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 stats: 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, MARCH 3, 2009 - 5:00 P.M.

Next Resolution # 4594
Next Ordinance # 1427

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)) – 1- matter
1. Victoria Golf Course Site (BKK Carson landfill) DTSC NO. I&SE-RAO 05/06

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code §54956.9(b): -2- 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): - 0- matters

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

SPECIAL MATTERS: - 1- matter

1. Interview of candidates and potential appointments to the Community Cable Advisory Committee, Capital Improvement Program Advisory Committee, Environmental Committee and Planning Commission. [Note: the interviews will commence at approximately 6:00 p.m. and take place in the West Conference Room in City Hall]
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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, MARCH 3, 2009 - 7:00 P.M.

Next Resolution # 4594
Next Ordinance # 1427

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Pastor Scott Lambert, Hilltop Church of Christ

PLEDGE OF ALLEGIANCE – Council Member Don Brann
PRESENTATIONS

a. Proclamation announcing March 7, 2009 as California Arbor Day.

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 regarding the announcement of the appointment of candidates of the Community Cable Advisory Committee, Capital Improvement Program Advisory Committee, Environmental Committee and Planning Commission. (Fiscal Impact: None)

   Recommendation – (1) Announce the appointees to the Community Cable Advisory Committee, Capital Improvement Program Advisory Committee, Environmental Committee and Planning Commission, if any; (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 2570258 to 2570505 on Register No. 10 in the total amount of $625,321.01 and Wire Transfers from 02/06/09 to 02/20/09 in the total amount of $1,750,999.83.

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


Recommendation – Approval.

4. Consideration and possible action regarding a recommendation to accept grants from the Metropolitan Water District and West Basin Municipal Water District in support of the "It's Time to Get Serious" El Segundo water conservation banner campaign. (Fiscal Impact: $58,087 grant fund revenue)

Recommendation – (1) Accept $5,000 from the West Basin Municipal Water District and $53,087 from the Metropolitan Water District; (2) Appropriate $5,000 from West Basin Municipal Water District and $53,087 from Metropolitan Water District to pay for the design, fabrication, installation, and removal of the water conservation light pole banners along Sepulveda Blvd.; (3) Alternatively, discuss and take other action related to this item.

5. Consideration and possible action regarding acceptance of the project for the installation of an improved telemetry system for the City’s water and wastewater operations at 400 Lomita Street. Project No.: PW 06-01 (Fiscal Impact: $346,932.70)

Recommendation – (1) Approve Change Order Number 1 in the amount of $4,100.70; (2) Accept the work as complete; (3) Authorize the City Clerk to file a Notice of Completion in the County Recorder’s Office; (4) Alternatively, discuss and take other action related to this item.

6. Consideration and possible action regarding the adoption of Ordinance No. 1427, a Floodplain Management Ordinance for the City of El Segundo. (Fiscal Impact: None)

Recommendation – (1) Second reading by title only, and adoption of Ordinance No. 1427 for Floodplain Management including Environmental Assessment No. EA-812; (2) Alternatively, discuss and take other possible action related to this item.
7. Consideration and possible action regarding a request from Mattel, Inc. to maintain two, five hundred four (504) square-foot wall signs on a rotating basis on the south side of the parking structure located at 333 Continental Boulevard. Applicant: Mattel, Inc. (Fiscal Impact: None)

Recommendation – (1) Approve Mattel’s request to maintain two five hundred four (504) square-foot wall signs; (2) Alternatively, discuss and take other possible action related to this item.

8. Consideration and possible action regarding approval of a revised Class Specification for the classification of Street Maintenance Leadworker and approval of the examination plans for Street Maintenance Leadworker and Wastewater Maintenance Worker I/II. (Fiscal Impact: None)

Recommendation – (1) Approve the proposed Class Specification for Street Maintenance Leadworker; (2) Approve the proposed Examination Plans; (3) Alternatively, discuss and take other possible action related to this item.

9. Consideration and possible action to allow banners from the El Segundo High School Parent Teacher’s Association (PTA) to be hung over Main Street at no cost. (Fiscal Impact: $178)

Recommendation – (1) Approve the request from the El Segundo High School PTA regarding its banner; (2) Alternatively, discuss and take other possible action related to this item.

10. Consideration and possible action regarding approval of the Tree Musketeers Arbor Day 2009 event fee waiver for City-related fees, per municipal code section 8-8-7 D 1. (Fiscal Impact: $5,660)

Recommendation – (1) Approve the waiver of City-related fees per municipal code section 8-8-7 D 1; (2) Alternatively, discuss and take other action related to this item.

CALL ITEMS FROM CONSENT AGENDA
F. NEW BUSINESS

11. Consideration and possible action regarding introduction of an Ordinance and adoption of a Resolution of Intention to Approve an Amendment to the contract between the Board of Administration of the California Public Employees Retirement System (CalPERS) and the El Segundo City Council providing Section 21548 (Pre-Retirement Option 2W Death Benefit for the City’s local safety members). (Fiscal Impact: Increase in the Total Employer Rate of 0.243%)

Recommendation – (1) Introduce and waive the first reading of the Ordinance; (2) Adopt the Resolution of Intention; (3) Alternatively, discuss and take other possible action related to this item.

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY

I. REPORTS – CITY CLERK

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

   Council Member Brann –

   Council Member Fisher –

   Council Member Jacobson –

   Mayor Pro Tem Busch –
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: Feb. 25, 2009
TIME: 2:15 p.m.
NAME: S.M. [illegible]
Proclamation

City of El Segundo, California

WHEREAS, Arbor Day was founded by J. Sterling Morton and first celebrated in the United States in 1872 as a special day for the planting of trees. In the State of California, Arbor Day has been observed since 1911 to enhance appreciation and knowledge of the State's natural wonders; and

WHEREAS, El Segundo Arbor Day celebrations have been presented annually since 1988 by local youth, and as a result of our City’s commitment to its community forest, El Segundo has been named a Tree City USA since 2003; and

WHEREAS, Arbor Day is a time to recognize the value of our community's trees that clean the air, reduce noise, absorb smells, produce life sustaining oxygen, prevent erosion, help conserve energy and water, increase property values, enhance the economic vitality of business areas, beautify our community, and wherever trees are planted, they are a source of joy and spiritual renewal that bring people together as neighbors; and

WHEREAS, Tree Musketeers in partnership with the City of El Segundo, its conscientious business citizens, service clubs and residents tall or small will plant trees along Hughes Way on March 7, 2009 at 9:00 AM in observance of California Arbor Day; and

WHEREAS, This Arbor Day project further signifies the City of El Segundo's commitment to the environment.

NOW, THEREFORE, the Mayor and members of the City Council of the City of El Segundo, California, join with communities across the State of California in proclaiming March 7, 2009 as California Arbor Day and invite all citizens to participate with Tree Musketeers or to otherwise honor all trees and the young people of our community for the important roles they play in improving our hometown quality of life.

Mayer Kelly McDowell
Mayor Pro Tem Eric H. Bush
Council Member Carl Jacobson
Council Member Bill Fisher
Council Member Don Braun

09
AGENDA DESCRIPTION:
Consideration and possible action regarding the announcement of the appointment of candidates of the Community Cable Advisory Committee, Capital Improvement Program Advisory Committee, Environmental Committee and Planning Commission. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Announce the appointees to the Community Cable Advisory Committee, Capital Improvement Program Advisory Committee, Environmental Committee and Planning Commission, if any.
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None

FISCAL IMPACT: Included in Adopted Budget

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ORIGINATED BY: Mishia Jennings, Executive Assistant
REVIEWED BY: [Signature]
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

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STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
Information on actual expenditures is available in the Director of Administrative Services office in the City of El Segundo.

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

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

CODES:

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

For Ratification:

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 severance consistent with current contractual agreements, instances where prompt payment discounts can be obtained or late payment penalties can be avoided or when a situation arises that the City Manager approves.

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

FINANCE DIRECTOR:  
CITY MANAGER:  

DATE: 2/3/2009  
DATE: 2/24/2009
# CITY OF EL SEGUNDO
## PAYMENTS BY WIRE TRANSFER
### 02/06/09 THROUGH 02/20/09

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**DATE OF RATIFICATION: 3/03/09**

**TOTAL PAYMENTS BY WIRE:**

1,750,999.83

Certified as to the accuracy of the wire transfers by:

Management Analyst

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
TUESDAY, FEBRUARY 17, 2009 - 5:00 P.M.

5:00 P.M. SESSION

CALL TO ORDER – Mayor McDowell at 5:00 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 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

City Attorney Mark Hensley stated that Council would be meeting in closed session pursuant to items identified on the agenda and that the Government Code §54956.9(b) item was a potential threat of litigation relating to medical plan payments regarding the Firefighters Association, Police Officers Association and the Police Management Association.

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) –
-0- matter

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
CONFERENCE WITH CITY'S LABOR NEGOTIATOR (Gov't Code §54957.6): - 0-matter.

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

SPECIAL MATTERS: - 0-matter.

Council recessed at 6:50 p.m.
7:00 P.M. SESSION

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

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

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Eric Busch

PRESENTATIONS

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 Muskateers Youth Director, spoke on upcoming Arbor Day.

A. PROCEDURAL MOTIONS

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

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

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)
1. Consideration and possible action to introduce and waive first reading of a Floodplain Management Ordinance for the City of El Segundo. (Fiscal Impact: None)

Mayor McDowell stated this is the time and place hereto fixed for a public hearing regarding the introduction and first reading by title only of a Floodplain Management Ordinance for the City of El Segundo. Clerk Domann stated that proper notice was completed and no written communication had been received by City Clerk’s Office.

Greg Carpenter, Planning and Building Safety Director, gave a report.

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

Mark Hensley, City Attorney, read by title only:

ORDINANCE NO. 1427

AN ORDINANCE ADOPTING THE MODEL FLOODPLAIN MANAGEMENT ORDINANCE FOR SPECIAL FLOOD HAZARDS WITHIN THE CITY IN ORDER TO MAINTAIN ELIGIBILITY WITHIN THE NATIONAL FLOOD INSURANCE PROGRAM (ENVIRONMENTAL ASSESSMENT NO. 812).

Mayor Pro Tem Busch introduced the ordinance.

Second reading and adoption of Ordinance is scheduled for March 3, 2009.

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.

2. Approved Warrant Numbers 2570051 to 2570257 on Register No. 9 in the total amount of $1,070,997.49 and Wire Transfers from 01/24/09 to 02/05/09 in the total amount of $1,742,523.63. 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.

4. Adopted Resolution No. 4591 authorizing the City Manager to bid and award contracts for equipment and vehicles funded in the FY 2008-2009 Equipment Replacement Fund and approval to retire and surplus identified equipment and vehicles. (Fiscal Impact: $700,200). Authorized staff to surplus and sell equipment and vehicles identified in Exhibit “A”.

5. PULLED FOR DISCUSSION BY MAYOR MCDOWELL.

6. PULLED FOR DISCUSSION BY COUNCIL MEMBER JACOBSON.

7. Adopted Resolution No. 4592 authorizing the City’s membership in the Los Angeles Regional Interoperable Communications System (LA-RICS) Joint Powers Agreement No. (Fiscal Impact: None at this time). Authorized the Mayor to execute the JPA Agreement No. 3910. Directed staff to report back on the status of LA-RICS before the adoption of the funding plan with a recommendation on whether to continue the City’s membership in the JPA at that time.

8. Adopted and waived second reading of Ordinance No. 1426 amending El Segundo Municipal Code ("ESMC") section 8-5E-5 amending the parking time limits within the Parking Structure located at 121 West Grand Avenue. (Fiscal Impact: None)

9. PULLED FOR DISCUSSION BY COUNCIL MEMBER JACOBSON.

MOTION by Council Member Brann, SECONDED by Council Member Jacobson to approve Consent Agenda Items 2, 3, 4, 7 and 8. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

CALL ITEMS FROM CONSENT AGENDA

5. Consideration and possible action to receive and file the Fiscal Year 2008-2009 First Quarter Financial Review. (Fiscal Impact: None)

Deborah Cullen, Finance Director, gave a report.

Council consensus to receive and file the report.

6. Consideration and possible action to approve a request from Mattel, Inc. to maintain two, five hundred four (504) square-foot wall signs on a rotating basis on the south side of the parking structure located at 333 Continental Boulevard. Applicant: Mattel, Inc. (Fiscal Impact: None)

The possibility of limiting the approval to a two-year period was discussed.

Council consensus to hold item over until the next Council meeting on March 3, 2009.
9. Consideration and possible action to adopt a resolution required by a four-fifths vote to authorize a no-bid public works contract for the emergency repair of a 24-inch diameter storm drain at Vista Del Mar. (Fiscal Impact: $69,000) Authorize the City Manager to award a contract to Sequel Contractors for the bid amount of $60,000 to remove and replace a 24” corrugated metal storm drain line and damaged asphalt. Approve a project budget of $69,000 which includes a 15% contingency.

Council Member Jacobson requested revising the wording of the Resolution to read “storm water pipeline.”

MOTION by Council Member Jacobson, SECONDED by Mayor McDowell to approve Resolution No. 4593, as revised, to authorize a no-bid public works contract for the emergency repair of a 24-inch diameter storm drain at Vista Del Mar. Authorize the City Manager to award Contract No. 3908 to Sequel Contractors for the bid amount of $60,000 to remove and replace a 24” corrugated metal storm drain line and damaged asphalt. Approved a project budget of $69,000 which includes a 15% contingency. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

F. NEW BUSINESS

10. Consideration of whether to deny a request to amend Development Agreement No. 00-2 (the “DA”), adopted March 20, 2001 between the City of El Segundo and W9/SEP Real Estate Limited Partnership affecting the property located at the southeast corner of Sepulveda Boulevard and Walnut Avenue, commonly known as 888 North Sepulveda Boulevard, 892 North Sepulveda Boulevard, and 898 North Sepulveda Boulevard (collectively, the “Site”). Applicant: Trammell Crow Company. (Fiscal Impact: None)

Mark Hensley, City Attorney, gave a report.

Greg Carpenter, Planning and Building Safety Manager, gave a report.

David Drake, Trammell Crow Company, gave a presentation.

Council consensus not to deny the request and direct that the applicant may submit a full application, including, without limitation, environmental documentation to comply with the requirements of the California Environmental Quality Act (“CEQA”), a Development Agreement Amendment, and a Conditional Use Permit and approve amendment to Development Agreement No. 00-2 which allows construction of a six (6)-story, 120,610 square foot building.

11. Consideration and possible action regarding acceptance of a $2,800,000 grant from the Federal Aviation Administration (FAA) to be used for the Residential Sound Insulation (RSI) Program.
Greg Carpenter, Planning and Building Safety Manager, gave a report.

MOTION by Council Member Brann, SECONDED by Council Member Jacobson to accept a grant from the Federal Aviation Administration (FAA) in the amount of $2,800,000 and authorize the Mayor to execute the FAA Grant Agreement No. 3909. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

G. REPORTS – CITY MANAGER - NONE

H. REPORTS – CITY ATTORNEY - NONE

I. REPORTS – CITY CLERK - NONE

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Brann – Noted that the State still had not adopted a budget. Spoke on the recent “Kids Need Heros” luncheon benefiting the Westchester YMCA.

Council Member Fisher – Reminded the public of the upcoming Arbor Day event on Saturday, March 7, 2009.

Council Member Jacobson – NONE

Mayor Pro Tem Busch – Spoke regarding his upcoming trip to Guaymas, Mexico and Little League Opening Day February 28, 2009.

Mayor McDowell – Reported that on Saturday and Sunday, February 21 and 22, 2009 from 8:30 a.m. to 1 p.m. at the South Bay Galleria, Southern California Edison would be holding a lamp exchange where hold lamps could be exchanged for new energy efficient lamps.

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.

Ron Swanson, resident, congratulated Council and Staff on the great work being done by the City.

MEMORIALS – NONE
CLOSED SESSION – NONE

ADJOURNMENT at 7:56 p.m.

______________
Cathy Domann, Deputy City Clerk
AGENDA DESCRIPTION:

Consideration and possible action regarding a recommendation to accept grants from the Metropolitan Water District and West Basin Municipal Water District's in support of the "It's Time to Get Serious" El Segundo water conservation banner campaign. (Fiscal Impact: $58,087 grant fund revenue)

RECOMMENDED COUNCIL ACTION:

1) Accept $5,000 from the West Basin Municipal Water District and $53,087 from the Metropolitan Water District and;

2) Appropriate $5,000 from West Basin Municipal Water District and $53,087 from Metropolitan Water District to pay for the design, fabrication, installation, and removal of the water conservation light pole banners along Sepulveda Blvd. and;

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

ATTACHED SUPPORTING DOCUMENTS:

West Basin Municipal Water Board and Metropolitan Water District Approved Banner designs

FISCAL IMPACT: Budget Adjustment Required

Amount Budgeted: $58,087 grant fund revenue
Additional Appropriation: Yes
Account Number(s): 501-300-0000-3703

ORIGINATED BY: Lauren Mahakian, Senior Administrative Analyst

REVIEWED BY: Dana Greenwood, Public Works Director
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

Since 1999, the City of El Segundo has taken a proactive approach to maximize water conservation efforts and utilize recycled water, resulting in a 48% reduction in the City’s use of potable water.

At the December 18, 2007 meeting, City Council approved participation in the West Basin Municipal Water District’s “It’s Time to Get Serious” Conservation and Water Use Initiative.

In July 2008, the Public Works Department applied for a Community Partnering Grant through the Metropolitan Water District, and was recently notified of a $53,087 grant award. In addition, the West Basin Municipal Water District has committed to providing a sponsorship of $5,000 for
the project, for a combined total of $58,087. The funds will be applied toward the “It’s Time to Get Serious” El Segundo water conservation banner campaign.

The campaign “It’s Time to Get Serious” focuses on indoor/outdoor water conservation through creative signage (banners). For a period of six months, 110 banners will be displayed along Sepulveda Blvd to reinforce simple behaviors that residents and business owners in El Segundo can adopt to reduce the amount of water they use. The conservation slogans, approved by the Metropolitan Water District, include: “Going Going Gone”, “Ficus Foul, Cactus Cool”, ”Shorter Showers”, “Sprinkle Less”, “Check for Leaks”, and “Sweep it! Don’t Spray It”. (See Attachment A).

As part of the grant authorization, the City has agreed to incorporating the Metropolitan Water District’s bewaterwise.com webpage logo on the banners.

This project will provide custom-designed double-sided light pole banners to be displayed on streetlight poles on Sepulveda Blvd from Imperial to Rosecrans Avenue. By implementing this campaign, El Segundo will be fulfilling the various goals and objectives of the “It’s Time to Get Serious” water conservation campaign.
AGENDA DESCRIPTION:

Consideration and possible action regarding acceptance of the project for the installation of an improved telemetry system for the City's water and wastewater operations at 400 Lomita Street. Project No.: PW 06-01
(Fiscal Impact: $346,932.70)

RECOMMENDED COUNCIL ACTION:

1. Approve Change Order Number 1 in the amount of $4,100.70
2. Accept the work as complete.
3. Authorize the City Clerk to file a Notice of Completion in the County Recorder's Office.
4. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Notice of Completion

FISCAL IMPACT: Included in Adopted Budget

Amount Requested: $346,932.70
Additional Appropriation: No
Account Number(s): 501-400-7103-8228

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 February 6, 2008, the City Council awarded a contract to Flo-Systems, Inc., to provide hardware and software, configuration, installation, testing, start-up, training and documentation for an upgraded telemetry system to monitor operations and water levels at twenty (20) of the City’s water and wastewater sites in the amount of $342,832.00. Change Order Number 1 in the amount of $4,100.70 is being requested for the installation of a new submersible transducer at Wastewater Lift Station Number 12.

All work has now been completed to the satisfaction of the City and staff recommends acceptance of the project. Funding for this project is provided through the Water and Wastewater Enterprise Funds.
NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name: Installation of an Improved Telemetry System

Project No.: PW 06-01

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 Water and Wastewater Facilities

5. A work of improvement on the property hereinafter described was field reviewed by the City Engineer on February 9, 2009. The work done was: Installation of a Telemetry System.

6. On March 3, 2009, 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: Flo-Systems, 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 Water and Wastewater Facilities.

9. The street address of said property is: Various Sites

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 ________________, 2009 at El Segundo, California.

Dana Greenwood
Public Works Director
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

MEETING DATE: March 3, 2009
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:
Consideration and possible action regarding the adoption of Ordinance No. 1427, a Floodplain Management Ordinance for the City of El Segundo. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Second reading by title only, and adoption of Ordinance No. 1427 for Floodplain Management including Environmental Assessment No. EA-812; and/or
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Ordinance No. 1427

FISCAL IMPACT: None

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

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

I. Background and Discussion

On February 17, 2009, the City Council introduced a Floodplain Management Ordinance and adopted Environmental Assessment No. EA-812. The Ordinance was read into the record and is presented for a second reading and adoption. If adopted without change, the provisions will become effective in 30 days.
ORDINANCE NO. 1427

An Ordinance Adopting the Model Floodplain Management Ordinance for Special Flood Hazards Within the City in Order to Maintain Eligibility Within the National Flood Insurance Program (Environmental Assessment No. 812).

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

SECTION 1: The City Council finds and declares that:

A. The special flood hazard areas of El Segundo are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare;

B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses;

C. In order for City residents to be eligible to purchase federally-subsidized flood insurance, cities must adopt floodplain management regulations which meet or exceed the requirements set forth in Title 44, Part 60 of the Code of Federal Regulations;

D. On December 12, 2008 the City of El Segundo filed an application for an Environmental Assessment (EA-812) for Floodplain Management Regulations for areas of special flood hazards within the City of El Segundo;

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

F. On February 17, 2009, the City Council held a public hearing regarding the Ordinance for Floodplain Management Regulations. Based on the evidence submitted during the City Council public hearing, staff recommendations, and Council deliberations, it is in the public interest to
adopt this Ordinance;

G. The adoption of this Ordinance will allow residents of the City of El Segundo to remain eligible to purchase flood insurance through the National Flood Insurance Program. The Ordinance meets the minimum standards set forth in Title 44, Section 60.3 of the Code of Federal Regulations;

SECTION 2: General Plan Consistency. The Floodplain Management Ordinance is consistent with General Plan Goals, Objectives and Policies related to the Public Safety Element of the General Plan. Specifically, the amendment is consistent with Public Safety Element Goals, Objectives and Policies that include: Goal PS2, Policy PS2-1.4 “Identify potential high-risk inundation coastal areas and manage them to reduce risk.” and Goal PS5, Objective PS5-1 “It is the Objective of the City of El Segundo that the City improve flood control systems and provide adequate protection in areas subject to inundation.” The Floodplain Management Ordinance complies with PS2 in that the Floodplain Ordinance regulates construction in order to protect human life and health and minimize damage to structures in special flood hazard areas identified and mapped by the Federal Emergency Management Agency (FEMA). The Floodplain Management Ordinance complies with PS5 in that it requires that new construction in areas vulnerable to floods be protected against flood damage.

SECTION 3: Coastal Plan Consistency. The City of El Segundo coastal zone consists of an area of approximately 50 acres in area. The linear extent of beach frontage is slightly less than one mile and the coastal zone in this area is approximately 200 yards in width. The special flood hazard area appears to be roughly contiguous with the portion of the City’s coastal zone designated as “shoreline” area within the City’s Local Coastal Program (LCP). The Floodplain Management Ordinance does not conflict with the City’s adopted LCP policies regarding development in that no additional uses or change to the uses allowed within the shoreline area of the coastal zone will result from the adoption of the Ordinance. The LCP allows for the construction of beach facilities, such as lifeguard towers and rest room facilities and allows for above or below grade facilities required as part of the operation of coastal dependant energy facilities. The Floodplain Management Ordinance’s effect is limited to requiring that any new construction or substantial improvement to existing structures will have to comply with the “standards of construction” identified in the Ordinance.

SECTION 4: Environmental Assessment. The City Council determines that this Ordinance is Categorically Exempt from review under the California Environmental Quality Act (California Public Resources Code §§21000, et seq., “CEQA”) and the regulations promulgated thereunder (14 California Code of Regulations §§15000, et seq., the “CEQA Guidelines”) because it consists of an action taken the City to ensure the maintenance and protection of the environment. Accordingly, the Ordinance constitutes a Class 8 exemption pursuant to CEQA Guidelines § 15308.

SECTION 5: The Model Ordinance for Floodplain Management, attached as Exhibit “A,”
and incorporated by reference, is adopted. The City Manager is authorized to promulgate such administrative policies and procedures that may be required to implement this Ordinance.

SECTION 6: 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 7: Limitations. The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: Repeal or amendment of any provision of the ESMC will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 9: If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the ESMC or other City Ordinance by this Ordinance will be rendered void and cause such ESMC provision or other the city ordinance to remain in full force and effect for all purposes.

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

PASSED AND ADOPTED this 3rd day of March 2009.

________________________________________
Kelly McDowell, Mayor

ATTEST:

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

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 1427 was duly introduced by said City Council at a regular meeting held on the 17th day of February, 2009, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 3rd day of March, 2009, and the same was so passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

________________________________________
Cindy Mortesen, City Clerk

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

By: ______________________________________
    Karl H. Berger
    Assistant City Attorney
EXHIBIT “A”
FLOODPLAIN MANAGEMENT REGULATIONS

SECTION 1.0
PURPOSE AND METHODS

1.1 STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to:

A. Protect human life and health;
B. Minimize expenditure of public money for costly flood control projects;
C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
D. Minimize prolonged business interruptions;
E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.2 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this ordinance includes regulations to:

A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
D. Control filling, grading, dredging, and other development which may increase flood damage; and
E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.
SECTION 2.0
DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"A zone" - see "Special flood hazard area".

"Accessory structure" means a structure that is either:

1. Solely for the parking of no more than 2 cars; or

2. A small, low cost shed for limited storage, less than 150 square feet and $1,500 in value.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" - See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

"Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.
"Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

"Building" - see "Structure".

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE, or V.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 26, 2008.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding, or flood water" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

2. The condition resulting from flood-related erosion.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.
"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source - see "Flooding."

"Floodplain Administrator" is the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see the applicable FEMA Technical Bulletins TB-1, TB-3 and TB-7.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

"Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

"Fraud and victimization" as related to Section 6.0, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.
"Hardship" as related to Section 6 means the exceptional hardship that would result from a failure to grant the requested variance. The City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
   a. The flood openings standard in Section 5.1.C.3;
   b. The anchoring standards in Section 5.1.A;
   c. The construction materials and methods standards in Section 5.1.B; and
   d. The standards for utilities in Section 5.2.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent
chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" is defined in the City of El Segundo substantial damage/improvement procedures. See Section 4.2.B.1.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after September 26, 2008, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 26, 2008.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One-hundred-year flood" or "100-year flood" - see "Base flood."

"Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"Public safety and nuisance" as related to Section 6, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sand dunes" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Sheet flow area" - see "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"V zone" - see "Coastal high hazard area."
"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
SECTION 3.0
GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of El Segundo.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for Los Angeles County, California and Incorporated Areas" dated September 26, 2008, with accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's), dated September 26, 2008, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Council by the Floodplain Administrator. The study, FIRM's and FBFM's are on file at the Department of Planning and Building Safety, 350 Main Street, El Segundo, CA.

3.3 COMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

3.4 ABOGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

A. Considered as minimum requirements;
B. Liberally construed in favor of the governing body; and
C. Deemed neither to limit nor repeal any other powers granted under state statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of El Segundo, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

3.7 SEVERABILITY.

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.
SECTION 4.0
ADMINISTRATION

4.1 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The City Manager or his/her authorized designee is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions.

4.2 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

A. Permit Review.

Review all development permits to determine:

1. Permit requirements of this ordinance have been satisfied, including determination of substantial improvement and substantial damage of existing structures;

2. All other required state and federal permits have been obtained;

3. The site is reasonably safe from flooding;

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of El Segundo; and

5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."

2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

C. Review, Use and Development of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 3.2, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 5.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations".
D. Notification of Other Agencies.

1. Alteration or relocation of a watercourse:
   a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
   b. Submit evidence of such notification to the Federal Emergency Management Agency; and
   c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

2. Base Flood Elevation changes due to physical alterations:
   a. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
   b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

   Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

   Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 5.1.C.1 and Section 5.4 (lowest floor elevations);
2. Certification required by Section 5.1.C.2 (elevation or floodproofing of nonresidential structures);
3. Certification required by Sections 5.1.C.3 (wet floodproofing standard);
4. Certification of elevation required by Section 5.3.A.3 (subdivisions and other proposed development standards);
5. Certification required by Section 5.6.B (floodway encroachments);
6. Information required by Section 5.7.F (coastal construction standards); and
7. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. Map Determination.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special
flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.

F. Remedial Action.
Take action to remedy violations of this ordinance as specified in Section 3.3.

G. Biennial Report.
Complete and submit Biennial Report to FEMA.

H. Planning.
Assure community’s General Plan is consistent with floodplain management objectives herein.

4.3 DEVELOPMENT PERMIT

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 3.2. Application for a development permit shall be made on forms furnished by the City of El Segundo. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:
   1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
   2. Proposed locations of water supply, sanitary sewer, and other utilities;
   3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
   4. Location of the regulatory floodway when applicable;
   5. Base flood elevation information as specified in Section 3.2 or Section 4.2.C;
   6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
   7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 5.1.C.2 of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 5.1.C.2.

C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 5.1.C.3 of this ordinance and detailed in FEMA Technical Bulletins 1 and 7.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 4.2.E of this ordinance.

4.4 APPEALS.

The City Council of the City of El Segundo shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
SECTION 5.0
PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 STANDARDS OF CONSTRUCTION.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods.

All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;

2. Using methods and practices that minimize flood damage;

3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. Residential construction.

All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

a. In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.

b. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least 2 feet above the highest adjacent grade if no depth number is specified.

c. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated to or above the base flood elevation; as determined under Section 4.2.C.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.
2. **Nonresidential construction.**

All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with **Section 5.1.C.1** or:

a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under **Section 5.1.C.1**, so that the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered civil engineer or architect that the standards of **Section 5.1.C.2.a & b** are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. **Flood openings.**

All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

a. For non-engineered openings:

   1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

   2. The bottom of all openings shall be no higher than one foot above grade;

   3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

   4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

b. Be certified by a registered civil engineer or architect.

4. **Manufactured homes.**

a. See **Section 5.4**.
5. **Garages and low cost accessory structures.**

a. Attached garages.

1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 5.1.C.3. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 5.1.B.

2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

b. Detached garages and accessory structures.

1. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 2, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

   a) Use of the accessory structure must be limited to parking or limited storage;

   b) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;

   c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

   d) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

   e) The accessory structure must comply with floodplain encroachment provisions in Section 5.6; and

   f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 5.1.C.3.

2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.1.

5.2 **STANDARDS FOR UTILITIES.**

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems; and

2. Discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.
5.3 STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT.

A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:

1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).

2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.

3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
   a. Lowest floor elevation.
   b. Pad elevation.
   c. Lowest adjacent grade.

B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

5.4 STANDARDS FOR MANUFACTURED HOMES.

A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

1. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map, meet the requirements of Section 5.7.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 5.4.A will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at or above the base flood elevation; or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.
Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

5.5 STANDARDS FOR RECREATIONAL VEHICLES.

A. All recreational vehicles placed in Zones A1-30, AH, AE, V1-30 and VE will either:

1. Be on the site for fewer than 180 consecutive days; or

2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Meet the permit requirements of Section 4.3 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 5.4.

B. Recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 5.5.A and Section 5.7.

5.6 FLOODWAYS.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of El Segundo.

B. Within an adopted regulatory floodway, the City of El Segundo shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

C. If Sections 5.6.A & B are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 5.
5.7 COASTAL HIGH HAZARD AREAS

Within coastal high hazard areas, Zones V, V1-30, and VE, as established under Section 3.2, the following standards shall apply:

A. All new residential and non-residential construction, including substantial improvement/damage, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

B. All new construction and other development shall be located on the landward side of the reach of mean high tide.

C. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 2 of this ordinance. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.

D. Fill shall not be used for structural support of buildings.

E. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

F. The Floodplain Administrator shall obtain and maintain the following records:

1. Certification by a registered engineer or architect that a proposed structure complies with Section 5.7.A; and

2. The elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.
SECTION 6.0
VARIANCE PROCEDURE

6.1 NATURE OF VARIANCES.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City Council of the City of El Segundo to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

6.2 CONDITIONS FOR VARIANCES.

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 4 and 5 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 2 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.
E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Los Angeles County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

6.3 APPEAL BOARD.

A. In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the:

1. Danger that materials may be swept onto other lands to the injury of others;

2. Danger of life and property due to flooding or erosion damage;

3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. Importance of the services provided by the proposed facility to the community;

5. Necessity to the facility of a waterfront location, where applicable;

6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. Compatibility of the proposed use with existing and anticipated development;

8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. Safety of access to the property in time of flood for ordinary and emergency vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
B. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;

2. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and

3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.

C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 6.3.A through 6.3.D are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

D. Upon consideration of the factors of Section 6.2.A and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

MEETING DATE: March 3, 2009
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:
Consideration and possible action regarding a request from Mattel, Inc. to maintain two, five hundred four (504) square-foot wall signs on a rotating basis on the south side of the parking structure located at 333 Continental Boulevard. Applicant: Mattel, Inc. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Approve Mattel’s request to maintain two five hundred four (504) square-foot wall signs; and/or
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
2. Planning and Building Safety Director’s Approval Letter dated February 2, 2009.
3. Inter-departmental Correspondence for Planning and Building Safety Director Hearing dated January 21, 2009.
4. Letter of request from Mattel, Inc. dated December 1, 2008.
5. Proposed Sign Elevation
6. Site Plan

FISCAL IMPACT: None

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

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

BACKGROUND AND DISCUSSION:

I. Background

The corporate office building and parking structure for Mattel is located at 333 Continental Boulevard. The applicant, Mattel, is requesting approval to maintain two five hundred four (504) square-foot wall signs on a rotating basis to be placed on the southern side of the parking structure. The two signs when combined total 1,008 square feet in area, which is 9% of the building face and pursuant to ESMC §15-18-8(H) large signs greater than 500 square feet in area require City Council approval.
The surrounding land uses are commercial as follows:

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<tr>
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<td>CO</td>
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</table>

The Planning Commission reviewed the Sign Adjustment at their meeting on February 12, 2009. After their deliberations, the Planning Commission approved the Sign Adjustment subject to the addition of a condition of approval to the Planning and Building Safety Director’s decision. The new condition prohibits any other signs from being mounted to the three other sides (the exterior walls) of the parking structure. Although the Commission approved the Sign Adjustment for this proposed project because of the specific facts and findings related to the request, some Commissioners expressed a concern more generally about the potential for the proliferation of large signs and asked staff to convey this to the City Council.

The item was pulled from the consent calendar at the City Council meeting on February 17, 2009, and continued for further discussion to the March 3, 2009 meeting.

II. Analysis

Two signs were approved by the City Council on October 7, 2008 as temporary “Special Event Signs” for Mattel’s Fall Toy Fair. The applicant has filed a request to allow the two large signs to remain permanently and to allow Mattel to change the display areas without having to return to the City Council every year for approval. In addition to advertising the Toy Fair, the two sign display areas will be used by Mattel to advertise new products as needed. Each temporary sign is currently mounted to a frame that is anchored to the exterior wall of the parking structure. The approval of the adjustment would allow Mattel the flexibility to change-out the vinyl display area within each frame with minimal delay or additional permit review, as no structural changes would be required for a face change.

The applicant is requesting two signs that are 504 square feet each, totaling 1,008 square feet of signage on the southern façade of the parking structure. The parking structure is 76'-0” high and 146'-0” wide, totaling 11,096 square feet in area. The maximum size allowed for wall signs on freestanding buildings is 5% of the building façade. The maximum signage area permitted for the south elevation of the freestanding parking structure would be 554.8 square feet of area based upon the dimensions provided. The applicant is requesting wall signs that total 9% of the building façade area which therefore exceeds the standards set forth in ESMC Chapter 15-18 and requires approval of a Sign Adjustment. Additionally, ESMC §15-18-8(H) requires that large signs greater than 500 square feet in area obtain City Council approval.

Although the second sign could be placed on another façade of the parking structure to remain below the maximum permitted 5% area limit, this façade is the main entry to the parking structure and is the only façade visible from any street frontage. The east façade of the parking
structure facing Continental Boulevard is not visible from the street, as it is blocked by the main corporate office building for Mattel. Granting the sign adjustment would allow the applicant to reasonable use its property for marketing purposes.

On January 21, 2009, the Director of Planning and Building Safety held an administrative hearing on the sign adjustment and took it under advisement. On February 2, 2009, the Director issued a letter granting approval of the sign adjustment for the two signs based on the facts in support of the required findings in accordance with ESMC § 15-24-4. The attached letter specifies all of the required findings for the adjustment as well as the conditions of approval (see Exhibit 2). Granting of the adjustment was conditioned upon City Council approval to permit two signs larger than 500 square feet each. The Planning Commission is scheduled to receive and file the sign adjustment approval at its February 12, 2009 meeting.

III. Environmental Review

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15311, as a Class 11 categorical exemption (on-premise signs). The project consists of the construction of minor structures (two on-premise signs) accessory to an existing commercial facility.

IV. Conclusion

Planning staff recommends that the City Council approve the proposed two, permanent, five hundred four (504) square-foot wall signs to be placed on the southern façade of the parking structure at 333 Continental Boulevard.
CITY OF EL SEGUNDO

PLANNING COMMISSION STAFF REPORT

DATE: February 12, 2009

SUBJECT: Environmental Assessment No. 804 and Adjustment No. 08-03

REQUEST: To allow two large "Wall Signs" that exceeds the maximum permitted signage for the south façade of an existing parking structure

LOCATION: 333 Continental Boulevard

APPLICANT: Linda Bush Sosa

PROPERTY OWNER: Mattel, Inc.

I. DESCRIPTION

The Planning and Building Safety Department received an application to install two five hundred four (504) square-foot permanent wall signs on the south façade of an existing parking structure within the Corporate Office (CO) Zone at 333 Continental Boulevard. The proposed two signs total 1,008 square feet in area when combined, or 9% of the building face. ESMC §15-18-8(B) allows wall signs on freestanding buildings up to 5% of each building face. Signs which exceed standards set forth in ESMC Chapter 15-18 require the approval of an Adjustment as allowed by ESMC § 15-24-1(C). Large signs greater than 500 square feet in area also require City Council approval pursuant to ESMC §15-18-8(H).

II. RECOMMENDATION

Receive and File the Director's Determination; and Recommend that the City Council approve the application.

III. ANALYSIS

The parking structure is 76'-0" high and 146'-0" wide, totaling 11,096 square feet in area. The maximum signage area permitted for the south elevation of the freestanding parking structure would be 554.8 square feet of area based upon the dimensions provided.
The applicant is requesting (1,008) square feet of signage on the southern façade of a parking structure, or 9% of the building face. Permanent signs which exceed standards set forth in ESMC Chapter 15-18 require the approval of a Sign Adjustment.

The two signs were approved by the City Council on October 7, 2008 as temporary “Special Event Signs” for Mattel’s Fall Toy Fair. The request has been filed to allow the signs to remain and allow Mattel to change the display areas without having to return to the City Council every year for approval. In addition to advertising the Toy Fair, the two sign display areas will be used by Mattel to advertise new products as needed. Each temporary sign is currently mounted to a frame that is anchored to the exterior wall of the parking structure. The approval of the adjustment would allow Mattel the flexibility to change-out the vinyl display area within each frame with minimal delay or additional permit review, as no structural changes would be required for a face change.

Although the second sign could be placed on another façade of the parking structure to remain below the maximum permitted 5% area limit, this façade is the main entry to the parking structure and is the only façade visible from any street frontage. The east façade of the parking structure facing Continental Boulevard is not visible from the street, as it is blocked by the main corporate office building for Mattel. The applicant would be deprived of the reasonable use and enjoyment of the property, and therefore, the findings can be met for the granting of this sign adjustment.

On January 21, 2009, the Director of Planning and Building Safety held an administrative hearing on this matter and took it under advisement. On February 2, 2009, the Director issued a letter of approval for the two signs. The Director’s approval was based on the facts in support of the required findings in accordance with El Segundo Municipal Code §15-24-4. The attached letter specifies all of the required findings for the adjustment as well as the conditions of approval (see Exhibit A).

Signs larger than 500 square feet must obtain City Council approval. Therefore, an item is scheduled to request City Council approval at its February 17, 2009 meeting. The granting of the adjustment is conditioned to City Council approval to permit two signs larger than 500 square feet each.

IV. EXHIBITS

A. Adjustment Approval Letter, dated February 2, 2009
B. Staff Report (Inter-Departmental Correspondence), dated January 21, 2009
C. Adjustment Application and Plans
City of El Segundo
Planning & Building Safety Department

February 2, 2009

Charles Anderson
333 Continental Boulevard
El Segundo, CA 90245

RE: Environmental Assessment No. EA-804 and Adjustment No. 08-03
A request to allow two five hundred four (504) square feet "Wall Signs" that exceed the maximum permitted signage for the south façade of an existing parking structure.

Address: 333 Continental Boulevard, El Segundo

Dear Mr. Anderson:

The purpose of this letter is to inform you that, in accordance with Chapter 15-24 of the City of El Segundo Municipal Code, the Director of Planning and Building Safety Department APPROVED a request for two five hundred four (504) square-foot wall signs on the south façade of an existing parking structure. The following are the findings and facts in support of each finding for this decision:

FINDINGS AND FACTS IN SUPPORT OF FINDINGS:

Environmental Assessment No. EA-804

Finding 1

- The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15311 (a), as a Class 11 categorical exemption (on-premise signs). The project consists of the construction of minor structures (two on-premise signs) accessory to an existing commercial facility.
Facts in Support of Finding 1

The proposed adjustment is to allow construction of two wall signs in accordance with ESMC Chapter 18. The adjustment is required since the signs exceed the maximum permitted area, which is five percent (5%) of the building face.

Adjustment No. 08-01

Finding 1

- That the proposed adjustment would not be detrimental to the neighborhood or district in which the property is located.

Facts in Support of Finding 1

The proposed adjustment would allow the construction of two wall signs exceeding the maximum permitted area for signage along the south side of an existing parking structure. ESMC §15-18-8(B) allows temporary or permanent wall signs that do not exceed 5% of each building face, provided that the signs are less than 500 square feet in area. Large signs greater than 500 square feet in area require City Council approval pursuant to ESMC §15-18-8(H). Signs which exceed standards set forth in ESMC Chapter 15-18 require the approval of an Adjustment. The Director of Planning and Building Safety can approve temporary and permanent signs in the Corporate Office (CO) Zone with a size up to five percent (5%) of each building face. The proposed two wall signs are nine percent (9%) of the southern parking structure’s façade and are greater than 500 square feet each. Consequently, they also require City Council approval. The new signs will not harm the neighboring properties, as the parking structure is currently located in a commercial district and has limited visibility from the street and surrounding properties. The signs are not illuminated and therefore do not create light or glare impacts on the surrounding properties. The two new signs will not create any new impacts that would not be normally associated with an existing commercial office use. The two wall signs will not create any impacts including noise, smoke, dust, fumes, vibration, odors, traffic or hazards.

Finding 2

- That the proposed adjustment is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of his property.

Facts in Support of Finding 2

The applicant is requesting to install two new wall signs that are nine percent (9%) of the southern parking structure’s façade in excess of the maximum allowed 5%. The east façade of the parking structure facing Continental Boulevard is not visible from the
street, as it is blocked from view by the Mattel office building. The south façade of the parking structure has limited visibility from Grand Avenue, as it is partially blocked from view by a building (the Doubletree Hotel) and is approximately 288 feet from the street. Allowing the two signs together on the south façade serves to identify the main entry to the parking structure and would also be enjoyed by visitors, including Mattel. A new 554.8 square-foot wall sign on the south façade that is greater than the 500 square-foot limit would require City Council approval based on a parking structure façade area that is 11,096 square feet in size and would not exceed 5% of the building face. The existing location of the parking structure, the limited visibility of the parking structure and any signage on the structure from Grand Avenue and virtually no visibility from Continental Boulevard deprives the applicant of reasonable use and enjoyment of the property that similar properties enjoy. Allowing Mattel to construct a sign that would not be visible from the east side of the parking structure would not serve any purpose or benefit for Mattel. The two signs facing Grand Avenue would serve to identify the entry to the Mattel parking structure for visitors. Allowing Mattel to construct the two new on-premise signs on the same façade and exceed the maximum 5% allowable area rather than limiting the wall signs to a single sign on the south façade and a second sign on one of the other façades that has no visibility from the entrance to the structure or any other public right-of-way would ensure the applicant’s reasonable use and enjoyment of the property similar to other properties.

**Finding 3**

- That the proposed adjustment is consistent with the legislative intent of the zoning regulations.

**Facts in Support of Finding 3**

The wall signs would not be in conflict with the intent of the legislative zoning regulation’s purpose to promote the health, safety and welfare of the community since the general public would not be harmed by installing two new wall signs. The two new signs are consistent with the intent of the ESMC regulations pertaining to signs in that the signs comply with the type and number of signs, and the aesthetic and location requirements. The ESMC sign regulations ensure that the sign area or size is proportionate to the building façade and there is a maximum area of total signage. The two proposed signs are not illuminated and use high quality materials with attractive colorful graphics that visually frame the parking structure entrance. The visual impact of two new signs would not dramatically change the commercial character of the property or the neighborhood, as signage is permitted in the Corporate Office (CO) Zone. The surrounding land uses include: a hotel, commercial retail, and offices uses. The signs will be compatible and consistent with the surrounding uses. The wall signs will comply with the ESMC requirements and other applicable law including without limitation, the California Building Code and National Electrical Code, as adopted by the ESMC, at the time the signs are constructed and mounted for display.
DIRECTOR PLANNING AND BUILDING SAFETY DEPARTMENT ACTION

Based on these findings and facts in support of these findings, the Director of Planning and Building Safety Department APPROVES the proposed adjustment for the two new wall signs greater than five hundred (500) square feet in area, subject to the following conditions:

CONDITIONS OF APPROVAL

1. This adjustment does not become effective until seven days from its date or, if an appeal is filed, until a final determination is made. Moreover, the City Council will provide a final decision regarding the signs in accordance with the ESMC.

2. The adjustment becomes null and void if the privileges granted are thereunder not utilized within 180 days from the final determination.

3. The adjustment is subject to City Council approval of the two proposed signs exceeding 500 square feet each.

4. The wall signs must comply with the California Building Code.

5. No off-premise signs are allowed. Therefore, all commercial or non-commercial copy for the two signs are limited to on-premise uses.

6. Any subsequent modification to the project as approved must be referred to the Director of Planning and Building Safety for approval and a determination regarding the need for Planning Commission review of the proposed modification.

Please be advised that this does not conclude the review process. This determination will be transmitted to the Planning Commission at its February 12, 2009 meeting with the recommendation that the Planning Commission receive and file the determination and recommend that the City Council approve the signs. The matter is scheduled for City Council consideration on February 17, 2009. An appeal of this decision may be filed with the City Clerk within ten (10) calendar days filing a letter of appeal and the required fee for processing the appeal. If an appeal is filed, the item will be scheduled for a future public hearing (as required by the El Segundo Municipal Code). If you have any questions regarding this project, please contact Assistant Planner Maria Baldenegro at (310) 524-2341.

Sincerely,

[Signature]

Greg Carpenter, Director
Department of Planning and Building Safety

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City of El Segundo
INTER-DEPARTMENTAL CORRESPONDENCE

HEARING DATE: January 21, 2009

TO: Greg Carpenter, Director of Planning and Building Safety
    Kimberly Christensen, AICP, Planning Manager

FROM: Maria Baldenegro, Assistant Planner

SUBJECT: Environmental Assessment No. 804 and Adjustment No. 08-03

REQUEST: A request to install two five hundred four (504) square-foot permanent wall signs on the south façade of an existing parking structure

LOCATION: 333 Continental Boulevard

APPLICANT: Charlie Anderson c/o Linda Bush Sosa

PROPERTY OWNER: Mattel, Inc.

REQUEST

The applicant is requesting an adjustment to install two five hundred four (504) square-foot permanent wall signs on the south façade of an existing parking structure within the Corporate Office (CO) Zone at 333 Continental Boulevard. The proposed two signs total 1,008 square feet in area when combined or 9% of the building face and ESMC §15-18-8 (B) allows "Freestanding Building Signage" up to 5% of each building face. Additionally, large signs greater than 500 square feet in area require City Council approval pursuant to ESMC §15-18-8(H). Signs which exceed standards set forth in ESMC Chapter 15-18 require the approval of an Adjustment as allowed by ESMC § 15-24-1 (C).

RECOMMENDATION

Staff recommends that the Director of Planning and Building Safety approve Environmental Assessment No. 804 and Adjustment No. 08-03, subject to the conditions contained within this report.

SITE AND PROJECT DESCRIPTION

The project site is an irregular shaped corner lot located at the northwest intersection of Continental Boulevard and Grand Avenue. The lot is approximately 175,982 square feet in size and is developed with corporate office buildings and a parking structure for Mattel, Inc.
SURROUNDING AREA CHARACTERISTICS

The surrounding properties adjacent to the project site contain a hotel, parking and various commercial office uses. The surrounding land uses are as follows:

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ENVIRONMENTAL ASSESSMENT

The proposed sign adjustment application is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15311 (a) Class 11–On-premise signs. The project consists of the construction of minor structures (two on-premise signs) accessory to an existing commercial facility.

ANALYSIS

El Segundo Municipal Code (ESMC) §15-18-8(B) allows temporary or permanent "Freestanding Building Signs" up to 5% of each building face. The parking structure is 76'-0" high and 146'-0" wide totaling 11,096 square feet in area. Based on the dimensions provided, the maximum signage area permitted for the south elevation of the freestanding parking structure would be 554.8 square feet of area.

The applicant is requesting (1,008) square feet of signage on the southern façade of a parking structure, or 9% of the building face. The combined total area proposed for the two new signs exceeds the maximum permitted area that can be approved administratively by code. Although the second sign could be placed on another façade of the parking structure to remain below the maximum permitted 5% area limit, this façade is the main entry to the parking structure and is the only façade visible from any street frontage. The east façade of the parking structure facing Continental Boulevard is not visible from the street, as it is blocked by the main corporate office building for Mattel.

Permanent signs which exceed standards set forth in ESMC Chapter 15-18 require the approval of a Sign Adjustment. Mattel, Inc. is considering retaining the proposed two signs on a permanent basis at the site in which case they will file a request for a Sign Adjustment.

GENERAL PLAN CONSISTENCY

The proposed adjustment is consistent with the General Plan. Staff finds that allowing the adjustment will encourage the effective use of signs as a means of communication in the city; maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; encourage signs which are integrated with and harmonious in size, design, style, material, and appearance to the buildings and sites which they occupy and surround; the proposed project is consistent with the purpose of the zone in that signs are allowed. The General Plan contains several relevant Goals, Objectives, and Policies in the Land Use Element. The two signs are consistent with Land Use Element Policy LU1-5.2 in that the two signs comply
with the quantity, quality and location requirements in the adopted comprehensive sign ordinance. The proposed use is consistent with Land Use Element Goal LU4 in that the two signs provide a means of communication for commercial uses that provide a stable tax base for the City. The surrounding land uses include: a hotel, and office uses. The proposed signs for the office use will be compatible with the surrounding uses.

FINDINGS AND RECOMMENDATION

Pursuant to ESMC Section 15-24-4, the Director of Planning and Building Safety may approve, conditionally approve, or deny an adjustment if the three required findings can be made as follows:

A. That the proposed adjustment would not be detrimental to the neighborhood or district in which the property is located.

The proposed adjustment would allow the installation of two wall signs greater than 500 square feet in area that exceed the maximum permitted area for signage along the south side of an existing parking structure. The El Segundo Municipal Code (ESMC) §15-18-8(B) allows temporary or permanent “Freestanding Building Signs” that do not exceed 5% of each building face, provided that the signs are less than 500 square feet in area. Large signs greater than 500 square feet in area require City Council approval pursuant to ESMC §15-18-8(H). Signs which exceed standards set forth in ESMC Chapter 15-18 require the approval of an Adjustment. Temporary and permanent signs are permitted in the Corporate Office (CO) Zone up to five percent (5%) of each building face can be administratively approved. The proposed two wall signs are 5% of the southern parking structure’s façade and are greater than 500 square feet each, which also require final City Council approval. The new signs will not negatively impact the neighboring properties, as the parking structure is currently located in a commercial district.

B. That the proposed adjustment is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of his property.

The applicant is requesting approval to install two new wall signs that are nine percent (9%) of the southern parking structure’s façade and will also exceed the 500 square-foot limit for signage. The El Segundo Municipal Code (ESMC) §15-18-8(B) allows temporary or permanent “Freestanding Building Signs” that do not exceed 5% of each building face, provided that the signs are less than 500 square feet in area. Large signs greater than 500 square feet in area require City Council approval pursuant to ESMC §15-18-8(H). Signs which exceed standards set forth in ESMC Chapter 15-18 require the approval of an Adjustment. The parking structure is 76'-0" high and 146'-0" wide totaling 11,096 square feet in area. Based on the dimensions provided, the maximum signage area permitted for the south elevation of the freestanding parking structure would be 554.8 square feet of area. The combined total area proposed for the two new wall signs exceed the maximum permitted area that can be approved administratively by code and also requires City Council approval. Although the second sign could be placed on another façade of the parking structure to remain below the maximum permitted 5% area limit, this façade is the main entry to the parking structure and is the only façade visible from any street frontage. The east façade of the parking structure facing Continental Boulevard is not visible from the street, as it is blocked by the main corporate office building for Mattel.
C. That the proposed adjustment is consistent with the legislative intent of the Zoning Code.

The wall signs would not be in conflict with the intent of the Zoning Code's purpose to promote the health, safety and welfare of the community since no detrimental effects will occur to the general public by installing two new wall signs greater than 500 square feet in area.

Therefore, Planning and Building Safety staff recommends approval of the request to install two five hundred four (504) square-foot permanent wall signs on the south façade of an existing parking structure subject property subject to the conditions of approval outlined below.

CONDITIONS OF APPROVAL

1. The adjustment will not become effective until seven days from the granting thereof has elapsed or, if an appeal is filed or review called, until final determination has been made of the appeal or review.

2. The adjustment shall become null and void if the privileges granted thereunder have not been utilized within 180 days.

3. The wall signs must comply with the California Building Code and must be structurally engineered.

4. No off-premise signs are allowed. Therefore, all commercial or non-commercial copy for the two signs must be limited to on-premise uses.

5. Any subsequent modification to the project as approved must be referred to the Director of Planning and Building Safety for approval and a determination regarding the need for Planning Commission review of the proposed modification.

EXHIBITS

A. Application
B. Site Plan and Sign Elevation

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City of El Segundo

APPLICATION FOR AN ADJUSTMENT

Environmental Assessment No:  EA-804  Adj. No:  08-03

Date:  10/1/08

Applicant:

Charles Anderson
Name (print or type)
333 Continental Blvd MS 24-230
Address
El Segundo, CA 90245
City/St/Zip

Check One:  Owner  [x]  Lessee  [ ]

Property Owner:

Sean Sanders
Name (print or type)
333 Continental Blvd
Address
El Segundo CA 90245
City/St/Zip

Representative of applicant: (i.e., attorney, expediter, etc.)

Linda Bush-Sosa /Complete Perm.Hay
Name (print or type)
5144 Flagstone Street
Address
Long Beach, CA 90808
City/St/Zip

Phone  310-252-3917  310-252-3182
Fax
Email
Signature

Phone  310-252-2937  310-252-3009
Fax
Email
Signature

Phone  562-420-3686  562-420-3686
Fax
Email
Signature
Request: Request: Under the provisions of Title 15, Section 24-1 of the Municipal Code, application for consideration of an Adjustment for the above described property.

Explain in detail why the strict interpretation of this title would result in the unreasonable deprivation of these or enjoyment of this property and attach all supporting documents, plans, sketches, drawings, and photographs necessary to illustrate the proposal as fully as possible. (Attach extra sheets, if necessary).

- Request to exceed Sign Area Standards, section 15.18
  - Requested Banner size currently approved and permitted (permit number B1189-08)
  - See attached letter.
NOTE: Separate Affidavits must be submitted if there are multiple owners.

OWNER'S AFFIDAVIT

I, We ______ Sean Sanders _______ being duly sworn depose and say that I/we the OWNER of the property involved in this application and that I/we have familiarized myself (ourselves) with the rules and regulation of the City of El Segundo with respect to preparing and filing this application and that the foregoing statements herein contained and the information documents and all plans attached hereto are in all respects true and correct to the best of my/our knowledge and belief.

Signature

12/10/08
Date

STATE OF CALIFORNIA, )
County of Los Angeles )ss.

On his _______ day of ________, 20____, before me, the undersigned Notary Public in and for said County and State, personally appeared _______, known to me to be the person whose name _______ subscribe to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.

See Attached

Notary Public in and for said County and State
AGENT AUTHORIZATION

I hereby authorize ____________ to act for me in all matters relevant to this application. I understand that this person will be the primary contact on the project and will be sent all information and correspondence.

[Signature]
Owner's Signature 12/10/08
Date

AGENT AFFIDAVIT

I, We ____________ the undersigned, depose and say that (I am/We are) the AGENT(S) of the property involved in this application and that I(We) have familiarized myself/ourselves with the rules and regulation of the City of El Segundo with respect to preparing and filing this application and that the foregoing statements herein contained and the information on all documents and all plans, attached hereto are in all respects true and correct to the best of my/our knowledge and belief.

[Signature]
Applicant's Signature 12/10/08
Date
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On 12-10-08 before me, Marnie Lynn Bravo, Notary Public
personally appeared Sean David Sanders

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

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

WITNESS my hand and official seal.

Signature

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Owner’s Affidavit

Document Date: 12-10-08 Number of Pages: 1

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer’s Name: Sean David Sanders

Signer’s Name:

☐ Individual
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

Signer Is Representing:

Signer’s Name:

☐ Individual
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

Signer Is Representing:
12/1/2008

To whom it may concern,

Mattel, Inc. is seeking an adjustment for our currently permitted, (2) Temporary Special Event Signs hanging on the south side of the parking structure that services 333 Continental Blvd, our corporate headquarters.

These banners help us achieve a number of goals:
1. Directly reinforces our corporate focus/message to our Domestic and International Partners, Buyers, Guests, and Employees.
2. Adds color and life to an otherwise dull concrete structure, a major visual element view of any of our guests traveling on Grand Ave, or staying at the Doubletree Hotel.
3. Helps to beautify/promote Mattel’s home, El Segundo (our neighbors have already chimed in with their appreciation of these graphic elements)

The location of these banners has been dictated by what our customers can actually see from their traffic patterns during our Events. The south facing side of the structure is the only side with a clear view to see a graphic of that size (other sides are either obstructed or irrelevant).

The current process is not conducive to Mattel’s decision making timelines when it comes to permitting/council approvals for our Major Events of the year. Often the “message” of the show is developed fairly close to an event, and it is only through the diligence of the combined efforts of Mattel and El Segundo Planning department that gets these banners permitted in time, too often just under the wire and after great stress. And so, at the suggestion of El Segundo Planning and Building Safety, we are seeking this adjustment to make the process smoother on a yearly basis, as the theme changes each Toy Fair.

Regards,

Charlie Anderson
Mattel, Inc.
Manager, World Wide Trade Show Services
310.252.3917
MATERIAL:
PRINTED ON FIRE RESISTANT MESH VALMEX WITH GROMMETS EVERY 24" APART.

ATTACHMENT TO BUILDING:
REPLACEMENT / INSTALLATION OF THE BANNERS ON TO THE PARKING STRUCTURE USING EXISTING RIG IN ACCORDANCE TO THE APPROVED DRAWINGS.

ACTUAL BANNER SIZE:
14'-0" X 36'-0" EACH

INSTALLATION:
APPROX. 4 HOURS

BANNER WEIGHT:
APPROX. 8 LBS EACH.

GROMMETS
EVERY 24" APART

1/16" STEEL CABLE

1/8" STEEL CABLE

2'-0"

3'-0" 1/2" TYP.

FIRE RESISTANT MESH BY: VALMEX MFR TESTS-0500 SEE EXHIBIT "A"

5/16"X4" LAG THREAD SCREW EYE @ 4'-0" O.C.

(Ε) 20" CONC. WALL

3/8"X2-1/4" ANCHOR @ 4'-0" O.C.

SCREW EYE AND ANCHOR DETAIL 1/A1

CONNECTION DETAIL 2/A1

SOUTH ELEVATION

ESTF09 CITY SUBMITTALS
MATTEL PARKING STRUCTURE BANNER

APPROVED: 00.00.00
REVISED: 09.29.08
AGENDA DESCRIPTION:
Consideration and possible action regarding approval of a revised Class Specification for the classification of Street Maintenance Leadworker and approval of examination plans for Street Maintenance Leadworker and Wastewater Maintenance Worker I/II. Fiscal Impact: None.

RECOMMENDED COUNCIL ACTION:
1. Approve the proposed Class Specification for Street Maintenance Leadworker.
2. Approve the proposed Examination Plans.
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

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>
</tr>
</tbody>
</table>

Account Number(s):

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

BACKGROUND AND DISCUSSION:
In anticipation of the recruitment, testing and selection process to fill vacancies in the Public Works Department, staff has determined the need to revise the Street Maintenance Leadworker class specification and examination plans for Street Maintenance Leadworker and Wastewater Maintenance Worker I/II.

The Street Maintenance Leadworker class specification was last revised in October 2007, when the classification title changed from Public Works Maintenance Leadworker to Street Maintenance Leadworker. At the time, the City required applicants to complete a Construction Work Zone Certification Program sanctioned by the American Public Works Association. We have since learned this Program is no longer in existence therefore, this requirement should be deleted from the class specification. Additionally, an examination plan for Street Maintenance Leadworker is requested for approval, as it was not submitted at the time of the classification title change. An updated examination plan is also being submitted for Wastewater Maintenance Worker I/II to allow posting on an open-competitive and/or closed-promotional basis.
Examination Plans

1. **Street Maintenance Leadworker**  
   - Structured Technical and Career Preparation Interview
   Open-Competitive  
   Closed-Promotional  
   100%

2. **Wastewater Maintenance Worker I/II**  
   - Written Examination  
   - Structured Technical and Career Preparation Interview
   Open-Competitive  
   Closed-Promotional  
   Pass/Fail  
   100%

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

For departments other than Police and Fire, the plan may consist of any one or combination of the following techniques:
1. Written;
2. Oral;
3. Demonstration; and
4. Any evaluation of education, experience, or skills or physical fitness, which fairly 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.
Street Maintenance Leadworker

Definition: Under general supervision, plans, coordinates and leads a work crew and participates in the installation, maintenance, repair and upkeep of City public works including streets, street painting and non-electric signage.

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:

Positions in this classification typically perform a full range of duties at a level of complexity represented by the following types of responsibilities:

Performs all work activities of assigned public works crew(s).

Identifies and prioritizes work, schedules and assigns work, evaluates progress and oversees work; arranges with contractors to perform contracted work; may inspect work performed by contract crews.

May inspect and troubleshoot systems of assigned function for public works projects and private developments; may approve and sign off on completed, technically correct work indicating conformance to specifications and code requirements.

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

Responds to service requests, issues of regulatory compliance and complaints from the public; responds to emergency calls from the public and other agencies, coordinating with other City staff as necessary; notifies customers of interruption of services; explains priorities, programs and policies to the public; provides appropriate follow-up.

Maintains records and writes reports.

Provides input on designated staff performance appraisals; assists in staff training; ensures work of crew is performed in a safe and efficient manner; trains work crew in the performance of work tasks and the proper and safe operation and maintenance of equipment.
Knowledge, Skills and Other Characteristics:

Knowledge of City rules, codes and regulations relating to assigned function.
Knowledge of the methods, materials and equipment used in assigned function.
Knowledge of the application, operation, maintenance and repair of tools and equipment used in assigned function.
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 basic principles of supervision.
Knowledge of principles and standards related to traffic delineation.

Skill reading and interpreting plans, specifications and drawings.
Skill performing skilled and semi-skilled public works construction and maintenance tasks.
Skill in operation and maintenance of equipment used in assigned function.
Skill effectively analyzing and responding to emergency situations.
Skill utilizing public relations techniques responding to inquiries and complaints.
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 90 pounds.

Licensing/Certification Requirements: A valid Class B California Driver’s license.

Minimum Qualifications:

Graduation from high school or GED and three (3) years of progressively responsible experience in the construction, maintenance and servicing of construction or public works projects or a closely related area including some experience in a leadworker or similar capacity and training and experience with standard traffic delineation, or an equivalent combination of education and experience.
AGENDA DESCRIPTION:
Consideration and possible action to allow banners from the El Segundo High School Parent Teachers Association (PTA) to be hung over Main Street at no cost.
(Fiscal Impact: $178.00)

RECOMMENDED COUNCIL ACTION:
1. Approve the request from the El Segundo High School PTA regarding its banner.
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Letter from the Run for Education Committee

FISCAL IMPACT: Budget Adjustment Required
Amount Requested: $178.00 (requesting to be waived)
Additional Appropriation: No
Account Number(s):

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

BACKGROUND AND DISCUSSION:
The City of El Segundo has been approached by Ms. Beth Muraida, President of El Segundo High School PTA, requesting a fee waiver for the use of City banner poles on Main Street in front of the El Segundo High School. The banner, announcing the 5K Run/Walk to be held on March 28, 2009, would be hung from March 16 to 29, 2009.

The 5K Run/Walk is sponsored by the El Segundo Schools PTA. This is the major fundraiser event for all El Segundo PTAs and it is supported by the community, and businesses. Proceeds from this event is shared between schools and PTAs.

While the City does not have a formal banner policy, banners (and their location) are generally approved by the Public Works Department in accordance with El Segundo Municipal Code §15-18-12. Persons placing such banners must pay the City $178 for hanging and removing each banner. The El Segundo High School PTA is requesting that the City waive the fee in light of PTA’s community service. Waving such fees will be consistent with the City Council’s past action for nonprofit groups conducting events that benefit the community (e.g., Keep LA Running)
Jack Wayt
El Segundo City Manager
350 Main St.
El Segundo, Ca 90245

Dear Jack:

I am writing this letter to be placed in the “Consent Agenda” for Council meeting of March 3 or earlier.

Each year the PTAs of all the El Segundo schools join together and sponsor a 5K run/walk for the community, students, and outside individuals to participate. Also, a Kid’s Fun Run which is about ¼ mile around a part of the High School is held for children 5th grade and under. This is the 15th year for the Run/Walk for Education. This is the biggest fundraiser of all the combined schools and is really anticipated by much of El Segundo. The entire proceeds of the run is split between the schools to support PTA budgets, which as you know will be supporting even more the ESUSD with their budget nightmares.

The date of the race is Saturday, March 28 at 8am, and the committee is grateful for the City to have previously approved the use of El Segundo Streets, and Officers of the ESPD for assistance and guidance in traffic. We are requesting the fees associated with hanging the banner advertising the Run be waived, so that more profit may be achieved, and forwarded to the school sites. The Committee would like to approach the Council to present them with shirts of the run and complimentary registrations.

Please advise me as soon as Council has made their decision as to the hanging fees, so we can proceed with the application for the Banner to be hung. The dates requested for the banner are March 16-29 in front of the High School, which is where the race will begin and end. We look forward to a favorable decision by Council.

Sincerely,

Beth Muraida
ESHS PTA President
Member of The Run for Education Committee

Cc: Mishia Jennings
      Jenny Davies ES PTA Council President
AGENDA DESCRIPTION:

Consideration and possible action regarding approval of the Tree Musketeers Arbor Day 2009 event fee waiver for City-related fees, per municipal code section 8-8-7 D 1 (Fiscal Impact: $5660.00)

RECOMMENDED COUNCIL ACTION:

1) Approve the waiver of City-related fees per municipal code section 8-8-7 D 1;
2) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Letter of Request from the Tree Musketeers

FISCAL IMPACT: Included in Adopted Budget

Amount Budgeted: $
Additional Appropriation: N/A
Account Number(s): 001-400-3104-4103 ($900); 001-400-5210-4103 ($800); 001-400-2601-4103 ($800); 001-400-2601-5204 ($3160)

ORIGINATED BY: Judy Andoe, Superintendent, Recreation & Parks
REVIEWED BY: Bob Cummings, Director of Recreation & Parks
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

The Tree Musketeers have requested the City of El Segundo waive fees in order to coordinate and conduct their annual Arbor Day celebration on Saturday, March 7, 2009. Approximately 450 participants are expected to begin activities at 7:00 a.m. The event will culminate with a pizza lunch provided by Chevron and closing ceremonies. The event is scheduled to take place on the parkway and median islands of S. Hughes Way, east of Sepulveda Blvd., the planting strip in front of The Lakes Golf Course parking lot and in the sump pump area on the south side of Hughes Way.

The following services are requested from the City of El Segundo: The use of The Lakes Golf Course over-flow parking area, El Segundo Police Officers and RSVP volunteers for crowd control and traffic management, Public Works for street closures and posting on Hughes Way and use of the City Maintenance Yard to store supplies and to secure trash receptacles for recyclable trash, Parks crews assistance for transporting supplies, and various event coordination and delivery of portable stage, sound system and generator. The Tree Musketeers are also requesting El Segundo Fire Department to water trees after planting (circumstances permitting).

Coordination of this event has been scheduled with staff and all elements have been secured.
February 11, 2009

Jack Wayt
City Manager
City of El Segundo
350 Main St.
El Segundo, CA 90245

Dear Mr. Wayt,

Arbor Day 2009 will be March 7th and TREE MUSKETEERS is pleased to be coordinating this event with the City of El Segundo. The City Department of Recreation and Parks staff have identified a planting site for this year’s event: the parkway and median islands of S. Hughes Way east of Sepulveda Bl., the planting strip in front of The Lakes Golf Course parking lot and in the sump pump area on the south side of Hughes Way.

We expect approximately 450 participants and would like to begin setting up at 7 am on Saturday, March 7th for the event that will take place from 9 am-12 pm. The day will culminate with a pizza lunch provided by Chevron and a closing ceremony. The following services are requested from the City to ensure project success:

- Permission to use The Lakes over-flow parking area off of Hughes Way as a staging area for the event and to supplement street parking.
- RSVP and Police Officers to assist with crowd and traffic management.
- Closure of center lanes on Hughes Way from Sepulveda to the gated terminus (3 blocks) from 7 am to 1 pm.
- Permission to schedule deliveries of trees and materials to the City Maintenance Yard on Illinois St. during the week of March 1-7.
- Assistance with materials transfer (trees and stakes) from the Maintenance Yard to the project site on March 7th.
- 5-10 collection receptacles for recyclable trash.
- Portable stage, sound system & generator in parking lot staging area.
- Fire Department to water trees at or around 11 am March 7th (circumstances permitting).

Thank you for investing in a project that will beautify El Segundo, help combat global warming, and stimulate community involvement. We look forward to a great event.

Best regards,

Lynnette Kampe
Hometown Manager
AGENDA DESCRIPTION:
Consideration and possible action regarding introduction of an Ordinance and Adoption of a Resolution of Intention to Approve an Amendment to the contract between the Board of Administration of the California Public Employees Retirement System (CalPERS) and the El Segundo City Council providing Section 21548 (Pre-Retirement Option 2W Death Benefit) for the City’s local safety members. Fiscal Impact: Increase in the Total Employer Rate of 0.243%.

RECOMMENDED COUNCIL ACTION:
1. Introduce and waive the first reading of the Ordinance.
2. Adopt the Resolution of Intention.
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Ordinance
2. Resolution of Intention
3. CalPERS Exhibit - Amendment to Contract.

FISCAL IMPACT: Increase in the total employer rate of 0.243%.

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

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

BACKGROUND AND DISCUSSION:

On December 2, 2008, Council adopted a Resolution providing for salary and benefit changes to Chapter 1A2 (Management-Confidential Series) of the El Segundo Administrative Code.

On December 16, 2008, Council adopted Resolutions approving tentative agreements and entered into three-year Labor Agreements with the Police Officer’s Association, Firefighter’s Association, and Police Manager’s Association.

The changes to the Administrative Code and the three-year Labor Agreements included providing for amending the contract between the Board of Administration of the California Public Employees Retirement System (CalPERS) and the El Segundo City Council, providing for Section 21548 (Pre-Retirement Option 2W Death Benefit) for the City’s Local Safety Members. This benefit will be available to employees in the following job classifications:
- Police Chief, Fire Chief, Deputy Fire Chief, Battalion Chief
- Police Captain, Police Lieutenant
- Police Sergeant, Police Officer
- Fire Captain, Fire Engineer, Firefighter
- Environmental Safety Manager

Adoption of Ordinance No. 1416 on March 4, 2008 provided this benefit to the City’s miscellaneous (non-safety) PERS members.

Staff initiated the contract amendment process on January 6, 2009, by requesting that CalPERS prepare the required Actuarial Evaluation necessary to establish the cost of the benefit.

Reading of the Ordinance and Adoption of the Resolution of Intention is required by CalPERS in order to initiate the amendment to the contract.

Government Code Section 7507 requires that the future annual costs of the proposed contract amendment be made public at a public meeting at least two weeks prior to the Second Reading and Adoption of the Ordinance.

Government Code Section 20741 requires that there must be a 20-day period between the Adoption of the Resolution of Intention and Second Reading and Adoption of the Ordinance. Thus, if the Resolution of Intention is adopted at Council’s March 3, 2009 meeting, the Ordinance will be agendized for Final Reading and Adoption at the April 7, 2009 Council Meeting.

CalPERS recommends that the following contract amendment cost information be disclosed:

1.) Change in the Present Value of Benefits $349,758
2.) Change in the Accrued Liability $257,615
3.) Change in the Total Employer Rate 0.243%

CalPERS description of Section 21548 - Pre-Retirement Option 2W Death Benefit:

“The spouse or domestic partner of a deceased member, who was eligible to retire at time of death, may elect to receive the Pre-Retirement Option 2W Death Benefit in lieu of the lump sum Basic Death Benefit.

The benefit is a monthly allowance equal to the amount the member would have received if he/she had retired for service on the Date of Death and elected Option 2W, the highest monthly allowance a member can leave a spouse or domestic partner.”
ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN
THE CITY COUNCIL OF THE CITY OF EL SEGUNDO AND
THE BOARD OF ADMINISTRATION OF THE CALIFORNIA
PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

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

SECTION 1: The Attached Exhibit A, an amendment to the contract between the City Council of the City of El Segundo and the Board of Administration, California Public Employees' Retirement System, is approved and the Mayor is authorized to execute the amendment.

SECTION 2: 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 3: This Ordinance will be come effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this ____ day of __________, 2009.

__________________________________________
Kelly McDowell, Mayor
RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
CITY COUNCIL
CITY OF EL SEGUNDO

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to submit themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 21548 (Pre-Retirement Option 2W Death Benefit) for local Safety Members.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an “Exhibit” and by this reference made a part hereof.

By: __________________________
    Presiding Officer

______________________________
    Title

__________
Date adopted and approved

A. Paragraphs 1 through 13 are hereby stricken from said contract as executed effective April 12, 2008, and hereby replaced by the following paragraphs numbered 1 through 13 inclusive:

1. All words and terms used herein which are defined in the Public Employees’ Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members; age 55 for local fire members and age 50 for local police members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after October 1, 1943 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
   a. Local Fire Fighters (herein referred to as local safety members);
   b. Local Police Officers (herein referred to as local safety members);
   c. Employees other than local safety members (herein referred to as local miscellaneous members).

4. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

   **NO ADDITIONAL EXCLUSIONS**

5. Prior to January 1, 1975, those members who were hired by Public Agency on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.

6. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after July 1, 1956, the effective date of Social Security coverage, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).

7. The percentage of final compensation to be provided for each year of credited prior and current service as a local fire member shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full and Modified).
8. The percentage of final compensation to be provided for each year of credited prior and current service as a local police member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).

9. Public Agency elected and elects to be subject to the following optional provisions:
   a. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local safety members only.
   b. Section 21571 (Basic Level of 1959 Survivor Benefits) for local miscellaneous members only.
   c. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
   d. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
   e. Section 21024 (Military Service Credit as Public Service).
   f. Section 20042 (One-Year Final Compensation).
   g. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local safety members only.
   h. Section 21548 (Pre-Retirement Option 2W Death Benefit).

10. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

11. Public Agency shall also contribute to said Retirement System as follows:
   a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.
   b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

12. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

13. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the ______ day of ______________, ______.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF EL SEGUNDO

BY ____________________________ BY ____________________________
LORI MCGARTLAND, CHIEF EMPLOYER-SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
PRESIDING OFFICER

Witness Date
Attest:
Clerk