Garcia, Assistant City Engineer

REVIEWED BY: Dana Greenwood, Public Works Director

APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

In its 2008-2009 recommendations, the Capital Improvement Program Advisory Committee recommended approval of retrofitting field lighting at Recreation Park’s Softball Field at a cost of $125,000.00. Subsequently during the budget deliberations, City Council added an additional $165,000.00 to include the George Brett Field lighting, as well. Thus additional efficiency and cost savings will be achieved by combining the two projects into one. The projected energy savings for the softball field are 4.3 kWh. The projected energy savings for George Brett Field are 76.1 kWh. This represents a combined annual savings of 80.4 kWh for a $1,042,129 return on investment based on a 25-Year Life Cycle cost analysis.

The new fixtures will be significantly more energy efficient and will reduce light overspill into adjacent neighborhoods; thus lessening the impact of the parks activities on neighbors.
AGENDA DESCRIPTION:

Consideration and possible action authorizing the City Manager to enter into an agreement to accept a matching grant of $24,000 in funding from the Governor's Office of Emergency Services ("OES") that authorizes the El Segundo Fire Department to evaluate and implement a pilot community notification system for mass notifications. The City's twenty percent (20%) match will be through a soft match of staff resources and Beach Cities Community Awareness and Emergency Response Association ("CAER") participation. (Fiscal Impact: $24,000)

RECOMMENDED COUNCIL ACTION:

1. Authorize the City Manager to enter into an agreement to accept a grant of $24,000 in funds from the OES to evaluate mass notification systems and select a vendor for a pilot community notification system.

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

ATTACHED SUPPORTING DOCUMENTS:

1. State of California Governor's Office of Emergency Services Assistance Agreement No. HMECA8033160

2. Hazardous Materials Emergency Planning Grant Application

FISCAL IMPACT: Budget Adjustment Required

- Amount Requested: $24,000
- Additional Appropriation: Yes
- Account Number(s): 001-400-3205-6214

ORIGINATED BY: Steve Tsumura, Environmental Safety Manager

REVIEWED BY: Kevin S. Smith, Fire Chief

APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

In 1992, the City of El Segundo entered into a contract with three other cities to provide telephonic emergency notifications through a system called “Community Alert Network” or C.A.N. The annual maintenance costs for the use of the CAN system are partially paid through the Beach Cities CAER organization through dues. Additional costs are paid each time the system is used. Beginning in 2006, the company providing the CAN system was acquired by American Emergency Notification and later was merged to form our existing notification system called “Rapid Notify”.

The Disaster Council has directed staff to evaluate other mass communications systems to determine capabilities and effectiveness.
The City of El Segundo shares the Rapid Notify system with the Cities of Hawthorne and Manhattan Beach, which is maintained by Beach Cities CAER through an annual maintenance contract. Approximately $12,500 is spent annually on Rapid Notify, which is partially funded by the Cities of El Segundo and Manhattan Beach.

This grant would cover the costs associated with the evaluation of other notification systems and will offset at least a portion of the costs of a new system for one year. Upon the completion of the one-year study, a reevaluation will be conducted to determine whether the system should be continued.
**STATE OF CALIFORNIA**  
**GOVERNOR'S OFFICE OF EMERGENCY SERVICES**  
**ASSISTANCE AGREEMENT**

<table>
<thead>
<tr>
<th>1. ASSISTANCE NO.</th>
<th>2. RECIPIENT NO.</th>
<th>3. TYPE OF ACTION</th>
<th>4. PROJECT/BUDGET PERIOD</th>
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<td>003</td>
<td>Subgrant Award</td>
<td>October 1, 2008 to September 30, 2009</td>
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<th>5. SEND PAYMENT REQUEST TO</th>
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<tr>
<td>OES Accounting Department via OES Hazardous Materials Unit</td>
<td>Reimbursement</td>
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<table>
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<tr>
<th>7. TOTAL PROJECT/BUDGET COST</th>
<th>9. OES REGIONAL COORDINATOR, ADDRESS, &amp; PHONE #</th>
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</table>
| $30,000                      | Region I  
E.S.C.  
4671 Liberty Ave.,  
Los Alamitos, CA 90720  
(510) 286-6746 | Region II  
Sandra Mckenzie  
1300 Clay St. Ste. 400  
Oakland, CA 94612  
510-529-0409 |
|                              | Region III  
L.R. "Grizz" Adams  
1740 Walnut Street  
Red Bluff, CA 96080  
(530) 529-0409 |
|                              | Region IV  
Dana Owens  
3650 Schriever Ave  
Mather, CA 95655  
(916) 845-8482 | Region V  
Kevin Nagata  
2550 Mariposa Mall,  
Room 181  
Fresno, CA 93721  
(559) 445-5987 |
|                              | Region VI  
E.S.C.  
4671 Liberty Ave.,  
Los Alamitos, CA 90720 |

<table>
<thead>
<tr>
<th>8. RECIPIENT PROJECT MANAGER AND ADDRESS</th>
</tr>
</thead>
</table>
| Steve Tsumura, Environmental Safety Manager  
El Segundo Fire Department  
314 Main Street  
El Segundo, California 90245 |

<table>
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<tr>
<th>10. PAYEE</th>
<th>11. ASSISTANCE PROGRAM (CDFA PROGRAM)</th>
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| El Segundo Fire Department  
314 Main Street  
El Segundo, California 90503 |
| HMEP 20.703 |

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<th>12. PROJECT TITLE</th>
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<tbody>
<tr>
<td>Transportation Hazard Mass Notification (Jointly w/ Beach Cities CAER)</td>
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<tr>
<td>$24,000</td>
<td>$6,000</td>
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<thead>
<tr>
<th>15. Total Project Cost</th>
<th>16. OES STATE PROJECT COORDINATOR AND PHONE #</th>
</tr>
</thead>
</table>
| $30,000                | Ronald Olguin  
(916) 845-8765  
Ronald.olguin@oes.ca.gov |

<table>
<thead>
<tr>
<th>17. STATUTORY AUTHORITY</th>
<th>18. REGULATORY AUTHORITY</th>
</tr>
</thead>
</table>

**NOTE:** Review, sign and return the two (2) originals of the OES 167 to the Office of Emergency Services (OES), Hazardous Materials Unit, 3650 Schriever Avenue, Mather, CA 95655 within 2 weeks after receipt or within any extension of time as may be granted by OES. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of this offer by OES. Any change to this document by the recipient, subsequent to it being signed by the OES Award Official, who materially alters the document, will void the Agreement.

**OFFER AND ACCEPTANCE**

The United States of America, acting by and through the United States Department of Transportation and the California Governor's Office of Emergency Services hereby offers assistance to El Segundo Fire Department, for 80% of all approved project costs incurred up to and not exceeding $30,000. Recipients must contribute a minimum of 20% matching share to the total cost of the project. Recipients agree to provide the OES Hazardous Materials Unit with quarterly project status reports and monthly/quarterly requests for payments that include costs incurred during the quarter. Recipients agree to closely track all project work activities and associated costs. Recipients agree to submit to OES all supporting documentation that substantiates all project costs, including the matching share. Recipients agree to provide written notification to the OES Hazardous Materials Unit of any deviation from the project described in the project application. Recipients agree to refrain from implementing any deviations unless approved by OES. Recipients agree to provide OES with information that depicts the outcome, results, or products of the project at the end or prior to the end of the last quarter of the grant year. Recipients agree that failure to comply with any of these requirements may result in the withdrawal of this offer.

**SIGNATURE OF AWARD OFFICIAL**  
**TYPE NAME AND TITLE**  
PEGGY OKABAYASHI, Deputy Director, Administrative Services Division  
**DATE**

This Agreement is subject to applicable United States Department of Transportation statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that s/he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) with the requirements of the "Offer and Acceptance" clause, (b) that the award is subject to the applicable provisions of 49 CFR § 110 et seq., 49 CFR Part 18, and of the provisions of this agreement, including the Articles of Agreement, and (c) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by OES to have been overpaid, will be refunded in full to OES.

**BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION**

**SIGNATURE**  
**TYPE NAME AND TITLE**  
**DATE**

OES 167 HazMat (09/08)
PROJECT APPLICATION FOR FEDERAL ASSISTANCE

SUBGRANTEE'S NAME: CITY OF EL SEGUNDO FIRE DEPARTMENT

ADDRESS: 314 MAIN STREET

CITY: EL SEGUNDO STATE: CA ZIP CODE: 90245

TELEPHONE: (310) 524-2242 FAX NUMBER: (310) 414-0929

AUTHORIZED AGENT: STEVE TSUMURA TITLE: ENVIRONMENTAL SAFETY MGR.

EMAIL ADDRESS: STSUMURA@ELSEGUÑDO.ORG

ASSURANCES - CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to all of your projects. If you have questions, please contact the Governor's Office of Emergency Services. Further, certain federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the subgrantee named above:

1. Has the legal authority to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers or documents related to the assistance and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project.

4. Will comply with the requirements of the assistance- awarding agency with regard to the drafting, review and approval of construction plans and specifications.

5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.

6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gains.

8. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.), which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

9. Will comply with all federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits discrimination on the basis of handicap; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255) as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
(h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and (j) the requirements on any other nondiscrimination statute(s) which may apply to the application.

10. Will comply or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.

11. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $5,000 or more.

12. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.O. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1995, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended. (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended. (P.O. 93-205).


15. Will comply with Standardized Emergency Management (SEMS) requirements as stated in the California Emergency Services Act. Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447 and 2448.

16. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996.

17. Will comply with all applicable requirements of all other federal laws, Executive Orders, regulations and policies governing this program.

18. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the subgrantee application for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:

a. The state warrant covering federal financial assistance will be deposited in a special and separate account, and will be used to pay only eligible costs for projects described above;

b. To return to the State of California such part of the funds so reimbursed pursuant to the above-mentioned application, which are excess to the approved actual expenditures as accepted by final audit of the federal or state government.

c. In the event the approved amount of the above numbered project application is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.

19. Will not make any award or permit any award (subgrant or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689. "Debarment and Suspension."

The undersigned represents that he/she is authorized by the above named subgrantee to enter into this agreement for and on behalf of the said subgrantee.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

OES 89 (Rev 1/05)

TITLE

DATE
APPLICATION FORM
Hazardous Materials Emergency Preparedness Planning Grant

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Date: 08/14/2008</th>
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<tr>
<td>El Segundo Fire Department (Jointly with Beach Cities CAER)</td>
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<tr>
<td>Transportation Hazard Mass Notification</td>
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</table>

| Mailing Address:                |                  |
| 314 Main Street                 |                  |
| El Segundo, CA 90245            |                  |

| Project Start Date:             | 10/01/2008       |
| Project End Date:               | 09/30/2009       |

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<thead>
<tr>
<th>Project Manager Name, Title, Phone Number and E-Mail Address:</th>
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<tbody>
<tr>
<td>Steve Tsumura, Environmental Safety Manager</td>
<td></td>
</tr>
<tr>
<td>(310) 524-2242 desk; (310) 345-0395 cell; <a href="mailto:STsumura@ElSegundo.org">STsumura@ElSegundo.org</a></td>
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<td>Match Share: $ 6,000.00</td>
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CERTIFICATION

I certify that I have read and understand the terms and conditions contained in the HMEP Guidelines and Application, and that to the best of my knowledge the information contained in this application and supplemental information is correct and complete.

<table>
<thead>
<tr>
<th>Name and Signature of Applicant</th>
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<tr>
<th>Name and Signature of LEPC Chair</th>
<th>Date</th>
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<tr>
<td>Steve H. Tsumura</td>
<td>8/14/2008</td>
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<table>
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<tr>
<th>Name and Signature of OES LEPC Staff Support</th>
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<table>
<thead>
<tr>
<th>Name and Signature of Grant Administrator</th>
<th>Date</th>
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<table>
<thead>
<tr>
<th>Name and Signature of HazMat Unit Manager</th>
<th>Date</th>
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</table>
Instructions for completing these application form

<table>
<thead>
<tr>
<th>Field Name</th>
<th>Description of Information Required</th>
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<tbody>
<tr>
<td>Applicant</td>
<td>The full name of the organization.</td>
</tr>
<tr>
<td>Date</td>
<td>Date of submittal of application package to LEPC.</td>
</tr>
<tr>
<td>Project Title</td>
<td>A brief title of project.</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>The address for correspondence and reimbursement checks.</td>
</tr>
<tr>
<td>Project Start/End Dates</td>
<td>Anticipated start and end date of the proposed project.</td>
</tr>
<tr>
<td>Project Manager, Title, Phone, and e-mail address</td>
<td>The person in the organization who is responsible for the daily implementation of the project.</td>
</tr>
<tr>
<td>Estimated Budget *</td>
<td>The amount of HMEP funds being requested, match funds that will be contributed by the applicant, and the total of the project budget (HMEP funds + match share).</td>
</tr>
<tr>
<td>Certification</td>
<td>Signature of the person in the organization with the ultimate responsibility for the project and who has the legal authority to speak for the applicant.</td>
</tr>
</tbody>
</table>

*It is important not to over or under estimate costs for the project budget as this is the amount of award that will be submitted for approval. Take into consideration amount of staff time that will be required, cost of consultant/contractor supplies, etc. Do not guess on amount of funding the project will cost.
DESIGNATION STATEMENT

Applicant: El Segundo Fire Department and Beach Cities CAER Date: 08/13/2008

Project Title: Transportation Hazard Mass Notification

Mailing Address: 314 Main Street
El Segundo, CA 90245

Project Manager: Steve Tsumura Phone: (310) 524-2242

Title: Environmental Safety Manager E-Mail Address: STsumura@elsegundo.org

Financial Officer*: Eric R. Moore Phone: (310) 524-2221

Title: Administrative Battalion Chief

HMEP Funds Requested $ 24,000.00

Match Contribution $ 6,000.00

Total Project Budget $ 30,000.00

*FINANCIAL OFFICER CANNOT BE THE PROJECT MANAGER

CERTIFICATION

I certify that I have the legal authority to make a commitment to the project on behalf of the applicant and that the project manager indicated above has the responsibility for the daily implementation of the proposed project.

I certify that I am duly authorized to act on behalf of the recipient organization and the recipient agrees with the requirements of the "Offer and Acceptance" clause, and that the award is subject to the applicable provisions of 49 CFR § 110.1 et seq., 49 CFR Part 18, and of the provisions of the Governor's Office of Emergency Service's Assistance Agreement.

I certify that the financial manager indicated above has the responsibility for the fiscal management of the grant and has the legal authority to certify all financial status reports, invoices and requests for payments that will be submitted.

I certify that the information in the attach application is true to the best of my knowledge. By submitting this application, I am making a commitment to the proposed project, budget, match share and scope of work (Project Narrative and Work Schedule and Deliverables).

Applicant

City Manager 8/13/03

Title Date
### Instructions for completing designation statement

<table>
<thead>
<tr>
<th>Field Name</th>
<th>Description of Information Required</th>
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</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>The full name of the organization or person (Authorized Agent).</td>
</tr>
<tr>
<td>Date</td>
<td>Date of submittal of application package.</td>
</tr>
<tr>
<td>Project Title</td>
<td>A brief title of project.</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>The address for correspondence and reimbursement checks.</td>
</tr>
<tr>
<td>Project Manager, Title, Phone, and e-mail address</td>
<td>The person in the organization who is responsible for the daily implementation of the project.</td>
</tr>
<tr>
<td>Financial Officer, Title and Phone</td>
<td>The person responsible for the fiscal management of the grant. This person must certify all financial status reports, invoices, and requests for payment submitted. The financial officer cannot be the Project Manager.</td>
</tr>
<tr>
<td>HMEP Funds Requested</td>
<td>The amount of HMEP funds being requested.</td>
</tr>
<tr>
<td>Match Contribution</td>
<td>A minimum 20% match to the amount of HMEP funds requested.</td>
</tr>
<tr>
<td>Certification</td>
<td>Signature of the person in the organization with the ultimate responsibility for the project and who has the legal authority to speak for the applicant.</td>
</tr>
</tbody>
</table>
PROJECT NARRATIVE

Applicant: El Segundo Fire Department and Beach Cities CAER

Project Title: Transportation Hazard Mass Notification

The El Segundo Fire Department, in conjunction with Beach Cities CAER has been cooperating since 1992 to provide emergency notification systems for communities in El Segundo, Hawthorne and Manhattan Beach. The initial “Community Alert Network” or CAN was used until 2006, when it was merged with American Emergency Notification. In 2007, American Emergency Notification was changed to Rapid Notify, and is now the System used for emergency notification. However, the system is very limited, and is not capable of alerting the public in outside areas or schools where children are playing. The system only allows two data points to make notification at one time, and only allows for User additions, as there are significant costs for data entry by the provider.

The City of El Segundo and CAER propose to conduct a review of emergency notification systems and to identify the best system for the Beach Cities area. The selected system will be tested for the first year under the grant, and if acceptable, will be continued on an annual basis through municipal and CAER funding. A sample proposal is attached for illustration of costs and services, which would dramatically improve emergency notification during a possible hazardous materials incident along a State or municipal roadway. It is anticipated notifications would be made to cell phones, pagers, and other mobile devices carried by the public, away from traditional landline and desktop resources.
WORK SCHEDULE AND DELIVERABLES

Applicant: El Segundo Fire Department and Beach Cities CAER

Project Title: Transportation Hazard Mass Notification

<table>
<thead>
<tr>
<th>Project Activities, Tasks, And Deliverables</th>
<th>MONTHLY PROGRESS SCHEDULE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coordinate Grant Funding with OES</td>
<td>✓</td>
</tr>
<tr>
<td>Develop RFP for Vendor Selection</td>
<td>✓ ✓</td>
</tr>
<tr>
<td>Announcement RFP</td>
<td>✓</td>
</tr>
<tr>
<td>Review Bids and Make Selection</td>
<td>✓</td>
</tr>
<tr>
<td>Enter Into One-Year Contract</td>
<td>✓</td>
</tr>
<tr>
<td>Develop and Download Data</td>
<td>✓</td>
</tr>
<tr>
<td>Quarterly Performance Report/Invoice</td>
<td>✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓</td>
</tr>
<tr>
<td>Conduct Local Test of Notifications</td>
<td>✓</td>
</tr>
<tr>
<td>Review Use and Password Protections</td>
<td>✓</td>
</tr>
<tr>
<td>Present System Test to OES and LEPC</td>
<td>✓</td>
</tr>
<tr>
<td>Finalize Completion of Contract Terms</td>
<td>✓</td>
</tr>
<tr>
<td>Provide Closure of Grant Terms</td>
<td></td>
</tr>
</tbody>
</table>
# BUDGET SHEET

**Applicant:** El Segundo Fire Department and Beach Cities CAER  
**Project Title:** Transportation Hazard Mass Notification

<table>
<thead>
<tr>
<th>Category</th>
<th>HMEP SHARE</th>
<th>MATCH SHARE</th>
<th>TOTAL COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PERSONNEL SERVICES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Wages</td>
<td>$2,000.00</td>
<td>$500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td><strong>OPERATING EXPENSES</strong></td>
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<td></td>
<td></td>
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<tr>
<td>Travel</td>
<td>$400.00</td>
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<td>$500.00</td>
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<tr>
<td>Office Supplies</td>
<td>$80.00</td>
<td>$20.00</td>
<td>$100.00</td>
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<tr>
<td>Facility Rental</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>Communications</td>
<td>$800.00</td>
<td>$200.00</td>
<td>$1,000.00</td>
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<tr>
<td>Printing</td>
<td>$720.00</td>
<td>$180.00</td>
<td>$900.00</td>
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<tr>
<td>Postage</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Other Direct Expenses</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td><strong>SUBTOTAL</strong></td>
<td>$2,000.00</td>
<td>$500.00</td>
<td>$2,500.00</td>
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<tr>
<td><strong>PROFESSIONAL SERVICES</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Professional/Consultant</td>
<td>$20,000.00</td>
<td>$5,000.00</td>
<td>$25,000.00</td>
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<tr>
<td><strong>TOTAL COSTS</strong></td>
<td>$24,000.00</td>
<td>$6,000.00</td>
<td>$30,000.00</td>
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</table>
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

MEETING DATE: November 18, 2008
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:
Consideration and possible action to approve a resolution to support the City's participation in the South Bay Cities Council of Governments Energy Partnership (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1) Approve the attached resolution that supports the South Bay Cities Council of Governments Energy Partnership and our City's participation in the programs and projects of the South Bay Environmental Savings Center.
2) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Resolution supporting an Energy Partnership Between Southern California Edison Company and the South Bay Cities Council of Governments.

FISCAL IMPACT: Included in Adopted Budget

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

ORIGINATED BY: Lauren Mahakian, Senior Administrative Analyst
REVIEWED BY: Dana Greenwood, Public Works Director
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
The South Bay Cities Council of Governments (SBCCOG) is completing a 3 year program of energy efficiency programs and projects with Southern California Edison (SCE) and Southern California Gas Company under the auspices of the California Public Utilities Commission. This program has been conducted through the South Bay Environmental Services Center (SBESC), a program of the SBCCOG.

SBCCOG has been notified that it will receive funding for another 3 year program cycle from January 2009 to December 2011. This partnership will have the objective of achieving short and long-term energy savings and demand reduction for local government organizations, public agencies, businesses and the communities they serve, as well as reduction of greenhouse gas emissions. The Partnership will work directly with local agencies to assist them in taking action on their own facilities, and will also encourage local business and residential customers to participate. The Partnership's goal will be to achieve 7,500,000 kWh of savings during the program's duration for the entire South Bay.
Over the past three years that the South Bay Environmental Savings Center (SBESC) has been administering a grant provided by the Southern California Edison Company to reduce energy consumption, the grant has funded energy audits, lighting exchange programs, educational efforts, and publication of energy related guides, and related projects.

The program supports the City's environmental stewardship to continue to undertake energy efficiency programs which enhance our environment by improving air quality, reducing greenhouse gases and other pollution and conserving natural resources.

With the City Council's approval of this resolution the South Bay Council of Governments, through the operation of its Environmental Services Center, will receive funding from the SCE Local Government Partnership Program.
RESOLUTION NO. 

A RESOLUTION SUPPORTING AN ENERGY PARTNERSHIP BETWEEN SOUTHERN CALIFORNIA EDISON AND THE SOUTH BAY CITIES COUNCIL OF GOVERNMENTS.

The City Council resolves as follows:

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

A. The City of El Segundo supports "energy efficiency" initiatives, policies, and construction standards in order to ensure it follows and encourages sustainable policies and practices. New housing starts and population growth in California are considerably higher than recent history, and are expected to outpace the national average through the year 2010.

B. Local demand for electricity has grown substantially, and it is expected that demand for electricity will continue to grow in the near future to meet the demands of a growing population. Since most residents and businesses spend an increasing amount on their energy bills it makes economic sense and good public policy to encourage energy efficiency where ever possible in the cities of the South Bay.

C. Energy efficient programs enhance our environment by improving air quality, reducing pollution, and conserving natural resources. It is vital for our community to keep dollars local and to encourage innovations in the way we behave, build, and incorporate energy into our everyday business and personal lives. There is movement within the California communities and businesses to improve everyday practices and to create more sustainable and “greener” cities.

D. The City of El Segundo seeks to promote innovative methods and state-of-the-art technologies used in the design and construction of new residential buildings within the City, in order to bring our energy and natural resource consumption in line with our sustainability goals.

E. The City, working with the South Bay Cities Council of Governments, through the operation of its Environmental Services Center, will utilize the SCE Local Government Partnership Program to advance the city’s customer service goals.

Section 2: The City of El Segundo supports a commitment to sustainable practices through energy efficiency, and will work with the South Bay Cities Council of governments to provide leadership and guidance in promoting, facilitating, and instituting such practices in the community.

Section 3: The City of El Segundo supports and endorses the Local Government Partnership that the South Bay Cities Council of Governments have entered into on its behalf as an effective method to help meet long-term community economic and environmental goals.

Section 4: The City Manager, or designee, is directed to take such actions as may be practicable to fulfill the City Council’s intent as set forth in this Resolution.
Section 5: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this ___ day of ____________, 2008.

______________________________
Kelly McDowell, Mayor

ATTEST:

______________________________
Cindy Mortesen, City Clerk

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

By: ____________________________
Karl H. Berger,
Assistant City Attorney
AGENDA DESCRIPTION:
Consideration and possible action regarding a presentation and discussion regarding public art
regulations and direction to the Planning and Building Safety staff to prepare an ordinance
amending the Municipal Code to establish regulations for a “Percent for Art or Art in Public
Places Program”. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Receive staff presentation;
2. Discussion;
3. Direct Planning and Building Safety staff to prepare an ordinance to amend the Municipal
Code to establish regulations for a “Percent for Art or Art in Public Places Program”; and/or
4. Alternatively, take other possible related action to this item.

ATTACHED SUPPORTING DOCUMENTS:
Chart regarding Public Art Programs in Cities in California

FISCAL IMPACT: None

<table>
<thead>
<tr>
<th>Amount Budgeted:</th>
<th>$0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Appropriation:</td>
<td>N/A</td>
</tr>
<tr>
<td>Account Number(s):</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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

BACKGROUND AND DISCUSSION:
At its October 7, 2008 City Council meeting, the City Council requested that the Planning and
Building Safety Department conduct research and bring back a report to the Council regarding
Public Art Programs and public art regulations.

Cities generally adopt public art and cultural resource programs because the experience of public
art and cultural resources makes the public areas of buildings and their grounds more welcoming,
and promotes the general health and welfare of its citizens by making the City more livable, and
visually and aesthetically pleasing. Planning and Building Safety staff has conducted research
regarding public art programs and regulations in cities throughout California. A chart is attached
that summarizes the results of staff’s research from 13 cities, including several South Bay cities,
Westside cities, and selected larger cities throughout California. The Cities include: Manhattan
Beach, Redondo Beach, Santa Monica, Beverly Hills, Culver City, West Hollywood, Los Angeles, Long Beach, Burbank, Pasadena, San Diego, Santa Barbara, and San Francisco.

All the Cities that have adopted public art programs in staff’s survey have adopted an in-lieu fee requirement. Most cities limit the in-lieu fee requirement to commercial and industrial development projects and exempt residential. The Cities of Santa Monica and Pasadena require in-lieu fees for some residential projects. The City of Santa Monica requires an in-lieu fee for projects of 5 residential units or greater and the City of Pasadena requires an in-lieu fee for residential projects in their redevelopment project areas).

Eight of the fourteen cities surveyed also allow the option of installing public art on site for commercial and industrial development projects. For those cities that allow public art to be installed on site, the public art is reviewed and approved generally through a commission appointed by the City Council. In some cases, the commission provides a recommendation to the City Council with the City Council making the final decision regarding the public art selected for installation. As an alternative to the installation of public art, the City of Santa Monica also allows the option of installing an on-site cultural facility such as a museum, gallery, or performance art space. Oversight of public art programs and coordination with an Art Commission is usually managed by City staff trained in art and cultural affairs. As an alternative, cities can use consultant services or a non-profit organization to assist in this area.

All of the programs surveyed allow a fee to be paid in lieu of installing art on-site. The typical in-lieu fee payment is 1% of the development cost for commercial and industrial projects with one exception being San Francisco that charges 2% of the development cost. Staff found that some cities adopted minimum thresholds of project cost or minimum project sizes, while other cities applied the requirement to all commercial and industrial development projects. Although the minimum threshold of projects that were subject to the public art program requirement varied, there are three thresholds that are most common includes: no limit (meaning any new building), a construction value of $500,000 or a construction value of $1,000,000. Manhattan Beach, Culver City, West Hollywood, Beverly Hills, Long Beach, Burbank, Pasadena, and San Francisco do not have a minimum threshold. Los Angeles uses $500,000 as their minimum threshold. Santa Monica uses a 7,500 square foot project size as the minimum threshold for commercial and industrial development projects and 5 units for residential projects. The City of San Diego was the only city surveyed that had a significantly higher threshold of $5,000,000. For reference the typical valuation for office building construction is approximately $150 to $200 per square foot. In-lieu fees for public art can be used for installation in a variety of public places such as civic centers and other public facilities, public plazas, public parks and recreational facilities, and even as enhancements to public streets and City gateways. Public art can include a variety of mediums, including, but not limited to paintings, murals, photographs, and sculptures, films, and even presentations and training in or about art and culture.

A few cities have conducted nexus studies regarding the requirement of a “Percent for Art or Art in Public Places Program”, but generally most cities have concluded that their programs are not subject to detailed nexus analysis requirements. This conclusion is supported by Ehrlich v. City of Culver City (1996) 12 Cal. 4th 854 in which the California Supreme Court upheld an art in public places ordinance. The exact extent of cities’ powers under Ehrlich is unclear, particularly with regard to onsite cultural amenities. Nonetheless, the court determined that this type of fee was not a development exaction, but was more of a traditional aesthetic land use regulation like
other design and landscaping requirements imposed by cities. The Ehrlich case stated the following:

"The requirement of providing art in an area of the project reasonably accessible to the public, is like other design and landscaping requirements, a kind of aesthetic control well within the authority of the city to impose." (Ehrlich at 886.)

Based on this distinction, most cities have determined that their developer arts contributions are a cash equivalent that is not subject to the Mitigation Fee Act, but may be imposed under the city’s zoning authority.

**Recommendation and Future Process**

Planning and Building Safety staff recommends that the City Council: 1) receive the staff presentation, 2) discuss this item, and 3) should the Council wish to develop public art regulations, direct staff to prepare an ordinance amending the Municipal Code to establish regulations for a “Percent for Art or Art in Public Places Program”. Should the City Council direct staff formally to make amendments to the Municipal Code, staff would prepare the necessary text amendments and environmental review documents and schedule the matter for public hearing.
<table>
<thead>
<tr>
<th>City</th>
<th>Has Public Art Program (Program Restrictions If Any)</th>
<th>Has In-Lieu Fee Program</th>
<th>Allows On-Site Public Art</th>
<th>Percent of Total Development Cost Required for In-Lieu Fee</th>
<th>Reviewing Authority</th>
<th>Nexus Study</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beverly Hills</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>1% of $500-1 mil $0.5% &gt; $1 mil</td>
<td>Fine Art Commission</td>
<td>No</td>
</tr>
<tr>
<td>Burbank</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>1% of 1st $10 mil $0.75% of $15-$25 mil $0.50% of cost &gt; $25 mil</td>
<td>Art in Public Places Committee</td>
<td>No; it is not considered a fee</td>
</tr>
<tr>
<td>Culver City</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>1%*</td>
<td>Cultural Affairs Commission</td>
<td>No</td>
</tr>
<tr>
<td>Long Beach</td>
<td>Yes (Downtown Redevelopment Only)</td>
<td>Yes</td>
<td>Yes</td>
<td>1%</td>
<td>Arts Council for Long Beach (Non-profit)</td>
<td>No</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Varies by land use, charged per square feet for projects valued at more than $500,000. However, maximum is $1.57/sf, or no more than 1% of building permit valuation</td>
<td>LA Dept. of Cultural Affairs (Staff Review)</td>
<td>No</td>
</tr>
<tr>
<td>Manhattan Beach</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>1% *</td>
<td>Cultural Arts Commission &amp; City Council</td>
<td>No</td>
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<tr>
<td>Pasadena</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>1% of the building valuation; excludes residential projects outside Downtown and Old Pasadena redevelopment area.</td>
<td>Pasadena Arts &amp; Culture Commission</td>
<td>Yes</td>
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<tr>
<td>City</td>
<td>Has Public Art Program (Program Restrictions If Any)</td>
<td>Has In-Lieu Fee Program</td>
<td>Allows On-Site Public Art</td>
<td>Percent of Total Development Cost Required for In-Lieu Fee</td>
<td>Reviewing Authority</td>
<td>Nexus Study</td>
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<td>----------------------------------------------------------</td>
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<tr>
<td>Redondo Beach</td>
<td>No; currently in process</td>
<td></td>
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<tr>
<td>San Diego</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>1% of commercial/industrial projects valued over $5 million.</td>
<td>SD Commission for Arts/Culture</td>
<td>No</td>
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<tr>
<td>San Francisco</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>2% of construction cost</td>
<td>SF Arts Commission, Public Art Program</td>
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<tr>
<td>Santa Barbara</td>
<td>No; the program is operated countywide by Santa Barbara County Arts Commission</td>
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<tr>
<td>Santa Monica</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>2% for onsite Art* 1% In-lieu fee*</td>
<td>Arts Commission</td>
<td>No; it is not considered a fee</td>
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<tr>
<td>West Hollywood</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>1%</td>
<td>Fine Arts Commission</td>
<td></td>
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</table>

11/10/08

* Excludes cost of land acquisition and off-site improvements