AGENDA
EL SEGUNDO CITY COUNCIL
COUNCIL CHAMBERS - 350 Main Street

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

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

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

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

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

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
WEDNESDAY, MAY 20, 2009 – 5:00 P.M.

Next Resolution # 4599
Next Ordinance # 1429

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:

1. Appointment of Jack Wayt (City Manager), Bob Hyland (Human Resources Director) and Deborah Cullen (Finance Director) to represent the City as labor negotiators of the Supervisory and Professional Employees’ Bargaining Unit.

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) -0- matter

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

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

CONFERENCE WITH CITY'S LABOR NEGOTIATOR (Gov't Code §54957.6): - 1- matters
1. Represented Group: Supervisory and Professional Employees' Bargaining Unit
   City’s Representatives: Jack Wayt (City Manager), Bob Hyland (Human Resources Director) and Deborah Cullen (Finance Director)

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 Recreation and Parks Commission, Planning Commission, Senior Housing Board, Library Board of Trustees and the Environmental Committee. [Note: the interviews will commence at approximately 5:30 p.m. and take place in the West Conference Room in City Hall]
AGENDA
EL SEGUNDO CITY COUNCIL
COUNCIL CHAMBERS - 350 Main Street

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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
WEDNESDAY, MAY 20, 2009 - 7:00 P.M.

Next Resolution # 4599
Next Ordinance # 1429

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Pastor Scott Tannehill, El Segundo Foursquare Church

PLEDGE OF ALLEGIANCE – Council Member Bill Fisher
PRESENTATIONS

a. Proclamation for Sue Carter, Woman of the Year.

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)

1. Consideration and possible action (Public Hearing) regarding the introduction and first reading of an Ordinance amending the Downtown Specific Plan regarding temporary and permanent outdoor dining and retail uses, permit fee parking, and establishing a payment program and procedures for making parking in-lieu fee payments within the Downtown Specific Plan area (Fiscal Impact: None)

Recommendation – (1) Open Public Hearing; (2) Discussion; (3) Introduce and waive first reading of an Ordinance amending the Downtown Specific Plan; (4) Schedule second reading and adoption of the Ordinance on June 2, 2009; (5) Adopt a resolution authorizing the City Manager to establish payment plans for persons seeking to pay the parking in-lieu fee within the Downtown Specific Plan area; (6) Alternatively, discuss and take other possible action related to this item.

C. UNFINISHED BUSINESS
D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

2. Consideration and possible action regarding the announcement of the appointment of candidates of the Recreation and Parks Commission, Planning Commission, Library Board of Trustees, Senior Citizen Housing Corporation Board and Environmental Committee. (Fiscal Impact: None)
Recommendation – (1) Announce the appointees to the Recreation and Parks Commission, Planning Commission, Library Board of Trustees, Senior Citizen Housing Corporation Board and Environmental Committee, 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.

3. Warrant Numbers 2571532 to 2571784 on Register No. 15 in the total amount of $956,912.99 and Wire Transfers from 04/24/09 through 05/07/09 in the total amount of $1,262,957.89.
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.

5. Consideration and possible action regarding participating in the federal stimulus energy efficiency project grant funding program sponsored by the South Bay Cities Council of Governments by signing a Memorandum of Participation. (Fiscal Impact: None)
Recommendation – (1) Authorize the City Manager to execute a Memorandum of Participation in a form approved by the City Attorney with the South Bay City Council of Governments (SBCCOG); (2) Alternatively, discuss and take other action related to this item.
6. Consideration and possible action regarding the Adoption of Plans and Specifications and authorization to advertise for bid the construction of the Washington Park Irrigation Improvements and transfer $29,961 in Transportation Development Act (TDA) Grant Funds to this project – Project No. PW 08-08. (Fiscal Impact: $193,546)
Recommendation – (1) Adopt Plans and Specifications; (2) Authorize staff to advertise the project for receipt of construction bids; (3) Transfer Transportation Development Act TDA Grant funds in the amount of $29,961 from account 118-400-8203-8604; (4) Alternatively, discuss and take other action related to this item.

7. Consideration and possible action regarding acceptance of the project to install an Enhanced Vapor Recovery (EVR) system at the fueling station located at the City Maintenance Yard (150 Illinois Street) Project No.: PW 08-16 (Fiscal Impact: $65,975)
Recommendation – (1) Accept the work as complete; (2) Authorize the City Clerk to file a Notice of Completion in the County Recorder’s Office; (3) Alternatively, discuss and take other action related to this item.

8. Consideration and possible action regarding adoption of a Resolution of the City Council authorizing the City Manager and Police Chief to apply for, accept and expend grant monies from the U.S. Department of Justice on upgrades for existing online crime reporting system and police facility surveillance video. (Fiscal Impact: $15,119 from Byrne JAG Funds)
Recommendation – (1) Adopt Resolution authorizing the City Manager and Police Chief to apply for, accept and expend grant monies from the Department of Justice; (2) Alternatively, discuss and take other action related to this item.

9. Consideration and possible action on the awarding of RFP # 09-07 (Police Uniforms and Accessories) to the two most responsive bidders, and authorize the City Manager to execute three (3) year agreements with a renewal option for each of an additional three (3) year period, for a maximum total contract length of six (6) years. (Fiscal Impact: Included in adopted budget)
Recommendation – (1) Award three year contracts to Galls Uniforms and Carmen's Uniforms for use as the police department's primary suppliers of uniforms and accessories; (2) Authorize the City Manager to exercise the renewal option for each contract of an additional three year period if in the City's best interest; (3) Alternatively, discuss and take other action related to this item.
10. Consideration and possible action regarding award of contract to Professional Building Contractors, Inc. for construction related to Group 31 (23 homes) of the City's Residential Sound Insulation Program (RSI 09-06). (Fiscal impact: $854,071)

Recommendation – (1) Reject Bid submitted by S&L Specialty Contracting, Inc.; (2) Waive a minor bid irregularity and award contract to Professional Building Contractors, Inc.; (3) Authorize the City Manager to execute a contract in a form approved by the City Attorney; (4) Alternatively, discuss and take other action related to this item.

11. Consideration and possible action regarding awarding a contract to Professional Building Contractors, Inc. for construction related to Group 34 (23 homes) of the City's Residential Sound Insulation Program (Project No. RSI 09-04). (Estimated construction costs and retention: $739,710)

Recommendation – (1) Reject Bid submitted by S&L Specialty Contracting, Inc.; (2) Award a contract to Professional Building Contractors, Inc. for construction related to Group 34 of the Residential Sound Insulation Program; (3) Authorize the City Manager to execute a contract in a form approved by the City Attorney; (4) Alternatively discuss and take other action related to this item.

12. Consideration and possible action regarding award of contract to Professional Building Contractors, Inc. for construction related to Group 35 (23 homes) of the City's Residential Sound Insulation Program (RSI 09-08). (Fiscal impact: $699,435)

Recommendation – (1) Reject Bid submitted by California Averland Construction, Inc.; (2) Reject Bid submitted by S&L Specialty Contracting, Inc.; (3) Award a contract to Professional Building Contractors, Inc. for construction related to Group 35 of the Residential Sound Insulation Program; (4) Authorize the City Manager to execute a contract in a form approved by the City Attorney; (5) Alternatively discuss and take other action related to this item.

13. Consideration and possible action to approve a maintenance agreement between the City of El Segundo and Thomas Properties Group, Inc. for sanitary sewer, water and storm drain facilities located between Mariposa Avenue, Nash Street, Atwood Way and Douglas Street. (Fiscal Impact: None)

Recommendation – (1) Approve the attached Maintenance Agreement in a form as approved by the City Attorney for maintenance of sanitary sewer, water and storm drain facilities located between Mariposa Avenue, Nash Street, Atwood Way and Douglas Street; (2) Authorize the City Manager to execute the Agreement; and (3) Alternatively discuss and take other action related to this item.
CALL ITEMS FROM CONSENT AGENDA

F. NEW BUSINESS

14. Consideration and possible action regarding the presentation of fiscal year 2008-2009 Midyear Financial Review and approval of fiscal year 2009-2010 Budget Calendar. (Fiscal Impact: None)

Recommendation – (1) Receive and file FY 2008-2009 Midyear Financial staff report; (2) Direct staff to proceed with Fiscal Year 2009-2010 Budget Calendar; (3) Alternatively discuss and take other action related to this item.

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY

I. REPORTS – CITY CLERK

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Brann –

Council Member Fisher –

Council Member Jacobson –

Mayor Pro Tem Busch –

Mayor McDowell –
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MEMORIALS –

CLOSED SESSION

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

REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)

ADJOURNMENT

POSTED:

DATE: 5-13-09
TIME: 4:00 p.m.
NAME: [Signature]
Proclamation

City of El Segundo, California

WHEREAS, Switzer Learning Center, located in Torrance, California, was founded in 1966 as a special education school for children challenged with severe learning, social or emotional disabilities, and each year the Switzer Center honors women who make a difference in the lives of individuals, for their company or within their communities. Sue Carter is one of this year’s Switzer Learning Center honorees as “South Bay Women of the Year”; and

WHEREAS, Sue Carter has been the President of the Friends of the El Segundo Public Library for 19 years. Sue started off her volunteer career at the Library with a bang by initiating a “Funds for Furnishings” campaign to furnish the remodeled facility during our Library Expansion project. Overall Sue acquired $68,000 in donations from large corporate sponsors and private citizens, with the City of El Segundo matching those funds to complete the furnishings. A local History Room, a Chevron USA Literacy Room, an Allied Signal Photo Copy Room and a Matsui International Meeting Room were a few of the rooms she was able to complete with the donations she obtained; and

WHEREAS, over the past two years, Sue has brought in large corporate and merchant donations. In corporation with the PTA, and over a 16 year period, Sue has led the Friends to supply over $100,000 in books for the four school libraries, which the public library administers. A large part of that sum was a “Bucks for Books” campaign in which she raised a core collection of 16,000 books for a new Richmond Street Elementary School in 2001; and

WHEREAS, Sue started the Friends of the Library Historical Committee in the mid-90’s, which has organized and acquired hundreds of archival photos, high school yearbooks and clipping files. In 2007, the committee purchased a $15,000 digital database to scan, preserve and maintain the City’s archival materials. The Historical Committee also assists class reunion groups, local businesses in photo selections. She has also headed a project to contribute $4,500 to replace the salt water aquarium in the children’s area; and

NOW, THEREFORE, on this 20th day of May, 2009, the Mayor and Members of the City Council of the City of El Segundo, California, hereby take great honor in congratulating Sue Carter “South Bay Woman of the Year” and commend her for her dedication in making a difference in our community.

Mayor Kelly McDowell

Mayor Pro Tem Eric H. Busch
Council Member Carl Jaconson
Council Member Bill Fisher
Council Member Dan Brown
AGENDA DESCRIPTION:
Consideration and possible action (Public Hearing) regarding the introduction and first reading of an Ordinance amending the Downtown Specific Plan regarding temporary and permanent outdoor dining and retail uses, permit fee parking, and establishing a payment program and procedures for making parking in-lieu fee payments within the Downtown Specific Plan area (Fiscal Impact: None).

RECOMMENDED COUNCIL ACTION:
1. Open Public Hearing;
2. Discussion;
3. Introduce and waive first reading of an Ordinance amending the Downtown Specific Plan;
4. Schedule second reading and adoption of the Ordinance on June 2, 2009;
5. Adopt a resolution authorizing the City Manager to establish payment plans for persons seeking to pay the parking in-lieu fee within the Downtown Specific Plan area; and/or
6. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Draft Ordinance
2. Draft Resolution
3. Downtown Specific Plan Map
4. Planning Commission Staff Report Dated April 23, 2009 and Attachments
5. Draft Planning Commission Minutes

FISCAL IMPACT: None

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

BACKGROUND AND DISCUSSION:

I. Background

In 2003, the City Council took several actions to assist property owners within the Downtown Specific Plan ("DSP") area meet the City’s parking requirements. Specifically, the City Council amended the DSP to give property owners a choice between providing parking spaces or paying a fee in-lieu of parking spaces. The Council
took this action recognizing that the DSP area has insufficient parking and because the City’s lease of a parking structure ("Parking Structure") from 612 Twin Holdings, LLC provided additional parking within the DSP area. An independent study determined that the cost of providing parking spaces in a parking structure was $37,693, and therefore, supported an in-lieu fee amount of $37,693 per parking space. The City Council, however, chose to set the initial fees at $17,500 per space (after reduction to $12,500 per space for a limited time period).

Few property owners have opted to pay the in-lieu parking fee since it became available in 2003. Fourteen parking spaces have been sold to date. However, some property owners expressed interest in paying the in-lieu fees over a period of time and/or entering into lease agreements with the City to acquire off-site parking within the Parking Structure. In addition, some property owners expressed interest in leasing parking spaces for limited times to accommodate temporary outdoor uses, such as retail uses and outdoor dining at restaurants.

After considering the matter, the Downtown Specific Plan sub-committee determined that approving the proposed Specific Plan Amendment and Zone Text Amendment would help maintain and support businesses within the DSP by authorizing repayment plans for parking in-lieu fees for a period up to 20 years and parking space leasing plans for limited periods of time to be paid on a monthly basis to address parking for temporary uses. Additionally, the subcommittee recommends a Specific Plan and Zone Text Amendment to create standards for temporary and permanent outdoor uses, including retail sales and outdoor dining.

The following applications are proposed:

1) **Environmental Assessment No. 834 (EA No. 834)** – The proposed project is exempt from the provisions of CEQA pursuant to CEQA Guideline § 15273 - Rates, Tolls, Fares, and Charges, § 15305 – Minor Alterations in Land Use Limitations, and § 15311 – Accessory Structures.

2) **Specific Plan Amendment No. 09-01** – A Specific Plan Amendment is required to set terms for permit fee parking, and establish procedures for making parking in-lieu fee payments (See Attachment 1, 2 and 5).

3) **Zone Text Amendment No. 09-01** – A Zone Text Amendment to create standards for temporary and permanent outdoor uses, including retail sales and outdoor dining (See Attachment 1).

**II. Analysis**

**Project Description**

The proposed amendment to the DSP has three specific goals:

1. To modify and establish new permitted uses in the DSP. The amendment proposes to allow "Temporary Outdoor Retail Sale Events" and "Temporary
Outdoor Dining and Outdoor Dining" uses. The DSP currently allows permanent outdoor uses such as dining, gathering areas, newsstands and coffee carts, but it does not specifically allow outdoor temporary retail uses and temporary outdoor dining. This amendment would create temporary permitted uses in all six districts of the DSP. The DSP’s Definitions section would be amended to include definitions for “Temporary Outdoor Retail Sale Events” and “Temporary Outdoor Dining and Outdoor Dining” uses.

2. To allow payment of the in-lieu fee for the purchase of parking over a period of time as an alternative to paying the parking in-lieu fee as a single payment up front before initiating the use. The City currently charges a flat fee of $17,500 per space. This amendment to the DSP would allow property owners or businesses to pay the in-lieu fee over a period of time, not to exceed twenty (20) years.

3. To allow the leasing of parking spaces from the City Parking Structure for limited periods of time to accommodate temporary uses or expansions of businesses. The leasing provision would accommodate retail businesses that wish to display their products outdoors on public and private property (including in private parking areas) for the purpose of daily or weekend sales. This provision would also accommodate restaurants that may wish to provide outdoor seating for their patrons, but only for certain times of the year for a limited duration. For example, a restaurant may wish to provide outdoor dining only during the summer months.

The intent of all three changes is to make parking more available, flexible and affordable for downtown businesses.

Draft procedures for Temporary Outdoor Retail or Dining

To aid with the implementation of these amendments to the DSP, City staff will set in place specific procedures for paying the in-lieu fee and leasing parking spaces from the City Parking Structure. A brief description of these procedures is outlined below.

For temporary outdoor uses:
- The property owner or representative would submit plans and information regarding the use or event.
- Staff would review the plans to ensure that all relevant codes (zoning, building, and fire) are adhered to.
- The property owner or representative would pay either a one-time in-lieu fee or enter into a lease agreement to pay on a pro-rated basis for a specified period of time.

For permanent expansions or outdoor uses:
- The property owner or representative would have to apply for and obtain all necessary permits (building, electrical, mechanical, plumbing) as applicable.
- The property owner or representative would submit plans and information regarding the use or event.
- Staff would review the plans to ensure that they adhered to all relevant codes (zoning, building, and fire).
- The property owner or representative would pay either a one-time in-lieu fee or enter into an agreement with the City to pay on a pro-rated basis for a specified period of time up to twenty years.

**General Plan and Specific Plan Consistency**

As required under Government Code § 65454 the City Council must find that the proposed amendment of the Downtown Specific Plan is consistent with the City's General Plan. Staff believes that the City Council can make the required findings of approval, which are included in the attached Ordinance (Attachment 1).

In summary, the proposed amendment is consistent with the General Plan land use designation for the project area, which is Downtown Specific Plan. In addition, the amendment is consistent with the General Plan Goals, Policies and Objectives in its Land Use and Economic Development Elements.

**Environmental Review**

The proposed project is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, et seq.; “CEQA”) and CEQA regulations (Cal. Code Regs. Title 14, §§ 15000, et seq.) because it establishes, structures, and approves rates and charges to obtain funds for capital projects needed to maintain service within existing service areas, and is therefore categorically exempt from further CEQA review under CEQA Regulations § 15273. Further, the proposed project is categorically exempt pursuant to CEQA Regulations § 15305 as a Class 5 categorical exemption (Minor Alterations In Land Use Limitations) and pursuant to CEQA Regulations § 15311 as a Class 11 categorical exemption (Accessory Structures). The proposed project does not result in significant changes in land use or density and only involves the placement and use of permanent and temporary accessory structures, such as fencing, tables, chairs, umbrellas, and mobile sales units. The project is not anticipated to have any significant impacts on traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

**Planning Commission Action**

At its April 23, 2009 meeting, the Planning Commission reviewed the matter, considered the public testimony, and recommended to the City Council the approval of Environmental Assessment No. EA-834, Specific Plan Amendment No. 09-01, and Zone Text Amendment No. 09-01. The Commissioners’ comments are provided in the attached draft meeting minutes (Attachment 4).

**III. Recommendation**

Staff recommends: 1) that the City Council introduce the attached draft Ordinance to amend the Downtown Specific Plan, and 2) that the City Council adopt the draft Resolution approving Environmental Assessment No. EA-834 and Specific Plan Amendment No. 09-01. Second reading and adoption of the Ordinance would occur on June 2, 2009.
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE DOWNTOWN SPECIFIC PLAN REGARDING TEMPORARY AND PERMANENT OUTDOOR USES, PERMIT FEE PARKING AND ESTABLISHING PROCEDURES FOR MAKING PARKING IN-LIEU FEE PAYMENTS.

(SPECIFIC PLAN AMENDMENT NO. 09-01 AND ZONE TEXT AMENDMENT NO. 09-01)

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

SECTION 1: The Council finds and declares as follows:

A. On March 30, 2009, the City initiated the process to amend Downtown Specific Plan (DSP) regarding temporary and permanent outdoor uses, use of permit fee parking for temporary uses, and amending the City's existing parking in-lieu fee program. The application was reviewed by the City's Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the El Segundo Municipal Code ("ESMC");

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

C. The Planning and Building Safety Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for April 23, 2009;

D. On April 23, 2009, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the Planning Commission by city staff; and, adopted Resolution No. 2654 recommending that the City Council approve the proposed project;

E. On May ____, 2009, the City Council held a public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided
to the City Council by Planning and Building Safety Department, and adopted Resolution No. ____ approving Environmental Assessment No. 834 for Specific Plan Amendment No. 09-01; Zone Text Amendment No. 09-01; and,

SECTION 2: Specific Plan Findings. After considering the above facts, the City Council finds as follows:

A. The General Plan Land use designation for the project is Downtown Specific Plan.

B. The proposed amendment to the Downtown Specific Plan is consistent with the General Plan land use designation for the properties involved.

C. The proposed amendment to expand and allow temporary and permanent outdoor uses, use of permit fee parking for temporary uses, and allow payment plans for the existing parking in-lieu fee would further General Plan goals, objectives, and policies to preserve and maintain the City's downtown (Objective LU1-4), help create an integrated, complimentary, and attractive multi-use downtown (Objective LU 4-2), and would revitalize and upgrade commercial areas (Policy LU-4-2.1) by creating the opportunity for growth in the downtown area.

D. This amendment could facilitate additional outdoor retail sales and dining in the DSP area and the construction of additional floor area in the DSP that is already permitted to occur by providing a mechanism for paying a parking in-lieu fee over a period of time.

SECTION 3: Approvals. The Council amends the following provisions of the DSP:

Chapter VI of the Downtown Specific Plan to read as follows:

VI. DEVELOPMENT STANDARDS

A. Main Street District – (300-400 Blocks Main Street)

* * *

2. Permitted Uses
a. First floor street-front level, with a minimum building depth of 25 feet:
   i. Retail sales and services
   ii. Restaurants
   iii. Recreational uses
   iv. Governmental offices
   v. Banks, not to exceed 500 square feet
   vi. General offices
   vii. Medical-dental offices
   viii. Outdoor retail uses including dining, gathering areas, (such as outdoor party areas), such as newsstands, coffee carts and flower stands, up to 200 square feet in area, subject to design review and conformance with Section 20.12.190, Outdoor Dining Areas, of the El Segundo Municipal Code; greater than 200 square feet, also subject to an Administrative Use Permit
   ix. Other similar pedestrian oriented retail-service uses and offices approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

b. Above and behind street-front level, and adjacent to alleys:
   i. All uses listed above in a.
   ii. Clubs and halls
   iii. Schools
   iv. Theaters
   v. Banks
   vi. Other similar uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

3. Permitted Accessory Uses-
   a. Any use customarily incidental to a permitted use

d. Temporary Outdoor Retail Sales Events

e. Temporary Outdoor Dining and Outdoor Dining, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor Dining Areas.

d. Other similar accessory uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration.

4. Uses Subject to an Administrative Use Permit - (Chapter 20.7215-22 of the El Segundo Municipal Code)

a. On-site sale and consumption of alcohol at restaurants

c. Off-site sale of alcohol at retail establishments

d. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, over 200 square feet in area, subject to design review and conformance with Section 20.12.190, Outdoor Dining Areas, of the El Segundo Municipal Code.

e. Video arcades with three or fewer machines.

f. Other similar uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration.

* * *

B. Main Street Transitional District - (100-200 & 500 Blocks Main Street)

* * *

2. Permitted Uses-

a. Retail sales and services

b. Restaurants

c. Recreational uses

d. Governmental offices
e. General offices
f. Medical-dental offices
g. Clubs and halls
h. Schools
i. Theaters
j. Banks
k. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, up to 200 square feet in area, subject to design review and conformance with Section 20.12.180, Outdoor Dining Areas, of the El Segundo Municipal Code; greater than 200 square feet, also subject to an Administrative Use Permit
l. Other similar uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

3. Permitted Accessory Uses-

a. Any use customarily incidental to a permitted use
c. Indoor entertainment, dancing, and amplified sound, subject to conformance with Chapter 5.36, Compliance with El Segundo Municipal Code Chapter 4-8, Entertainment Regulations, and Chapter 9-067-2, Noise and Vibration Regulations, of the El Segundo Municipal Code
d. Temporary Outdoor Retail Sales Events
e. Temporary Outdoor Dining and Outdoor Dining, subject to design review and compliance with Section 15-2-16, Outdoor Dining Areas, of the El Segundo Municipal Code
f. Other similar accessory uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

4. Uses Subject to an Administrative Use Permit - (Chapter 20.7215-22 of the El Segundo Municipal Code)
a. On-site sale and consumption of alcohol at restaurants

b. Off-site sale of alcohol at retail establishments

c. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, over 200 square feet in area, subject to design review and conformance with Section 20.12.190, Outdoor Dining Areas, of the El Segundo Municipal Code

d. Video arcades with three or fewer machines

e. Other similar uses approved by the Director of Community, Economic and Development Services, Planning and Building Safety, as provided by Section V., Administration

* * *

C. Richmond Street District - (100-200 Blocks Richmond Street)

* * *

2. Permitted Uses-

a. Retail sales and services

b. Restaurants

c. Recreational uses

d. Governmental offices

e. General Offices

f. Medical-dental offices

g. Clubs and halls

h. Schools

i. Theaters

j. Banks

k. Bed and Breakfast Hotels

l. Artist and design studios

m. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, up to 200 square feet in area, subject to design review and conformance with Section 20.12.190, Outdoor Dining Areas, of the El Segundo Municipal
Code; greater than 200 square feet, also subject to an Administrative Use Permit.

n. Other similar uses, approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

3. Permitted Accessory Uses-

a. Any use customarily incidental to a permitted use


c. Indoor entertainment, dancing, and amplified sound, subject to conformance with Chapter 5.36, compliance with El Segundo Municipal Code Chapter 4-8, Entertainment Regulations, and Chapter 9.067-2, Noise and Vibration Regulations, of the El Segundo Municipal Code

d. Temporary Outdoor Retail Sales Events

e. Temporary Outdoor Dining and Outdoor Dining, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor Dining Areas.

e. Other similar accessory uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

4. Uses Subject to an Administrative Use Permit - (Chapter 20-7215-22 of the El Segundo Municipal Code)

a. On-site sale and consumption of alcohol at restaurants

b. Off-site sale of alcohol at retail establishments

c. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, over 200 square feet in area, subject to design review and conformance with Section 20.12.190, Outdoor Dining Areas, of the El Segundo Municipal Code

d. Video arcades with three or fewer machines

e. Other similar uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

*   *   *
D. North Richmond Street District – (300 Block west side Richmond Street)

* * *

2. Permitted Uses-
   a. Retail sales and services
   b. Restaurants
   c. Recreational uses
   d. Governmental offices
   e. General offices
   f. Medical-dental offices
   g. Clubs and halls
   h. Schools
   i. Theaters
   j. Banks
   k. Bed and Breakfast hotels
   l. Artists and design studios
   m. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, up to 200 square feet in area, subject to design review and conformance with Section 20.12.190, Outdoor Dining Areas, of the El Segundo Municipal Code; greater than 200 square feet, also subject to an Administrative Use Permit
   n. Other similar uses, approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

3. Permitted Accessory Uses-
   a. Any use customarily incidental to a permitted use
   c. Indoor entertainment, dancing, and amplified sound, subject to conformance with Chapter 5.36 compliance with El Segundo Municipal Code Chapter 4-8, Entertainment Regulations, and Chapter 9.067-2,
Noise and Vibration Regulations of the El Segundo Municipal Code

d. Temporary Outdoor Retail Sales Events

e. Temporary Outdoor Dining and Outdoor Dining, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor Dining Areas

d. Other similar accessory uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

4. Uses Subject to an Administrative Use Permit - (Chapter 20.7215-22 of the El Segundo Municipal Code)

a. On-site sale and consumption of alcohol at restaurants

b. Off-site sale of alcohol at retail establishments

c. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, over 200 square feet in area, subject to design review and conformance with Section 20.12.690, Outdoor Dining Areas, of the El Segundo Municipal Code

d. Video arcades with three or fewer machines

e. Other similar uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

*   *   *

E. Grand Avenue District- (300 Block east side Richmond Street-former Ralph’s market and adjacent lots)

*   *   *

2. Permitted Uses-

a. First floor street-front level and adjacent to pedestrian access ways, including internal access ways, with a minimum building depth of 25 feet:

   i. Retail sales and services

   ii. Restaurants

   iii. Recreational uses

   iv. Governmental offices

   v. Banks, not to exceed 500 square feet
vi. General offices

vii. Medical-dental offices

viii. Bed and breakfast hotel

ix. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, up to 200 square feet in area, subject to design review and conformance with Section 20.12.190, Outdoor Dining Areas, of the El Segundo Municipal Code; greater than 200 square feet, also subject to an Administrative Use Permit

x. Other similar pedestrian oriented retail-service uses and offices, approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

b. Above and behind street-front level, and adjacent to alleys:

i. All uses listed above in a.

ii. Clubs and halls

iii. Schools and daycare

iv. Theaters

v. Banks

vi. Other similar uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

3. Permitted Accessory Uses-

a. Any use customarily incidental to a permitted use


c. Indoor entertainment, dancing, and amplified sound, subject to conformance with Chapter 5.36, compliance with El Segundo Municipal Code Chapter 4-8, Entertainment Regulations, and Chapter 9.067-2, Noise and Vibration Regulations, of the El Segundo Municipal Code

d. Temporary Outdoor Retail Sales Events

e. Temporary Outdoor Dining and Outdoor Dining, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor
Dining Areas

d. Other similar accessory uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

4. Uses Subject to an Administrative Use Permit - (Chapter 20.7215-22 of the El Segundo Municipal Code)

a. On-site sale and consumption of alcohol at restaurants

b. Off-site sale of alcohol at retail establishments

c. Outdoor retail uses including dining, gathering areas (such as outdoor party areas) such as newsstands, coffee carts and flower stands, over 200 square feet in area, subject to design review and conformance with Section 20.12.190, Outdoor Dining Areas, of the El Segundo Municipal Code

d. Video arcades with three or fewer machines

e. Other similar uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

F. West Grand Avenue Transitional District - (North 200 Block of West Grand Avenue between Concord Street and the alley west of Richmond Street)

2. Permitted Uses-

a. First floor street-front level, with a minimum building depth of 25 feet:
   
   i. Retail sales and services
   
   ii. Restaurants
   
   iii. Recreational uses
   
   iv. Government offices
   
   v. Banks
   
   vi. General offices
   
   vii. Medical-dental offices
   
   viii. Clubs and halls
ix. Theaters

x. Schools

xi. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, up to 200 square feet in area, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor Dining Areas. Outdoor uses that are greater than 200 square feet also require an Administrative Use Permit.

xii. Other similar pedestrian oriented retail-service uses and offices approved by the Director of Planning and Building Safety, as provided by Section V., Administration.

b. Above street-front level:

i. All uses listed above in subsection (a).

ii. Business tenant/owner-occupied residential units.

iii. Other similar uses approved by the Director of Planning and Building Safety, as provided by Section V., Administration.

3. Permitted Accessory Uses-

a. Any use customarily incidental to a permitted use

b. Outdoor storage, subject to compliance with El Segundo Municipal Code § 15-2-8, Screening

c. Indoor entertainment, dancing, and amplified sound, subject to compliance with El Segundo Municipal Code Chapter 4-8, Entertainment Regulations, and Chapter 7-2, Noise and Vibration Regulations

d. **Temporary Outdoor Retail Sales Events**

e. **Temporary Outdoor Dining and Outdoor Dining, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor Dining Areas**

   ef. Other similar accessory uses approved by the Director of Planning and Building Safety, as provided by Section V., Administration

4. Uses Subject to an Administrative Use Permit - (El Segundo Municipal Code Chapter 15-22)

a. On-site sale and consumption of alcohol at restaurants

b. Off-site sale of alcohol at retail establishments

c. Outdoor retail uses including dining, gathering areas (such as outdoor
party areas), such as newsstands, coffee carts and flower stands, over 200 square feet in area, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor-Dining Areas.

d. Video arcades with three or fewer machines

e. Other similar uses approved by the Director of Planning and Building Safety, as provided by Section V., Administration

*   *   *

G. West Grand Avenue Transitional District- (South 200 Block of West Grand Avenue between Concord Street and the alley west of Richmond Street)

*   *   *

2. Permitted Uses-

a. First floor street-front level, with a minimum building depth of 25 feet:

   i. Retail sales and services

   ii. Restaurants

   iii. Recreational uses

   iv. Government offices

   v. General offices

   vi. Medical-dental offices

   vii. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, up to 200 square feet in area, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor-Dining Areas. Outdoor uses that are greater than 200 square feet also require an Administrative Use Permit.

   viii. Other similar pedestrian oriented retail-service uses and offices approved by the Director of Planning and Building Safety, as provided by Section V., Administration.

b. Above street-front level:

   i. All uses listed above in subsection (a).

   ii. Business tenant/owner-occupied residential units.

   iii. Other similar uses approved by the Director of Planning and Building Safety, as provided by Section V., Administration.

3. Permitted Accessory Uses-
a. Any use customarily incidental to a permitted use

b. Outdoor storage, subject to compliance with El Segundo Municipal Code §
15-2-8, Screening

c. Indoor entertainment, dancing, and amplified sound, subject to compliance
with El Segundo Municipal Code Chapter 4-8, Entertainment Regulations,
and Chapter 7-2, Noise and Vibration Regulations

d. Temporary Outdoor Retail Sales Events

e. Temporary Outdoor Dining and Outdoor Dining, subject to design review
and compliance with El Segundo Municipal Code § 15-2-16, Outdoor
Dining Areas

d. Other similar accessory uses approved by the Director of Planning and
Building Safety, as provided by Section V., Administration

4. Uses Subject to an Administrative Use Permit - (El Segundo Municipal Code
Chapter 15-22)

a. On-site sale and consumption of alcohol at restaurants

b. Off-site sale of alcohol at retail establishments

c. Outdoor retail uses including dining, gathering areas (such as outdoor
party areas), such as newspaper stands, coffee carts and flower stands, over 200
square feet in area, subject to design review and compliance with El

d. Video arcades with three or fewer machines

e. Other similar uses approved by the Director of Planning and Building
Safety, as provided by Section V., Administration

* * * * *

H. Definitions

The following are definitions of uses that are included in the Specific Plan. For
definitions not included within this section, refer to Chapter 20.0815.1-6,
Definitions, of the El Segundo Municipal Code.

20.08.148.05  Artist and Design Studios
"Artist and design studios" means an establishment that
provides work and retail sales and display space for
artists, artisans, craftsperson’s, and designers.

20.08.158  Bank
"Bank" means an establishment that provides financial services to individuals, firms and other entities. The term includes savings and loan institutions, loan and lending institutions, credit unions and other uses providing similar financial services.

Bar
"Bar" means an establishment primarily for the on-site sales and consumption of alcoholic beverages, generally without or with limited food service, as defined and licensed by the State of California, Department of Alcohol Beverage Control. Bars include cocktail lounges, nightclubs, taverns, pubs, saloons, and similar uses, but exclude restaurants.

Bed and Breakfast Hotel
"Bed and Breakfast Hotel" means an establishment containing 75 or fewer guestrooms, intended or designed to be used for sleeping purposes by guests, and provides breakfast to guests. The use may also contain ancillary services such as meeting rooms, personal services, and food preparation and dispensing. Guest stays shall be limited to 30 consecutive days. One dwelling unit for the use of the proprietor shall be allowed.

City Parking Garage
"City Parking Garage" means the parking garage located at 121 West Grand Avenue.

Coffee cart
"Coffee cart" means a small self-contained outdoor structure for the retail sale of coffee, other beverages, snacks, and similar products. A seating or dining area may also be provided as an accessory use.

Flower stand
"Flower stand" means a small self-contained outdoor structure for the retail sale of flowers and related products.

Newsstand
"Newsstand" means a small self-contained outdoor structure for the retail sales of newspapers, magazines, periodicals, and similar products.
20.08.616  Offices, Governmental
"Offices, governmental" means an establishment maintained and used as a place of business by persons employed by the government including City, County, State, Federal and similar governmental businesses, whose business activity consists primarily of providing services to people.

20.08.688  Retail sales and service
"Retail sales and service" means an establishment that provides retail sales, rental, services processing, and repair of new merchandise, primarily intended for consumer or household use. Services provided include those of a personal convenience nature, and the cleaning, repair or sales of related products.

20.08.663  Recreational use
"Recreational use" means an establishment providing participant or spectator recreation, amusement, exercise, or entertainment services.

20.08.659  Tattoo parlor
"Tattoo parlor" means an establishment where the act or process of indelibly marking or coloring the skin of any person by the insertion of pigment under or in the skin or by the production of scars is conducted.

Temporary Outdoor Dining
"Temporary Outdoor Dining" means outdoor dining located within the City right of way pursuant to an encroachment permit and/or is required to secure off-site parking or other outdoor dining for which the property does not have the required number of on-site parking spaces. Temporary Outdoor Dining is only allowed in conjunction with a permitted restaurant and is only permitted to utilize Temporary Outdoor Structures/Facilities. Temporary Outdoor Dining requires a permit and is only allowed for such time period commensurate with the time period that Temporary Use Parking is provided in accordance with Section VII.2.k. of this Specific Plan.

Temporary Outdoor Retail Sales Events
"Temporary Outdoor Retail Sales Events" means outdoor retail sales events conducted outdoors on the
same premises as, and are consistent in character with an existing retail store use. These events require a permit and may be allowed up to a total of 30 days in any twelve month period. Temporary Outdoor Retail Sales Events can only be permitted to utilize Temporary Outdoor Structure/Facilities and must comply with the Temporary Use Parking requirements set forth in Section VII.2.k of this Specific Plan.

Temporary Outdoor Structure/Facilities
"Temporary Outdoor Structure/Facilities" includes awnings or canopies made of material or wood, tents, shade umbrellas, and similar types of structures that can be constructed and removed within a seven day period. Temporary Outdoor Structure/Facilities also include lighting and heating improvements that can be constructed and removed within a seven day period. Any applicant for Temporary Outdoor Structure/Facilities must sign an acknowledgement that the Temporary Outdoor Structure/Facilities can be removed within a seven day period. All Temporary Outdoor Structure/Facilities must meet all zoning, building, fire, health and other applicable codes.

*       *       *

Chapter VII of the Downtown Specific Plan to read as follows:

VII. PARKING

*       *       *

2. General Provisions-

a. No use or building shall be established, erected, enlarged or expanded unless parking facilities are provided and maintained as required by this Section.

b. Parking facilities should be designed so that a car within a facility will not have to enter a street to move from one location to any other location within the same facility.

c. Bumpers or tire stops a minimum 6 inches in height shall be provided in all parking areas abutting a building, structure, sidewalk, planting area, street or alley.

d. All tandem parking spaces, where allowed, shall be clearly outlined on the
surface of the parking facility.

e. Parking facilities in all Districts shall be designed in such a manner that any vehicle on the property will be able to maneuver as necessary so that it may exit from the property travelling in a forward direction. However, cars may exit onto an alley travelling in a reverse direction.

f. Where the application of the following cumulative parking schedules results in a fractional space of .5 or greater, the number of required parking spaces shall be rounded up to the next whole number.

g. No vehicular use area, except driveway access to a property, for any residential use shall be located, in whole or in part, in any required front yard or front two-thirds of any required side yard.

h. No person, company or organization shall fail to maintain the facilities required to be provided by this Section, or by any applicable provision of prior laws, variance, use permit, or precise plan heretofore or hereafter granted by the Planning Commission or City Council. No required parking shall be utilized in any manner so as to make it unavailable for the occupants, their clients or visitors of a building or use during the hours such building or use is normally occupied except for purposes of utilizing it for Temporary Outdoor Retail Sale Events or Temporary Outdoor Dining in accordance with the requirements of the DSP. This meaning shall not be construed to prohibit security devices.

i. All permanent on-site parking, loading, or other vehicular use area shall be paved with approved concrete or asphaltic concrete. On-site parking areas to be used for no longer than one year shall be surfaced and maintained with an impervious material acceptable to the Director of Community, Economic and Development Services Planning and Building Safety so as to eliminate dust and mud. All on-site parking areas shall be graded and drained to dispose of all surface water in accordance with the Uniform Building Code.

j. Any lights provided to illuminate any parking area shall be arranged so as to direct the light away from any residential dwelling unit.

k. **Temporary Use Parking.** Outdoor Retail Sale Events and Temporary Outdoor Dining are required to provide parking based upon the parking requirements set forth in the DSP during the time period that such use is in operation. To the extent that the Outdoor Retail Sale Events or Temporary Outdoor Dining is located on parking spaces that are otherwise required for other uses located on the property, then in addition to the Temporary Parking spaces required for the Outdoor Retail Events or the Temporary Outdoor Dining the property owner or tenant is required to provide parking spaces to replace the parking spaces that are being utilized for the Outdoor Retail Sale Event or the Temporary Outdoor
Dining. Parking requirements for Temporary Outdoor Retail Sale Events and Temporary Outdoor Dining may be fulfilled by providing sufficient on-site parking, parking through an offsite parking covenant, or by obtaining parking space permits for the City Parking Garage, or any combination of these three options. To utilize Temporary Outdoor Dining, the property owner and tenant, if applicable, must execute an acknowledgement to be recorded in the County Recorder’s Office that the Temporary Outdoor Retail Sale Event or Temporary Outdoor Dining use will cease if at any time the parking requirements are not met, including in the event that parking space permits expire and are not re-issued for the City Parking Garage.

Chapter VII, Section 3, subsection c. of the Downtown Specific Plan to read as follows:

“c. Parking Reductions:

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

ii) Parking In-Lieu Fees

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

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

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

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

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

**SECTION 4:** 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 5:** 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 6: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this ___ day of May, 2009.

______________________________
Kelly McDowell, Mayor

APPROVED AS TO FORM:

By: ________________________________
Mark D. Hensley, City Attorney

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. ________ was duly introduced by said City Council at a regular meeting held on the ___ day of May 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 ___ day of May, 2009, and the same was so passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

______________________________
Cindy Mortesen, City Clerk
RESOLUTION NO. _____

A RESOLUTION ESTABLISHING PROCEDURES FOR PAYING IN-LIEU FEES IN ACCORDANCE WITH THE EL SEGUNDO DOWNTOWN SPECIFIC PLAN.

BE IT RESOLVED by the Council of the City of El Segundo as follows:

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

A. This Resolution is adopted in accordance with the El Segundo Downtown Specific Plan ("DSP") and the El Segundo Municipal Code ("SPMC") for the purpose of establishing criteria to permit persons to repay in-lieu parking fees over a period of time;

B. In 2003 and 2004, the City Council established an in-lieu parking fee to allow businesses within the DSP to pay the City a fee rather than construct new parking;

C. The City Council recognized at that time that the unique circumstances of the City's downtown, e.g., the number of non-conforming small lots, makes it difficult for businesses to expand since the ability to provide adequate parking is limited by available acreage;

D. Since that time, the City Council became aware that some property owners were reluctant to pay a lump sum in-lieu fee to the City and preferred to pay such fee over a period of time. This reluctance, and the inability to physically construct parking places on or near businesses within the downtown, prevented businesses from expanding within the DSP;

E. This Resolution relies upon the documentary and testimonial evidence submitted to the City during the public hearing held on ______, 2009 in addition to such additional information that may be in the administrative record;

SECTION 2: Payment Plans — Authorized. Pursuant to the DSP and subject to this Resolution, the City Council authorizes the City Manager, or designee (collectively, "Administrator") to allow persons seeking to pay an in-lieu fee to the City over a period of time ("Payment Plan"). The Administrator is authorized to promulgate administrative policies and procedures ("AP&P") to implement the purpose of this Resolution.

SECTION 3: Payment Plan — Minimum Requirements. Payment Plans authorized by this Resolution must, at a minimum, meet the following criteria:
A. The term for repayment cannot exceed twenty (20) years from the date the City issues a final certificate of occupancy for a facility;

B. The debtor must enter into a repayment agreement with the City; execute a promissory note in favor of the City; execute a deed of trust in favor of the City to secure the promissory note; if required by the Administrator, upon recommendation by the City Attorney, record a covenant against the real property subject to parking requirements under the DSP; and take such additional action as may be required by the AP&P. All such documents must be approved as to form by the City Attorney.

SECTION 4: Exempt under the California Environmental Quality Act. This Resolution is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, et seq.; “CEQA”) and CEQA regulations (Cal. Code Regs. Title 14, §§ 15000, et seq.) because it establishes, structures, and approves rates and charges to obtain funds for capital projects needed to maintain service within existing service areas. This Resolution, therefore, is categorically exempt from further CEQA review under CEQA Regulations § 15273.

SECTION 5: Effective Date of this Resolution. This Resolution will become effective immediately upon adoption and remain in effect unless repealed or superseded.

PASSED AND ADOPTED this ___ day of ____________, 2009.

______________________________
Kelly McDowell,
Mayor

ATTEST:

______________________________
Cindy Mortesen,
City Clerk

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

By: ____________________________
    Karl H. Berger
    Assistant City Attorney
CITY OF EL SEGUNDO

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: April 23, 2009

SUBJECT: Environmental Assessment (EA) No. 834, Specific Plan Amendment No. 09-01 and Zone Text Amendment No. 09-01

APPLICANT: City of El Segundo

PROPERTY OWNER: Various

REQUEST: Environmental Assessment, Specific Plan Amendment, and Zone Text Amendment to create standards for temporary and permanent outdoor uses, including retail sales and outdoor dining, terms for permit fee parking, and to establish procedures for making parking in-lieu fee payments.

PROPERTY INVOLVED: All properties within the Downtown Specific Plan

I. Introduction

In 2003, the City Council took several actions to assist property owners within the Downtown Specific Plan ("DSP") area meet the City’s parking requirements. Specifically, the City Council amended the DSP to give property owners a choice between providing parking spaces or paying a fee in-lieu of parking spaces. The Council took this action recognizing that the DSP area has insufficient parking and because the City’s lease of a parking structure ("Parking Structure") from 612 Twin Holdings, LLC provided additional parking within the DSP area. An independent study determined that the cost of providing parking spaces in a parking structure was $37,693, and therefore, supported an in-lieu fee amount of $37,693 per parking space. The City Council, however, chose to set the initial fees at $17,500 per space (after reduction to $12,500 per space for a limited time period).

Few property owners have opted to pay the in-lieu parking fee since it became available in 2003. Fourteen parking spaces have been sold to date. However, some property owners expressed interest in paying the in-lieu fees over a period of time and/or entering into lease agreements with the City to acquire off-site parking within the Parking Structure. In addition, some property owners expressed interest in leasing parking spaces for limited times to accommodate temporary outdoor uses, such as retail uses and outdoor dining at restaurants.

After considering the matter for several months, the Downtown Specific Plan subcommittee determined approving the proposed Specific Plan Amendment and Zone
Text Amendment would help maintain and support businesses within the DSP by authorizing repayment plans for parking in-lieu fees for a period up to 20 years and parking space leasing plans for limited periods of time to be paid on a monthly basis.

**Project Description**

The following applications are proposed:

1) **Environmental Assessment No. 834 (EA No. 834)** – The proposed project is exempt from the provisions of CEQA pursuant to CEQA Guideline § 15273 - Rates, Tolls, Fares, and Charges, § 15305 - Minor Alterations in Land Use Limitations, and § 15311 - Accessory Structures (See Exhibit A).

2) **Specific Plan Amendment No. 09-01** – A Specific Plan Amendment is required to set terms for permit fee parking, and establish procedures for making parking in-lieu fee payments.

3) **Zone Text Amendment No. 09-01** – A Zone Text Amendment to create standards for temporary and permanent outdoor uses, including retail sales and outdoor dining (See Exhibit B).

**II. Recommendation**

Staff recommends that the Planning Commission consider the facts in this report and public testimony, conduct a public hearing, and adopt Resolution No. 2654, recommending City Council approval of Environmental Assessment No. 834, Specific Plan Amendment No. 09-01, and Zone Text Amendment No. 09-01, with conditions.

**III. Background**

The proposed project amends the Downtown Specific Plan (DSP) Chapter VI, Development Standards involving all six Districts of the Downtown Specific Plan. The Downtown Specific Plan area encompasses the properties located on the 100 through 500 blocks of Main Street, the 100 through 200 blocks of Richmond Street, the west side of the 300 block of Richmond Street, a portion of the east side of the 300 block of Richmond Street, the lots fronting the 100 and 200 blocks of West Grand Avenue from Concord Street to Main Street, and a portion of the 100 block of East Grand Avenue from Main Street to the alley west of Standard Street.

The Downtown Specific Plan (DSP) was adopted on August 1, 2000. The vision and philosophy for the Specific Plan included making the downtown area a focus point for the community, providing a good balance of uses, serving the residents, local employees and visitors, maintaining and enhancing its pedestrian friendly environment and its “village” character.
IV. Analysis

Project Description

The proposed amendment to the DSP has three specific goals:

1. To modify and establish new permitted uses in the DSP. The amendment proposes “Temporary Outdoor Retail Sale Events” and “Temporary Outdoor Dining and Outdoor Dining” uses. The DSP currently allows permanent outdoor uses such as dining, gathering areas, newsstands and coffee carts, but it does not specifically allow outdoor temporary retail uses and temporary outdoor dining. This amendment would create temporary permitted uses in all six districts of the DSP. The DSP’s Definitions section would be amended to include definitions for “Temporary Outdoor Retail Sale Events” and “Temporary Outdoor Dining and Outdoor Dining” uses.

2. To allow payment of the in-lieu fee for the purchase of parking over a period of time as an alternative in addition to paying the parking in lieu fee as a single payment up front before initiating the use. The City currently charges a flat fee of $17,500 per space. This amendment to the DSP would allow property owners or businesses to pay the in-lieu fee over a period of time, not to exceed twenty (20) years.

3. To allow the leasing of parking spaces from the City Parking Structure for limited periods of time to accommodate temporary uses or expansions of businesses. This leasing provision would accommodate retail businesses that wish to display their products outdoors on public and private property (including in private parking areas) for the purpose of daily or weekend sales. The leasing provision would also accommodate restaurants that may wish to provide outdoor seating for their patrons, but only for certain times of the year for a limited duration. For example, a restaurant could provide outdoor dining only during the summer months.

The intent of all three changes is to make parking more available, flexible and affordable for downtown businesses.

Draft procedures for Temporary Outdoor retail or dining

To aid with the implementation of these amendments to the DSP, City staff will set in place specific procedures for paying the in-lieu fee and leasing parking spaces from the City Parking Structure. A brief description of these procedures is outlined below.

For temporary outdoor uses:
- The property owner or representative would have to apply for a Temporary Use Permit and obtain any other necessary permits (building, electrical, mechanical, and plumbing) as applicable.
- The property owner or representative would have to submit detailed plans as part of the permit review process.
- Staff would review the plans to ensure that all relevant codes (zoning, building, and fire) are adhered to.
- The property owner or representative would pay either a one-time in-lieu fee or enter into a lease agreement to pay on a pro-rated basis for a specified period of time.

For permanent expansions or outdoor uses:
- The property owner or representative would have to apply for and obtain all necessary permits (building, electrical, mechanical, plumbing) as applicable.
- The property owner or representative would have to submit detailed plans as part of the permit review process.
- Staff would review the plans to ensure that they adhered to all relevant codes (zoning, building, and fire).
- The property owner or representative would pay either a one-time in-lieu fee or enter into an agreement with the City to pay on a pro-rated basis for a specified period of time up to twenty years.

General Plan Consistency

The General Plan land use designation for the project area is Downtown Specific Plan. This designation permits community serving retail and service uses, and offices in a pedestrian-oriented environment. The proposed amendment is consistent with this designation in that it proposes to assist community serving retail and service uses and offices maintain and expand their businesses. In addition, the amendment is consistent with the General Plan’s Goals, Policies and Objectives which are discussed below.

Specific Plan Consistency

The proposed amendment is consistent with the vision statement of the Downtown Specific Plan, which states that the “Downtown is the heart of El Segundo. It is the focal point for the community and one of the cohesive elements that ties the community together...” The proposed amendment is consistent with this vision in that it helps local businesses by allowing temporary uses and expansions of these businesses, by providing adequate parking for those businesses, and by giving business owners flexibility in leasing or purchasing parking spaces. The proposed amendment to allow temporary uses would also promote more pedestrian-oriented activity in the Downtown.

The amendment, which will result in increased availability of parking spaces for businesses, is also consistent with the parking section of the Specific Plan, the purpose of which is to provide for adequate parking standards, to assure the availability of parking spaces, and to mitigate potential on-street parking and traffic circulation problems.

Findings of Fact

ESMC § 15-26-4 requires the Planning Commission to make findings before recommending approval of a Specific Plan Amendment or a Zone Text Amendment.
The findings must include the facts and reasons which, in the opinion of the Planning Commission, make the approval of the amendment necessary. Staff believes that the findings can be made and has included them in the draft Resolution (See Exhibit A).

General Plan and Specific Plan Findings

As required under Government Code § 65454 the Planning Commission and City Council must find that the proposed amendment of the Downtown Specific Plan is consistent with the City’s General Plan. Staff believes that the findings can be made and they are summarized below. The findings are listed in detail in the draft Resolution (Exhibit A).

The amendment to the Downtown Specific Plan is consistent with several General Plan Element Goals, Objectives and Policies related to Land Use and Economic Development. The amendment would help preserve the Downtown area’s village character and its role as a community focal point. It would also help ensure the economic viability and stability of local businesses by making parking more available and affordable.

VI. Environmental Review

The proposed project is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, et seq.; “CEQA”) and CEQA regulations (Cal. Code Regs. Titie 14, §§ 15000, et seq.) because it establishes, structures, and approves rates and charges to obtain funds for capital projects needed to maintain service within existing service areas, and is therefore categorically exempt from further CEQA review under CEQA Regulations § 15273. Further, the proposed project is categorically exempt pursuant to CEQA Regulations § 15305 as a Class 5 categorical exemption (Minor Alterations In Land Use Limitations) and pursuant to CEQA Regulations § 15311 as a Class 11 categorical exemption (Accessory Structures). The proposed project does not result in significant changes in land use or density and only involves the placement and use of permanent and temporary accessory structures, such as fencing, tables, chairs, umbrellas, and mobile sales units. The project is not anticipated to have any significant impacts on traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

VIII. Conclusion

Planning staff believes that the proposed Specific Plan Amendment and Zone Text Amendment would help maintain and expand businesses within the DSP. Therefore, Planning staff recommends that the Planning Commission adopt Resolution No. 2654 recommending City Council approval of Environmental Assessment No. 834, Specific Plan Amendment No. 09-01, and Zone Text Amendment No. 09-01 since the required findings for support can been made.
IX. Exhibits

A. Draft Planning Commission Resolution No. 2654 and attachments (Draft City Council Ordinance and Draft City Council Resolution)
B. Map of the Downtown Specific Plan

Prepared by: Paul Samaras, Principal Planner

Kimberly Christensen, AICP, Planning Manager
Planning and Building Safety Department

Greg Carpenter, Director
Planning and Building Safety Department
RESOLUTION NO. 2654

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF ENVIRONMENTAL ASSESSMENT NO. EA-834, SPECIFIC PLAN AMENDMENT NO. 09-01, AND ZONE TEXT AMENDMENT NO. 09-01 TO CREATE STANDARDS FOR TEMPORARY AND PERMANENT OUTDOOR USES, INCLUDING RETAIL SALES AND OUTDOOR DINING, TERMS FOR PERMIT FEE PARKING, AND ESTABLISH PROCEDURES FOR MAKING PARKING IN-LIEU FEE PAYMENTS.

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

SECTION 1: The Planning Commission finds and declares that:

A. On March 30, 2009, the City initiated the process to amend Downtown Specific Plan (DSP) regarding temporary and permanent outdoor uses, use of permit fee parking for temporary uses, and amending the City's existing parking in-lieu fee program. The application was reviewed by the City's Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the El Segundo Municipal Code ("ESMC");

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

C. The application was reviewed by the City's Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the El Segundo Municipal Code ("ESMC");

D. The Planning and Building Safety Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for April 23, 2009;

E. On April 23, 2009 the Commission held a public hearing to receive public testimony and other evidence regarding the applications including, without limitation, information provided to the Commission by City staff, and public testimony; and,

F. This Resolution, and its findings, are made based upon the evidence presented to the Commission at its April 23, 2009 hearing including, without limitation, the staff report submitted by the Planning and Building Safety Department.
SECTION 2: Factual Findings and Conclusions. The Commission finds that the following facts exist:

A. Affected properties are located within the boundaries of the Downtown Specific Plan (DSP) area. The Downtown Specific Plan area encompasses the properties located on the 100 through 500 blocks of Main Street, the 100 through 200 blocks of Richmond Street, the west side of the 300 block of Richmond Street, a portion of the east side of the 300 block of Richmond Street, the lots fronting the 100 and 200 blocks of West Grand Avenue from Concord Street to Main Street, and a portion of the 100 block of East Grand Avenue from Main Street to the alley west of Standard Street.

B. The General Plan Land Use designation for this area is Downtown Specific Plan.

C. The Downtown Specific Plan includes the following Districts: Main Street District, Main Street Transitional District, North Richmond Street District, Richmond Street District, Grand Avenue District, and West Grand Avenue Transitional District.

D. The land uses permitted in the Downtown Specific Plan include a variety of commercial uses, residential uses above the first floor, and recreational uses.

E. Surrounding land uses in the area generally consist of multi-family residential dwellings to the north, the west and to the east; offices and industrial uses to the east, and industrial uses to the south. The surrounding area is a fully developed urban environment.

F. The proposed amendment to the Downtown Specific Plan (DSP) would amend the Downtown Specific Plan (DSP) Chapter VI - Development Standards and Chapter VII - Parking involving all six Districts of the Downtown Specific Plan. The amendment would add temporary and permanent outdoor uses, including retail sales and outdoor dining, and would create methods for paying parking in-lieu fees.

G. Downtown Specific Plan (DSP) Chapter I, Section D – Downtown Philosophy and Concept aims to maintain and enhance the pedestrian friendly environment, to maintain and enhance the “village” character, and to enhance the “Gaslamp” (San Diego) character of the downtown area. The amendment would add more outdoor uses and parking to the downtown area, both of which are critical to maintaining a pedestrian friendly environment and a “village”/“Gaslamp” character.
SECTION 3: General Plan and Specific Plan Findings. As required under Government Code § 65454 the proposed amendment of the Downtown Specific Plan is consistent with the City’s General Plan as follows:

A. The El Segundo General Plan land use designation is Downtown Specific Plan. This designation permits community serving retail and service uses, and offices in a pedestrian-oriented environment.

B. The amendment to the Downtown Specific Plan is consistent with several General Plan Element Goals, Objectives and Policies related to Land Use and Economic Development. Specifically, it is consistent with Land Use Element Goal LU1 and Objective LU1-4, in that the amendment will help preserve and maintain the City’s Downtown as integral to the City’s appearance and function.

C. The amendment is also consistent with Land Use Element Goal LU4, Objective LU4-2, Policy LU 4-2.1, Policy LU4-2.4, and Policy LU4-2.5, in that the amendment will help maintain a stable tax base for the City and maintain the Downtown as a focal point for the community. The amendment will accomplish this by providing adequate parking for businesses in the Downtown area.

D. The amendment is also consistent with Economic Development Element Goal ED3, Objective ED3-1, Policy ED3-1.2, Policy ED3-1.4, and policy ED3-1.5 in that the amended Downtown Specific Plan will help preserve and improve the business environment and image of Downtown El Segundo; it will help preserve an economically viable and stable Downtown area that uniquely contributes to the City’s commercial options; it will augment the area’s atmosphere and accessibility by helping to address its parking issues; and encourage a mix of retail and commercial businesses that stimulate pedestrian traffic and meet the communities changing needs for goods and services.

E. The amendment is consistent with the philosophy and concept of the Downtown Specific Plan (DSP), in that the increased availability and affordability of parking will allow more outdoor uses such as “Temporary Outdoor Retail Sale Events” and “Temporary Outdoor Dining and Outdoor Dining,” which are critical to maintaining and enhancing the pedestrian friendly and “village”/“Gaslamp” character of the Downtown area.

SECTION 4: Zone Text Amendment Findings. Based on the factual findings of this Resolution, the proposed Zone Text Amendment is necessary to carry out the proposed project in order to amend the Downtown Specific Plan (DSP) Chapter VI - Development Standards and Chapter VII - Parking involving all six Districts of the Downtown Specific Plan. The amendment would add temporary and permanent outdoor uses, including retail sales and outdoor dining, and would create methods for paying parking in-lieu fees.

In addition, pursuant to ESMC §15-26-4(b), the amendment is consistent with and
necessary to carry out the purpose of the Zoning Code, which was established to serve the public health, safety, and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources. The amendment is necessary, because it will increase the availability and affordability of parking, resulting in a more orderly development of the downtown area. The amendment will allow more outdoor retail sale and dining uses, which are essential to the economic and social viability of downtown businesses.

SECTION 5: Environmental Assessment. Because of the facts set forth in Section 2, the proposed project is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, et seq., “CEQA”) and CEQA regulations (Cal. Code Regs. Title 14, §§ 15000, et seq.) because it establishes, structures, and approves rates and charges to obtain funds for capital projects needed to maintain service within existing service areas, and is therefore categorically exempt from further CEQA review under CEQA Regulations § 15273. Further, the proposed project is categorically exempt from the requirements of the CEQA pursuant to CEQA Regulations § 15305 as a Class 5 categorical exemption (Minor Alterations In Land Use Limitations) and pursuant to CEQA Regulations § 15311 as a Class 11 categorical exemption (Accessory Structures). The proposed project does not result in significant changes in land use or density and only involves the placement and use of permanent and temporary accessory structures, such as fencing, tables, chairs, umbrellas, and mobile sales units. The project is not anticipated to have any significant impacts on traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

SECTION 6: Recommendations. The Planning Commission makes the following recommendations:

A. The City Council should approve Environmental Assessment No. EA-834, Specific Plan Amendment No. 09-01, and Zone Text Amendment No. 09-01.

B. The City Council should amend Chapters VI and VII, of the Downtown Specific Plan in the manner set forth in attached Exhibit “A” and incorporated into this resolution by reference.

C. The City Council should adopt a Resolution establishing procedures for paying in-lieu fees in accordance with the El Segundo Downtown Specific Plan in the manner set forth in attached Exhibit “B” and incorporated into this resolution by reference.

SECTION 7: Reliance on Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.
SECTION 8: Limitations. The Planning Commission’s analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission’s 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 in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 9: Summaries of Information. All summaries of information in the findings which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that particular finding, is not based in part on that fact.

SECTION 10: This Resolution will remain effective unless superseded by a subsequent resolution.

SECTION 11: The Commission Secretary is directed to mail a copy of this Resolution to any person requesting a copy.

SECTION 12: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.
SECTION 13: Except as provided in Section 12, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

PASSED, APPROVED AND ADOPTED this 23rd day of April, 2009.

________________________________________
David Wagner, Chairperson
City of El Segundo Planning Commission

ATTEST:

________________________________________
Greg Carpenter, Secretary

Wagner -
Fellhauer -
Baldino -
Fuentes -
Newman -

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

By: ___________________________________
Karl H. Berger, Assistant City Attorney
PLANNING COMMISSION RESOLUTION NO. 2654
EXHIBIT “A”

ORDINANCE NO. ___

AN ORDINANCE AMENDING THE DOWNTOWN SPECIFIC PLAN REGARDING TEMPORARY AND PERMANENT OUTDOOR USES, PERMIT FEE PARKING AND ESTABLISHING PROCEDURES FOR MAKING PARKING IN-LIEU FEE PAYMENTS.

(SPECIFIC PLAN AMENDMENT NO. 09-01 AND ZONE TEXT AMENDMENT NO. 09-01)

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

SECTION 1: The Council finds and declares as follows:

A. On March 30, 2009, the City initiated the process to amend Downtown Specific Plan (DSP) regarding temporary and permanent outdoor uses, use of permit fee parking for temporary uses, and amending the City's existing parking in-lieu fee program. The application was reviewed by the City's Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the El Segundo Municipal Code (“ESMC”);

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

C. The Planning and Building Safety Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for April 23, 2009;

D. On April 23, 2009, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the Planning Commission by city staff; and, adopted Resolution No. 2654 recommending that the City Council approve the proposed project;
E. On May ___, 2009, the City Council held a public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the City Council by Planning and Building Safety Department, and adopted Resolution No. ___ approving Environmental Assessment No. 834 for Specific Plan Amendment No. 09-01; Zone Text Amendment No. 09-01; and,

SECTION 2: Specific Plan Findings. After considering the above facts, the City Council finds as follows:

A. The General Plan Land use designation for the project is Downtown Specific Plan.

B. The proposed amendment to the Downtown Specific Plan is consistent with the General Plan land use designation for the properties involved.

C. The proposed amendment to expand and allow temporary and permanent outdoor uses, use of permit fee parking for temporary uses, and allow payment plans for the existing parking in-lieu fee would further General Plan goals, objectives, and policies to preserve and maintain the City's downtown (Objective LU1-4), help create an integrated, complimentary, and attractive multi-use downtown (Objective LU 4-2), and would revitalize and upgrade commercial areas (Policy LU-4-2.1) by creating the opportunity for growth in the downtown area.

D. This amendment could facilitate additional outdoor retail sales and dining in the DSP area and the construction of additional floor area in the DSP that is already permitted to occur by providing a mechanism for paying a parking in-lieu fee over a period of time.

SECTION 3: Approvals. The Council amends the following provisions of the DSP:

A. Main Street District – (300-400 Blocks Main Street)

2. Permitted Uses-
   a. First floor street-front level, with a minimum building depth of 25 feet:
i. Retail sales and services

ii. Restaurants

iii. Recreational uses

iv. Governmental offices

v. Banks, not to exceed 500 square feet

vi. General offices

vii. Medical-dental offices

viii. Outdoor retail uses including dining, gathering areas, (such as outdoor party areas), such as newsstands, coffee carts and flower stands, up to 200 square feet in area, subject to design review and conformance with Section 20.12.100, Outdoor Dining Areas, of the El Segundo Municipal Code; greater than 200 square feet, also subject to an Administrative Use Permit

ix. Other similar pedestrian oriented retail-service uses and offices approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

b. Above and behind street-front level, and adjacent to alleys:

i. All uses listed above in a.

ii. Clubs and halls

iii. Schools

iv. Theaters

v. Banks

vi. Other similar uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

3. Permitted Accessory Uses-

a. Any use customarily incidental to a permitted use


c. Indoor entertainment, dancing, and amplified sound, subject to conformance with Chapter 5.36 compliance with El Segundo Municipal
Code Chapter 4-8, Entertainment Regulations, and Chapter 9.067-2, Noise and Vibration Regulations, of the El Segundo Municipal Code

d. Temporary Outdoor Retail Sales Events

e. Temporary Outdoor Dining and Outdoor Dining, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor Dining Areas

d. Other similar accessory uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

4. Uses Subject to an Administrative Use Permit - (Chapter 20.7215-22 of the El Segundo Municipal Code)

a. On-site sale and consumption of alcohol at restaurants

c. Off-site sale of alcohol at retail establishments

d. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, over 200 square feet in area, subject to design review and conformance with Section 20.12.190, Outdoor Dining Areas, of the El Segundo Municipal Code

e. Video arcades with three or fewer machines

f. Other similar uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

* * *

B. Main Street Transitional District - (100-200 & 500 Blocks Main Street)

* * *

2. Permitted Uses-

a. Retail sales and services

b. Restaurants

c. Recreational uses

d. Governmental offices

e. General offices
f. Medical-dental offices

g. Clubs and halls

h. Schools

i. Theaters

j. Banks

k. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, up to 200 square feet in area, subject to design review and conformance with Section 20.12.190, Outdoor Dining Areas, of the El Segundo Municipal Code; greater than 200 square feet, also subject to an Administrative Use Permit

l. Other similar uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

3. Permitted Accessory Uses-

a. Any use customarily incidental to a permitted use


c. Indoor entertainment, dancing, and amplified sound, subject to conformance with Chapter 5.36compliance with El Segundo Municipal Code Chapter 4-8, Entertainment Regulations, and Chapter 9-067-2, Noise and Vibration Regulations, of the El Segundo Municipal Code

d. Temporary Outdoor Retail Sales Events

e. Temporary Outdoor Dining and Outdoor Dining, subject to design review and compliance with Section 15-2-16, Outdoor Dining Areas, of the El Segundo Municipal Code

d.f. Other similar accessory uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

4. Uses Subject to an Administrative Use Permit - (Chapter 20.7215-22 of the El Segundo Municipal Code)

a. On-site sale and consumption of alcohol at restaurants
b. Off-site sale of alcohol at retail establishments

c. Outdoor retail uses including dining, gathering areas (such as outdoor party areas such as newsstands, coffee carts and flower stands, over 200 square feet in area, subject to design review and conformance with Section 20.12.190, Outdoor Dining Areas, of the El Segundo Municipal Code

d. Video arcades with three or fewer machines

e. Other similar uses approved by the Director of Community, Economic and Development Services, Planning and Building Safety, as provided by Section V., Administration

* * *

C. Richmond Street District - (100-200 Blocks Richmond Street)

* * *

2. Permitted Uses-

a. Retail sales and services

b. Restaurants

c. Recreational uses

d. Governmental offices

e. General Offices

f. Medical-dental offices

g. Clubs and halls

h. Schools

i. Theaters

j. Banks

k. Bed and Breakfast Hotels

l. Artist and design studios

m. Outdoor retail uses including dining, gathering areas (such as outdoor party areas) such as newsstands, coffee carts and flower stands, up to 200 square feet in area, subject to design review and conformance with Section 20.12.190, Outdoor Dining Areas, of the El Segundo Municipal Code; greater than 200 square feet, also subject to an Administrative Use Permit
n. Other similar uses, approved by the Director of Community, Economic and Development Services, Planning and Building Safety, as provided by Section V., Administration

3. Permitted Accessory Uses-
   
a. Any use customarily incidental to a permitted use
   
   
c. Indoor entertainment, dancing, and amplified sound, subject to conformance with Chapter 5.36 compliance with El Segundo Municipal Code Chapter 4-8, Entertainment Regulations, and Chapter 9.067-2, Noise and Vibration Regulations, of the El Segundo Municipal Code
   
d. Temporary Outdoor Retail Sales Events
   
e. Temporary Outdoor Dining and Outdoor Dining, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor Dining Areas

   f. Other similar accessory uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

4. Uses Subject to an Administrative Use Permit - (Chapter 20.7215-22 of the El Segundo Municipal Code)
   
a. On-site sale and consumption of alcohol at restaurants
   
b. Off-site sale of alcohol at retail establishments
   
c. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, over 200 square feet in area, subject to design review and conformance with Section 20.12.190, Outdoor Dining Areas, of the El Segundo Municipal Code
   
d. Video arcades with three or fewer machines
   
e. Other similar uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

* * *

D. North Richmond Street District – (300 Block west side Richmond Street)

* * *
2. Permitted Uses-
   a. Retail sales and services
   b. Restaurants
   c. Recreational uses
   d. Governmental offices
   e. General offices
   f. Medical-dental offices
   g. Clubs and halls
   h. Schools
   i. Theaters
   j. Banks
   k. Bed and Breakfast hotels
   l. Artists and design studios
   m. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, up to 200 square feet in area, subject to design review and conformance with Section 20.12.190, Outdoor Dining Areas, of the El Segundo Municipal Code; greater than 200 square feet, also subject to an Administrative Use Permit
   n. Other similar uses, approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

3. Permitted Accessory Uses-
   a. Any use customarily incidental to a permitted use
   c. Indoor entertainment, dancing, and amplified sound, subject to conformance with Chapter 5.36 Compliance with El Segundo Municipal Code Chapter 4-8, Entertainment Regulations, and Chapter 9.067-2, Noise and Vibration Regulations, of the El Segundo Municipal Code
   d. Temporary Outdoor Retail Sales Events
e. Temporary Outdoor Dining and Outdoor Dining, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor Dining Areas

d. Other similar accessory uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

4. Uses Subject to an Administrative Use Permit - (Chapter 20.7215-22 of the El Segundo Municipal Code)

a. On-site sale and consumption of alcohol at restaurants

b. Off-site sale of alcohol at retail establishments

c. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, over 200 square feet in area, subject to design review and conformance with Section 20.12.190, Outdoor Dining Areas, of the El Segundo Municipal Code

d. Video arcades with three or fewer machines

e. Other similar uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

* * *

E. Grand Avenue District- (300 Block east side Richmond Street-former Ralph’s market and adjacent lots)

* * *

2. Permitted Uses-

a. First floor street-front level and adjacent to pedestrian access ways, including internal access ways, with a minimum building depth of 25 feet:

i. Retail sales and services

ii. Restaurants

iii. Recreational uses

iv. Governmental offices

v. Banks, not to exceed 500 square feet

vi. General offices

vii. Medical-dental offices
viii. Bed and breakfast hotel

ix. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, up to 200 square feet in area, subject to design review and conformance with Section 20.12.100, Outdoor Dining Areas, of the El Segundo Municipal Code; greater than 200 square feet, also subject to an Administrative Use Permit

x. Other similar pedestrian oriented retail-service uses and offices, approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

b. Above and behind street-front level, and adjacent to alleys:

i. All uses listed above in a.

ii. Clubs and halls

iii. Schools and daycare

iv. Theaters

v. Banks

vi. Other similar uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as provided by Section V., Administration

3. Permitted Accessory Uses-

a. Any use customarily incidental to a permitted use


c. Indoor entertainment, dancing, and amplified sound, subject to conformance with Chapter 5.36, Compliance with El Segundo Municipal Code Chapter 4-8, Entertainment Regulations, and Chapter 9.067-2, Noise and Vibration Regulations, of the El Segundo Municipal Code

d. Temporary Outdoor Retail Sales Events

e. Temporary Outdoor Dining and Outdoor Dining, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor Dining Areas

d-f. Other similar accessory uses approved by the Director of Community, Economic and Development Services Planning and Building Safety, as
provided by Section V., Administration

4. Uses Subject to an Administrative Use Permit - (Chapter 29.7215-22 of the El Segundo Municipal Code)

a. On-site sale and consumption of alcohol at restaurants

b. Off-site sale of alcohol at retail establishments

c. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, over 200 square feet in area, subject to design review and conformance with Section 20.12.190, Outdoor Dining Areas, of the El Segundo Municipal Code

d. Video arcades with three or fewer machines

e. Other similar uses approved by the Director of Community, Economic and Development Services, Planning and Building Safety, as provided by Section V., Administration

*   *   *

F. West Grand Avenue Transitional District- (North 200 Block of West Grand Avenue between Concord Street and the alley west of Richmond Street)

*   *   *

2. Permitted Uses-

a. First floor street-front level, with a minimum building depth of 25 feet:
   i. Retail sales and services
   ii. Restaurants
   iii. Recreational uses
   iv. Government offices
   v. Banks
   vi. General offices
   vii. Medical-dental offices
   viii. Clubs and halls
   ix. Theaters
   x. Schools
xii. Other similar pedestrian oriented retail-service uses and offices approved by the Director of Planning and Building Safety, as provided by Section V., Administration.

b. Above street-front level:

i. All uses listed above in subsection (a).

ii. Business tenant/owner-occupied residential units.

iii. Other similar uses approved by the Director of Planning and Building Safety, as provided by Section V., Administration.

3. Permitted Accessory Uses-

a. Any use customarily incidental to a permitted use

b. Outdoor storage, subject to compliance with El Segundo Municipal Code § 15-2-8, Screening

c. Indoor entertainment, dancing, and amplified sound, subject to compliance with El Segundo Municipal Code Chapter 4-8, Entertainment Regulations, and Chapter 7-2, Noise and Vibration Regulations

d. Temporary Outdoor Retail Sales Events

e. Temporary Outdoor Dining and Outdoor Dining, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor Dining Areas

f. Other similar accessory uses approved by the Director of Planning and Building Safety, as provided by Section V., Administration

4. Uses Subject to an Administrative Use Permit - (El Segundo Municipal Code Chapter 15-22)

a. On-site sale and consumption of alcohol at restaurants

b. Off-site sale of alcohol at retail establishments

c. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, over 200 square feet in area, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor Dining Areas.
d. Video arcades with three or fewer machines

e. Other similar uses approved by the Director of Planning and Building Safety, as provided by Section V., Administration

*    *    *

G. West Grand Avenue Transitional District- (South 200 Block of West Grand Avenue between Concord Street and the alley west of Richmond Street)

*    *    *

2. Permitted Uses-

a. First floor street-front level, with a minimum building depth of 25 feet:

i. Retail sales and services

ii. Restaurants

iii. Recreational uses

iv. Government offices

v. General offices

vi. Medical-dental offices

vii. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, up to 200 square feet in area, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor Dining Areas. Outdoor uses that are greater than 200 square feet also require an Administrative Use Permit.

viii. Other similar pedestrian oriented retail-service uses and offices approved by the Director of Planning and Building Safety, as provided by Section V., Administration.

b. Above street-front level:

i. All uses listed above in subsection (a).

ii. Business tenant/owner-occupied residential units.

iii. Other similar uses approved by the Director of Planning and Building Safety, as provided by Section V., Administration.

3. Permitted Accessory Uses-

a. Any use customarily incidental to a permitted use

b. Outdoor storage, subject to compliance with El Segundo Municipal Code §
15-2-8, Screening

c. Indoor entertainment, dancing, and amplified sound, subject to compliance with El Segundo Municipal Code Chapter 4-8, Entertainment Regulations, and Chapter 7-2, Noise and Vibration Regulations

d. Temporary Outdoor Retail Sales Events

e. Temporary Outdoor Dining and Outdoor Dining, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor Dining Areas

def. Other similar accessory uses approved by the Director of Planning and Building Safety, as provided by Section V., Administration

4. Uses Subject to an Administrative Use Permit - (El Segundo Municipal Code Chapter 15-22)

a. On-site sale and consumption of alcohol at restaurants

b. Off-site sale of alcohol at retail establishments

c. Outdoor retail uses including dining, gathering areas (such as outdoor party areas), such as newsstands, coffee carts and flower stands, over 200 square feet in area, subject to design review and compliance with El Segundo Municipal Code § 15-2-16, Outdoor Dining Areas.

d. Video arcades with three or fewer machines

e. Other similar uses approved by the Director of Planning and Building Safety, as provided by Section V., Administration

H. Definitions

The following are definitions of uses that are included in the Specific Plan. For definitions not included within this section, refer to Chapter 20.08.15-1-6, Definitions, of the El Segundo Municipal Code.

20.08.148.05 Artist and Design Studios
"Artist and design studios" means an establishment that provides work and retail sales and display space for artists, artisans, craftsperson’s, and designers.

20.08.158 Bank
"Bank" means an establishment that provides financial services to individuals, firms and other entities. The term includes savings and loan institutions, loan and
lending institutions, credit unions and other uses providing similar financial services.

20.08.159

Bar
"Bar" means an establishment primarily for the on-site sales and consumption of alcoholic beverages, generally without or with limited food service, as defined and licensed by the State of California, Department of Alcohol Beverage Control. Bars include cocktail lounges, nightclubs, taverns, pubs, saloons, and similar uses, but exclude restaurants.

20.08.166

Bed and Breakfast Hotel
"Bed and Breakfast Hotel" means an establishment containing 75 or fewer guestrooms, intended or designed to be used for sleeping purposes by guests, and provides breakfast to guests. The use may also contain ancillary services such as meeting rooms, personal services, and food preparation and dispensing. Guest stays shall be limited to 30 consecutive days. One dwelling unit for the use of the proprietor shall be allowed.

City Parking Garage
"City Parking Garage" means the parking garage located at 121 West Grand Avenue.

20.08.245

Coffee cart
"Coffee cart" means a small self-contained outdoor structure for the retail sale of coffee, other beverages, snacks, and similar products. A seating or dining area may also be provided as an accessory use.

20.08.422

Flower stand
"Flower stand" means a small self-contained outdoor structure for the retail sale of flowers and related products.

20.08.614.08

Newsstand
"Newsstand" means a small self-contained outdoor structure for the retail sales of newspapers, magazines, periodicals, and similar products.

20.08.616

Offices, Governmental
"Offices, governmental" means an establishment maintained and used as a place of business by persons
employed by the government including City, County, State, Federal and similar governmental businesses, whose business activity consists primarily of providing services to people.

20.08.688 Retail sales and service
"Retail sales and service" means an establishment that provides retail sales, rental, services processing, and repair of new merchandise, primarily intended for consumer or household use. Services provided include those of a personal convenience nature, and the cleaning, repair or sales of related products.

20.08.663 Recreational use
"Recreational use" means an establishment providing participant or spectator recreation, amusement, exercise, or entertainment services.

20.08.859 Tattoo parlor
"Tattoo parlor" means an establishment where the act or process of indelibly marking or coloring the skin of any person by the insertion of pigment under or in the skin or by the production of scars is conducted.

Temporary Outdoor Dining
"Temporary Outdoor Dining" means outdoor dining located within the City right of way pursuant to an encroachment permit and/or is required to secure off-site parking or other outdoor dining for which the property does not have the required number of on-site parking spaces. Temporary Outdoor Dining is only allowed in conjunction with a permitted restaurant and is only permitted to utilize Temporary Outdoor Structures/ Facilities. Temporary Outdoor Dining requires a permit and is only allowed for such time period commensurate with the time period that Temporary Use Parking is provided in accordance with Section VII.2.k. of this Specific Plan.

Temporary Outdoor Retail Sales Events
"Temporary Outdoor Retail Sales Events" means outdoor retail sales events conducted outdoors on the same premises as, and are consistent in character with an existing retail store use. These events require a permit and may be allowed up to a total of 30 days in
any twelve month period. Temporary Outdoor Retail Sales Events can only be permitted to utilize Temporary Outdoor Structure/Facilities and must comply with the Temporary Use Parking requirements set forth in Section VII.2.k of this Specific Plan.

Temporary Outdoor Structure/Facilities
"Temporary Outdoor Structure/Facilities" includes awnings or canopies made of material or wood, tents, shade umbrellas, and similar types of structures that can be constructed and removed within a seven day period. Temporary Outdoor Structure/Facilities also include lighting and heating improvements that can be constructed and removed within a seven day period. Any applicant for Temporary Outdoor Structure/Facilities must sign an acknowledgement that the Temporary Outdoor Structure/Facilities can be removed within a seven day period. All Temporary Outdoor Structure/Facilities must meet all zoning, building, fire, health and other applicable codes.

* * *

VII. PARKING

* * *

2. General Provisions-

a. No use or building shall be established, erected, enlarged or expanded unless parking facilities are provided and maintained as required by this Section.

b. Parking facilities should be designed so that a car within a facility will not have to enter a street to move from one location to any other location within the same facility.

c. Bumpers or tire stops a minimum 6 inches in height shall be provided in all parking areas abutting a building, structure, sidewalk, planting area, street or alley.

d. All tandem parking spaces, where allowed, shall be clearly outlined on the surface of the parking facility.

e. Parking facilities in all Districts shall be designed in such a manner that any vehicle on the property will be able to maneuver as necessary so that it may exit from the property travelling in a forward direction. However,
cars may exit onto an alley travelling in a reverse direction.

f. Where the application of the following cumulative parking schedules results in a fractional space of .5 or greater, the number of required parking spaces shall be rounded up to the next whole number.

g. No vehicular use area, except driveway access to a property, for any residential use shall be located, in whole or in part, in any required front yard or front two-thirds of any required side yard.

h. No person, company or organization shall fail to maintain the facilities required to be provided by this Section, or by any applicable provision of prior laws, variance, use permit, or precise plan heretofore or hereafter granted by the Planning Commission or City Council. No required parking shall be utilized in any manner so as to make it unavailable for the occupants, their clients or visitors of a building or use during the hours such building or use is normally occupied except for purposes of utilizing it for Temporary Outdoor Retail Sale Events or Temporary Outdoor Dining in accordance with the requirements of the DSP. This meaning shall not be construed to prohibit security devices.

i. All permanent on-site parking, loading, or other vehicular use area shall be paved with approved concrete or asphaltic concrete. On-site parking areas to be used for no longer than one year shall be surfaced and maintained with an impervious material acceptable to the Director of Community, Economic and Development Services Planning and Building Safety so as to eliminate dust and mud. All on-site parking areas shall be graded and drained to dispose of all surface water in accordance with the Uniform Building Code.

j. Any lights provided to illuminate any parking area shall be arranged so as to direct the light away from any residential dwelling unit.

k. Temporary Use Parking, Outdoor Retail Sale Events and Temporary Outdoor Dining are required to provide parking based upon the parking requirements set forth in the DSP during the time period that such use is in operation. To the extent that the Outdoor Retail Sale Events or Temporary Outdoor Dining is located on parking spaces that are otherwise required for other uses located on the property, then in addition to the Temporary Parking spaces required for the Outdoor Retail Events or the Temporary Outdoor Dining the property owner or tenant is required to provide parking spaces to replace the parking spaces that are being utilized for the Outdoor Retail Sale Event or the Temporary Outdoor Dining. Parking requirements for Temporary Outdoor Retail Sale Events and Temporary Outdoor Dining may be fulfilled by providing sufficient on-site parking, parking through an offsite parking covenant, or by obtaining parking space permits for the City Parking Garage, or any combination of these three options. To utilize Temporary Outdoor Dining, the property
owner and tenant, if applicable, must execute an acknowledgement to be recorded in the County Recorder's Office that the Temporary Outdoor Retail Sale Event or Temporary Outdoor Dining use will cease if at any time the parking requirements are not met, including in the event that parking space permits expire and are not re-issued for the City Parking Garage.

Chapter VII, Section 3, subsection c. of the Downtown Specific Plan to read as follows:

"c. Parking Reductions:

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

ii). Parking In-Lieu Fees

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

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

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

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

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

SECTION 4: 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 5: 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 6: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this ___ day of May, 2009.

________________________
Kelly McDowell, Mayor

APPROVED AS TO FORM:

By: _________________________
Mark D. Hensley, City Attorney

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. _________ was duly introduced by said City Council at a regular meeting held on the ___ day of May 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 ___ day of May, 2009, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

________________________
Cindy Mortesen, City Clerk
PLANNING COMMISSION RESOLUTION NO. 2654
EXHIBIT “B”

RESOLUTION NO. ___

A RESOLUTION ESTABLISHING PROCEDURES FOR PAYING
IN-LIEU FEES IN ACCORDANCE WITH THE EL SEGUNDO
DOWNTOWN SPECIFIC PLAN.

BE IT RESOLVED by the Council of the City of El Segundo as follows:

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

A. This Resolution is adopted in accordance with the El Segundo
Downtown Specific Plan ("DSP") and the El Segundo Municipal
Code ("SPMC") for the purpose of establishing criteria to permit
persons to repay in-lieu parking fees over a period of time;

B. In 2003 and 2004, the City Council established an in-lieu parking
fee to allow businesses within the DSP to pay the City a fee rather
than construct new parking;

C. The City Council recognized at that time that the unique
circumstances of the City's downtown, e.g., the number of non-
conforming small lots, makes it difficult for businesses to expand
since the ability to provide adequate parking is limited by available
acreage;

D. Since that time, the City Council became aware that some property
owners were reluctant to pay a lump sum in-lieu fee to the City and
preferred to pay such fee over a period of time. This reluctance,
and the inability to physically construct parking places on or near
businesses within the downtown, prevented businesses from
expanding within the DSP;

E. This Resolution relies upon the documentary and testimonial
evidence submitted to the City during the public hearing held on
____, 2009 in addition to such additional information that may be in
the administrative record;

SECTION 2: Payment Plans – Authorized. Pursuant to the DSP and subject to
this Resolution, the City Council authorizes the City Manager, or designee
(collectively, "Administrator") to allow persons seeking to pay an in-lieu fee to the
City over a period of time ("Payment Plan"). The Administrator is authorized to
promulgate administrative policies and procedures ("AP&P") to implement the
purpose of this Resolution.
SECTION 3: Payment Plan – Minimum Requirements. Payment Plans authorized by this Resolution must, at a minimum, meet the following criteria:

A. The term for repayment cannot exceed twenty (20) years from the date the City issues a final certificate of occupancy for a facility;

B. The debtor must enter into a repayment agreement with the City; execute a promissory note in favor of the City; execute a deed of trust in favor of the City to secure the promissory note; if required by the Administrator, upon recommendation by the City Attorney, record a covenant against the real property subject to parking requirements under the DSP; and take such additional action as may be required by the AP&P. All such documents must be approved as to form by the City Attorney.

SECTION 4: Exempt under the California Environmental Quality Act. This Resolution is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, et seq.; “CEQA”) and CEQA regulations (Cal. Code Regs. Title 14, §§ 15000, et seq.) because it establishes, structures, and approves rates and charges to obtain funds for capital projects needed to maintain service within existing service areas. This Resolution, therefore, is categorically exempt from further CEQA review under CEQA Regulations § 15273.

SECTION 5: Effective Date of this Resolution. This Resolution will become effective immediately upon adoption and remain in effect unless repealed or superseded.

PASSED AND ADOPTED this ____ day of ______________, 2009.

__________________________
Kelly McDowell,
Mayor

ATTEST:

__________________________
Cindy Mortesen,
City Clerk

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

By: _______________________
Karl H. Berger
Assistant City Attorney
MINUTES OF THE MEETING
OF THE PLANNING COMMISSION
OF THE CITY OF EL SEGUNDO, CALIFORNIA

April 23, 2009

Chairman Wagner called the El Segundo Planning Commission meeting to order at 7:00 p.m. in the El Segundo City Hall's Council Chambers, 350 Main Street, El Segundo, California.

Commissioner Newman led the Pledge of Allegiance to the Flag.

PRESENT: WAGNER, FUENTES, BALDINO and NEWMAN

ABSENT: FELLHAUER

None.

Chair Wagner presented the Consent Calendar.

None.

Commissioner Fuentes moved, seconded by Commissioner Baldino, to approve the April 9, 2009, Minutes. Motion carried (4-0).

None.

Chair Wagner presented Agenda Item H-2, Environmental Assessment No. EA-834, Specific Plan Amendment No. 09-01 and Zone Text Amendment No. 09-01. Applicant: City of El Segundo. Property Owner: Various. Address: All properties within the Downtown Specific Plan.

Commissioner Newman recused herself from participating in Agenda Item H-2 for potential conflict of interest reasons. She left the Council Chambers.

Principal Planner Paul Samaras presented the staff report (of record.)

Commissioner Fuentes stated that she was curious about what happened if payment of parking in-lieu fees is extended up to 20 years, she asked what is the City's policy if the tenant space closes prior to the 20 years and it is has not been paid off.

Director Carpenter addressed the Commission that the business aspects are still being worked out. He stated in response to Commissioner Fuentes that the new business or property owner would be given the opportunity to assume the remaining term for the parking space credit, or else take back the parking rights.

CALL TO ORDER
PLEDGE TO FLAG
ROLL CALL
PUBLIC
COMMUNICATIONS
CONSENT CALENDAR
CALL ITEMS FROM
CONSENT
MOTION
WRITTEN
COMMUNICATIONS
NEW BUSINESS –
PUBLIC HEARING for
EA-834, SP 09-01 and
ZTA 09-01
Commissioner Fuentes asked if there were any businesses currently on the payment plan.

Mr. Carpenter replied "no" because no current payment plans exist.

Commissioner Fuentes asked would the City charge any interest since it seems like a mortgage on a parking space.

Mr. Carpenter replied "yes".

Commissioner Baldino was curious how this came about and if some businesses raised some concerns.

Mr. Samaras responded "yes" that some businesses had some interest in amending the existing in-lieu program in the downtown.

Chair Wagner asked how many businesses might be interested in leasing or purchasing parking spaces on a temporary basis.  

Mr. Samaras stated that he did not have an exact figure.

Chair Wagner asked if a weekly or monthly lease amount had been set for it.

Planning Manager Kimberly Christensen stated no but that the monthly share would be determined as a prorated amount from the $17,500 total fee per space.

**Liz Garnholz, resident**

Ms. Garnholz stated her concerns regarding the project.

Chair Wagner commented that the Resolution did not clarify if a lien on the property would be part of the plan.

Assistant Attorney Karl Berger addressed the Commission. He stated that on Stamped Page 43 of the Draft Resolution for City Council consideration under Section 3 subsection B it would read as follows "The debtor must enter into a repayment agreement with the City; execute a promissory note in favor of the City; execute a deed of trust in favor of the City to secure the promissory note; if required by the Administrator, upon recommendation by the City Attorney, record a covenant against the real property subject to parking requirements under the DSP; and take such additional action as may be required by the AP&P. All such documents must be approved as to form by the City Attorney." Mr. Berger stated that City's staff contemplates recording it against the property so that subsequent owners and business owners would be aware of it. He stated that its issuance would be required for the parking requirement for that property. He stated that the subsequent property owner would have to continue to honor the deal made by the previous business owner or the City would take back the parking rights and the business would have to meet the parking requirements under the code.

Commissioner Baldino moved, seconded by Commissioner Fuentes to approve Environmental Assessment No. 834, Specific Plan Amendment No. 0901 and Zone Text Amendment No. 09-01, and to adopt Resolution No. 2654. Motion carried (3-0).
Commissioner Newman returned to the dais.

None.

Director Carpenter corrected Item I on the agenda stating that the next meeting is on May 14, 2009 and that there would be possibly four or five items for that meeting.

Commissioner Newman that Green Day will be in July.

Bob Cummings, Director of Recreation and Parks, and the City’s consultant presented a PowerPoint presentation to the Commission for the Aquatics Site Feasibility Study.

Tim Lambert introduced a couple of his colleagues: Tom Ahn, architect from Rossetti and lead designer on the project, and Trish Soto an aquatics consultant from Councilman Hunsaker, a national aquatics design firm. Mr. Lambert stated that Ms. Soto would present the first half of the PowerPoint presentation covering the language, terminology, and the details of the aquatics design. Mr. Ahn would present the second half covering the site planning issues.

Trish Soto presented the first half of the PowerPoint presentation regarding the terminology and details for the design.

Tom Ahn presented the second half of the PowerPoint presentation regarding the site planning and design of the project.

Commissioner Baldino asked staff what the process is that will unfold as the discussion of the site location continues.

Mr. Carpenter stated that he hoped to narrow down what the community wants, select a preferred alternative that may involve acquisition of land through the school district, along with a discussion that needs to occur to see how realistic it is to acquire the land.

Chair Wagner stated that in 2005 the Aquatics Committee discussed the Urho Saarhi and Imperial School sites. He stated that they were ruled out and that the best site was Hilltop Park being that the city owns the property and the existing equipment. He was concerned about why the discussion is occurring again and that he was concerned about taking the land from Richmond Street School. He stated that there isn’t enough land already behind the school for activities related to gym and recess and he doesn’t see the school district wanting anything but long term income on the property.

Commissioner Newman asked what is the length of Urho Saarhi.

Ms. Soto replied that the pool is 25 yards long and she was not sure of the width but guessed that it is over 60 feet.
Commissioner Newman asked if the existing Urho Saarhi Swim Stadium meets the first requirement of the length of 25 meters.

Ms. Soto stated that it met the length requirement for swimming only but in terms of water polo it does not meet the depth or length requirement as it is shallow at one end.

Ms. Newman asked overall by how much.

Ms. Soto replied 25 meters goal face to goal face is the water polo requirements at high school playoff level. She stated that the requirement would need to be slightly longer at least 30 meter and if all is deep the recreation requirement doesn't meet the Los Angeles County requirements so you will need to get the extra length for the step entries and the shallow water.

Ms. Newman asked at Hilltop Park now there is an existing recreational pool out there now and as an idea we can use what we have correct.

Ms. Soto replied that is correct.

Commissioner Baldino raised the question to Mr. Cummings whether the City is planning to redo a study that was done in 2005.

Recreation and Parks Director Bob Cummings stated that they are not trying to redo it but to validate it as a long term big project per Council's directive to go out and see if the recommendation is feasible and that things have changed since 2005. He indicated that the Imperial Street School has elected to use the property for surplus. He believes maybe the option is just looking at Hilltop alone.

Chair Wagner has concerns about a facility in general in that a pool on City property has a certain amount of liability if someone gets injured or drowns. He inquired about the liability of the aquatic parks with slides and asked if that increases the risk of injury and the increase in potential liability to the City as far as payment to people that get injured.

Ms. Soto stated that she wasn't aware of anything.

Commissioner Fuentes asked if covering the pool helps to conserve water evaporation.

Ms. Soto replied that it does and that she is able to do calculations to give an idea of what it would cost.

Commissioner Fuentes asked if the County has any requirements or ordinances on pool covering.

Ms. Soto replied "yes", but they do not control the use as it is up to the owner of the pool to control the use of it properly.

Commissioner Fuentes stated that Ms. Soto said that this project primarily will be used for water polo but Ms. Fuentes stated that rather it will be used for a community pool for all sixteen thousand people and will be designed for such. Ms. Fuentes is concerned that the use of the project be for the entire community.
Ms. Soto commented that they tested each of the sites and was able to accommodate a pool function for high school, USA water polo, USA swimming and high school swimming, and that it would have shallow water for a swim lesson program and community use. Ms. Soto response that it would have the adequate depth of water to accommodate the water polo program that the current facility does not have.

**Ron Swanson, member of the Aquatics Task Force**

Mr. Swanson stated that he was a part of the Aquatics Task Force for about fifteen months. He responded to Chair Wagner's question regarding the 2005 report for Hilltop Park and stated that it took fifteen months. He stated that the cost for Hilltop was $6.2 million at that time and included a 25 x 30 yard pool, small play pool, and a bath house. He stated his concern regarding the project.

Commissioner Newman asked Mr. Swanson if the Task Force concluded that there was enough support.

Mr. Swanson stated that he believed that the percentage was to add 2.1 pools to the City of El Segundo which has been done. He commented that with Urho Saarhi, Hilltop and Acacia it has been done.

Commissioner Newman asked if that took into consideration school, recreation, and competitive needs across the board.

Mr. Swanson replied "yes" and that Hilltop Park would handle the community needs including for the little kids, competitive programs, the high school program, and USA swimming.

Commissioner Fuentes asked staff if a copy of the 2005 report could be provided.

Director Cummings respond "yes" and that the Recreation and Parks website has a link with a copy of the current feasibility study, public questionnaire where the community can read it and fill it out, and that the 2005 Master Plan will also be added to the website.

**Liz Garnholz**

Ms. Garnholz stated her concerns regarding the 2005 study and that it indicated 8 out of 10 people were satisfied with the Aquatics program and satisfied with the facility. She suggested that the Commission reads the 2005 report.

Chair Wagner raised a concern and asked Judy Andoe about an entrance fee to water parks and to confirm that there isn't an entrance fee to the skate park.

Recreation and Parks Department Supervisor Judy Andoe replied that there is not a fee for the skate park but in regard to the water park charging a fee could be considered. She stated that residents are not charged to enter Urho Saarhi plunge but non-residents are charged a small fee and would need a recreation card. She commented that charging is an option and is presented in the studies.

Commissioner Newman asked if she knew what the site is currently generating in revenue.
Ms. Andoe replied that the Finance Department recently found out that money have been allocated into another fund and she is not able to provide accurate information at this time.

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

The meeting adjourned at 8:16 p.m.

PASSED AND APPROVED ON THIS 23rd DAY OF APRIL 2009

Greg Carpenter, Secretary of the Planning Commission and Director of The Planning and Building Safety Department

David Wagner, Chairman Planning Commission City of El Segundo, California

P:\Planning & Building Safety\0 Planning - Old\PLAN-COM\MINUTES\2009\2009 04-23 Minutes.doc
AGENDA DESCRIPTION:

Consideration and possible action regarding the announcement of the appointment of candidates of the Recreation and Parks Commission, Planning Commission, Library Board of Trustees, Senior Citizen Housing Corporation Board and Environmental Committee. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Announce the appointees to the Recreation and Parks Commission, Planning Commission, Library Board of Trustees, Senior Citizen Housing Corporation Board and Environmental Committee, if any.

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

ATTACHED SUPPORTING DOCUMENTS:

None

FISCAL IMPACT: Included in Adopted Budget

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

ORIGINATED BY: Mishia Jennings, Executive Assistant
REVIEWED BY:
APPROVED BY: 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 funds for payment thereof.

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

CODES:

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

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

B-F = Handwritten Early Release disbursements and/or adjustments approved by the City Manager.

FINANCE DIRECTOR: ____________________________  CITY MANAGER: ____________________________

DATE: 5/11/09  DATE: 5/11/09

VOID CHECKS DUE TO ALIGNMENT: N/A

VOID CHECKS DUE TO INCORRECT CHECK DATE:

VOID CHECKS DUE TO COMPUTER SOFTWARE ERROR:

NOTES
CITY OF EL SEGUNDO
PAYMENTS BY WIRE TRANSFER
04/24/09 THROUGH 05/07/09

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_1,262,957.89_

DATE OF RATIFICATION: 5/19/09
TOTAL PAYMENTS BY WIRE: 1,262,957.89

Certified as to the accuracy of the wire transfers by:

Deputy City Treasurer

Director of Finance

City Manager

Information on actual expenditures is available in the City Treasurer’s Office of the City of El Segundo.
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, MAY 5, 2009 – 5:00 P.M.

5:00 P.M. SESSION – ADJOURNED DUE TO LACK OF QUORUM TO 6:00 P.M.

CALL TO ORDER – Mayor McDowell at 6:00 p.m.

ROLL CALL

Mayor McDowell - Present
Mayo 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. - NONE

SPECIAL ORDER OF BUSINESS:

NONE

Mark Hensley, City Attorney, 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 regarding the Siegel Claim No. 07-43.

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) -1- matter
1. Pulido v. City of El Segundo, et al, LASC No. 06-55539/06-55798

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code §54956.9(b): -1- 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: - 0- matter

Council recessed at 6:50 p.m.
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, MAY 5, 2009 - 7:00 P.M.

7:00 P.M. SESSION

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

INVOCATION – City Clerk Cindy Mortesen

PLEDGE OF ALLEGIANCE – Council Member Don Brann

PRESENTATIONS

a. Council Member Fisher presented a Proclamation announcing May 16, 2009, as Kids Day American/International and urged families to participate in activities that reinforce positive, healthy life choices among children.

b. Council Member Jacobson presented a Proclamation announcing May 30, 2009, as Super CPR Saturday and encouraging participation in CPR training.

c. Council Member Brann presented a Proclamation announcing May 17-23, 2009, as National Public Works Week.

d. Mayor ProTem Busch presented a Proclamation announcing May 11-15 as California Bike Commute Week.

e. Mayor McDowell presented a proclamation announcing May 9, 2009 Public Safety Services Day and invited the community to participate in the joint Open House.

f. Mayor McDowell presented a Proclamation to Chris Sherrill, Senior Citizen of the Year, and announced the month of May, 2009, as Older American month and inviting the community to participate in the Elderfest Celebration on May 16, 2009.

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.

1. Pursuant to the procedure set forth on the first page of this Agenda, Ms. Daphine Moote, an El Segundo Unified School District teacher and President of the El Segundo Teachers Association, has requested that the following item be placed on the City Council Agenda for possible discussion and action by the Council. The Council is not required to discuss or take action on these items.

   1. Consideration and possible action regarding a request by Daphine Moote, an El Segundo Unified School District teacher, to consider adoption of a Resolution in support of Propositions 1A-1F on the May 19th Special Election ballot. (Fiscal Impact: None)

Bonnie Maye, representing the Teachers’ Association requested Council consider adopting a Resolution in support of Propositions 1A-1F.

Dave Burns, Resident; spoke in favor of the Council’s support for Propositions 1A-1F.

Liz Garnholtz, Resident; spoke regarding the budget deficit, and the changes proposed by the propositions.

2. Pursuant to the procedure set forth on the first page of this Agenda, Mr. Geoff Yantz, Superintendent, El Segundo Unified School District, has requested that the following item be placed on the City Council Agenda for possible discussion and action by the Council. The Council is not required to discuss or take action on these items.

   2. Consideration and possible action regarding correspondence from Superintendent Geoff Yantz, dated April 29, 2009, concerning filming at El Segundo High School. (Fiscal Impact: None)

Mayor ProTem Busch left the dias and did not participate on this item due a potential conflict of interest regarding his employment.

Superintendent Yantz requested Council consider consenting to an additional ten days of filming.
Jane Pimlot, Resident; spoke in favor of the Council’s review of the filming ordinance. She read a letter from Resident June Williams in support of the review and extension of the number of filming days.

Beth Murida, President of El Segundo PTA; spoke in favor of the Council’s review of the filming ordinance.

Bill Watkins, Resident and School Board Member; spoke in favor of the Council’s review of the filming ordinance. He also spoke on the trucks entering and exiting the grounds, and stated that the benefits outweigh the inconvenience.

Edie Rice, Resident; spoke in favor of the Council’s review of the filming ordinance.

Mike Rice, Resident; spoke in favor of the Council’s review of the filming ordinance.

David Burns, Resident; spoke in favor of the Council’s review of the filming ordinance.

Dora Polk, Resident; spoke against the Council’s review of the filming ordinance.

Jenni Davies, Resident; spoke in favor of the Council’s review of the filming ordinance. Stated that when trucks are parked but no filming is being done, it should not be counted as a “film day”.

Suzanne Fuentes, Resident; represented a resident who lives in the impact area and stated her opposition to the revision of the filming ordinance.

Ron Swanson, Resident; spoke in favor of the Council’s review of the filming ordinance.

Liz Garnholtz, Resident; stated that if the School District is being paid for the trucks being parked, that day should be counted.

George Funk, Resident; spoke in favor of the Council’s review of the filming ordinance.

Nancy Peters, Resident; spoke regarding the “Relay for Life”. Invited cancer survivors to participate in the event.

City Attorney Mark Hensley explained how ordinances are adopted and what the 20 day filming restriction includes.

MOTION by Council Member Fisher to direct staff to reconvene the committee, and work on preparing an amendment to the ordinance creating options regarding the number of filming days allowed at the High School. MOTION FAILED DUE TO LACK OF SECOND.
MOTION by Mayor McDowell, SECONDED by Council Member Jacobson to form a sub-committee of Council Member Fisher and Brann and the same stakeholders to; a) review the film ordinance regarding the 20 day limitation and consent provisions; b) investigate the alternative sources of funding the amount the school district deems appropriate should the 20 day limitation remain; c) better define “no impact” filming; d) investigate possibly modifying the area between the girls gym and the cafeteria to allow for film trucks and equipment to enter and exit the school. MOTION FAILED BY THE FOLLOWING VOICE VOTE: AYES: MACDOWELL, JACOBSON; NOES: FISHER, BRANN. MAYOR PRO TEM BUSCH NOT PARTICIPATING. 2/2

MOTION by Council Member Fisher, SECONDED by Mayor McDowell to form a sub-committee of Council Member Fisher and Mayor McDowell and the same stakeholders to; a) review the film ordinance regarding the 20 day limitation and consent provisions; b) investigate the alternative sources of funding the amount the school district deems appropriate should the 20 day limitation remain; c) better define “no impact” filming; d) investigate possibly modifying the area between the girls gym and the cafeteria to allow for film trucks and equipment to enter and exit the school. MOTION PASSED BY THE FOLLOWING VOICE VOTE. AYES: MCDOWELL, FISHER, JACOBSON, NOES: BRANN. MAYOR PRO TEM BUSCH NOT PARTICIPATING. 3/1

Mayor Pro Tem Busch returned to the dais.

2. Consideration and possible action regarding a request by Daphine Moote, an El Segundo Unified School District teacher, to consider adoption of a Resolution in support of Propositions 1A-1F on the May 19th Special Election ballot. (Fiscal Impact: None)

NO ACTION WAS TAKEN ON THIS ITEM

A. PROCEDURAL MOTIONS

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

MOTION by Council Member Brann, SECONDED by Council Member Fisher 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)

3. Consideration and possible action to conduct a continued Public Hearing regarding the adoption of a resolution increasing the civil penalties for parking violations regulated by Title 8 of the El Segundo Municipal Code by $5.00 due to changes in the Government Code. (Fiscal Impact: $55,630.00)
Mayor McDowell stated this is the time and place hereto fixed for a continued Public Hearing regarding the adoption of a resolution increasing the civil penalties for parking violations regulated by Title 8 of the El Segundo Municipal Code by $5.00 due to changes in the Government Code. Clerk Mortesen stated that proper notice was completed and no written communication had been received by City Clerk’s Office.

Dave Cummings, Police Chief, 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

MOTION by Council Member Jacobson, SECONDED by Mayor Pro Tem Busch to adopt Resolution No. 4596 adopting a fine schedule pursuant to California Vehicle Code § 40203.5. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

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.

4. Approved Warrant Numbers 2571296 to 2571531 on Register No. 14 in the total amount of $1,117,980.38 and Wire Transfers from 04/10/2009 through 04/23/2009 in the total amount of $1,600,735.18. Authorized staff to release. Ratified: Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.

5. Approved Regular City Council Meeting Minutes of April 21, 2009.

6. Accepted $182,875 in grant funding from the U.S. Department of Homeland Security (DHS), Buffer Zone Protection Plan (BZPP) for protection of critical City facilities under the Infrastructure Protection Activities (IPA) for Federal Fiscal 2007. (Fiscal Impact: $182,875) Adopted Resolution 4598 Authorizing the City Manager and Police Chief to apply for, receive, and appropriate grant funds for acquisition of security devices required to protect public health and safety. Authorized the City Manager to sign the Subrecipient Agreement No. 3938 (SA) with the County of Los Angeles.

7. Accepted a cash contribution from Chevron Products Company, donated to the El Segundo Fire Department in support of Super CPR Saturday (Cardio-Pulmonary Resuscitation instruction). (Fiscal Impact: $1,000) Authorized the City Manager to transfer the monies into the CPR General Fund account.
8. Approved an amendment to the Agreement No. 3874 with AKM Consulting Engineers to prepare a Water Rate Study for the City water utility. (Fiscal Impact: $28,404.00) Authorized the City Manager to execute the amendment with AKM Consulting Engineers for an amount not to exceed $28,404.00.

9. Approved the American Cancer Society’s Relay for Life 2009 event request for a waiver of City-related fees per municipal code section 8-8-7 D 1 and use of the City logo artwork per municipal code 1-3-1 to 1-3-5. (Fiscal Impact: $6,500) Approved use of the City Seal for the public purpose of promoting public health and safety per ESMC § 1-3-3 to 1-3-5.

10. Approved the Annual Kids Day International event request for a waiver of City-related Special Event fees. (Fiscal Impact: $745)

MOTION by Council Member Fisher, SECONDED by Council Member Brann to approve Consent Agenda Items 4, 5, 6, 7, 8, 9 and 10. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

CALL ITEMS FROM CONSENT AGENDA

F. NEW BUSINESS

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY – Announced that the City Council by unanimous vote in closed session authorized the City Attorney’s Office to take action to cause the City to intervene in the legal action that has been commenced by the City of Los Angeles against AT&T regarding the public access channel service provided through AT&T video services. The litigation relates to the unacceptable level of service provided by AT&T with regard to local public access channels.

I. REPORTS – CITY CLERK

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Brann – Announced his tour of Diamond Valley Lake in Temecula.

Council Member Fisher – Reported on the Hometown Fair.

Council Member Jacobson – Reminded the public about CPR Saturday, and announced the car show to be held at the Automobile Driving Museum on May 30, 2009.

Mayor Pro Tem Busch – Reported on the Hometown Fair.
Mayor McDowell –

11. Consideration and possible action to adopt a resolution opposing AB 155 (Mendoza), a bill imposing an unnecessary procedure burden upon local governments in managing their fiscal affairs by requiring local entities to first obtain approval of the California Debt and Investment Advisory Commission before filing for Chapter 9 bankruptcy protection. (Fiscal Impact: None)

MOTION by Mayor McDowell, SECONDED by Mayor Pro Tem Busch to adopt Resolution No. 4597 opposing AB 155 and authorize legislative advocacy efforts to oppose passage of the bill. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

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.

Liz Garnholtz, Resident; objected to the wording on the agenda regarding the opposition to Assembly Bill 155.

Bill Watkins, Resident; thanked the Council for their deliberations on the High School filming issues.

City Attorney Mark Hensley stated that the Brown Act requires the agenda to state what action the Council was being requested to consider and that the item regarding opposition to Assembly Bill 15 conforms to the Brown Act requirements.

MEMORIALS – West Hollywood City Councilman Sal Guarriello

CLOSED SESSION – NONE

ADJOURNMENT at 9:00 p.m.

______________________________
Cindy Mortesen, City Clerk
AGENDA DESCRIPTION:
Consideration and possible action regarding participating in the federal stimulus energy efficiency project grant funding program sponsored by the South Bay Cities Council of Governments by signing a Memorandum of Participation.
(Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1) Authorize the City Manager to execute a Memorandum of Participation in a form approved by the City Attorney with the South Bay City Council of Governments (SBCCOG); and
2) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Memorandum of Participation

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

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

BACKGROUND AND DISCUSSION:
The South Bay Cities Council of Governments (SBCCOG) has entered into an agreement with a consultant, Energy Innovation Group, to provide assistance to its member cities and other public agencies within the South Bay to obtain federal stimulus dollars to fund energy efficiency projects for public buildings, schools and commercial buildings. The SBCCOG is requesting signed approval of the attached Memorandum of Participation in order to authorize the City of El Segundo to engage in the program. Authorization of participation will allow City staff to meet with the SBCCOG's consultant to review potential projects, conduct energy audits, prepare applications for grant funding, and for the City to be compensated from the grant funds acquired from the potentially approved projects.

The City of El Segundo has no obligation to participate in any particular project that is identified. The City is not obligated to incur any cost or expense associated with the program, other than
staff costs. Should a specific project require funding, Council will have the opportunity to consider the options and determine how to proceed with the project.

Staff recommends that Council authorize the City Manager to sign the Memorandum of Participation allowing the City to support the SBCCOG’s effort in securing federal stimulus energy efficiency grant funding for projects to improve public facilities within the City of El Segundo.
Memorandum of Participation

MEMORANDUM OF PARTICIPATION
ENERGY EFFICIENCY FEDERAL STIMULUS GRANT PROGRAM
SPONSORED BY
THE SOUTH BAY CITIES COUNCIL OF GOVERNMENTS

Participating Public Agency: ___________________________

Date: ___________________________

Participating Public Agency represents and warrants as follows:

1. Participating Public Agency is a member of the South Bay Cities Council of Governments ("SBCCOG") or owns property within the territorial jurisdiction of the SBCCOG.

2. Participating Agency's governing body or authorized designee has read and understands the Professional Services Agreement ("Agreement") between the SBCCOG and Energy Innovation Group ("Consultant") pertaining to the federal stimulus energy efficiency project grant funding program (the "program").

3. Participating Agency desires to participate in the program, understanding that it will have no obligation to participate in any particular project or any project at all; that participation will require future actions of Participating Agency's governing body or authorized designee; that, aside from internal staff costs, Participating Agency is not obligated to incur any cost or expense associated with the program. Should a specific project require an Agency financial contribution, the Agency will be so advised prior to any making a binding commitment and will have the opportunity to choose whether or not to proceed with the project.

4. Participating Agency understands and acknowledges that the Consultant may have a financial interest in the projects it presents to Participating Agency, and that Participating Agency will evaluate and consider those projects independently of Consultant's recommendations.

5. Participating Agency understands and acknowledges that the Consultant will: (i) work directly with its staff to identify potential energy efficiency projects; (ii) conduct energy audits and prepare applications for grant funding for those projects; (iii) seek grant funding from federal stimulus funds for projects involving Participating Agency's public buildings and infrastructure; and (iv) be compensated solely from the grant funds acquired for the project. Should Participating Agency pursue a project within the program, it will utilize Consultant, in its capacity as project manager, to implement and manage the project and disperse grant funds in order that it may recover its compensation for such services from the grant funding acquired for the project. Nothing
herein, however, dictates the method by which a Participating Agency selects and awards contracts to contractors for the performance of any funded project.

On the basis of the foregoing representations, warranties and understandings, Participating Agency by executing this instrument hereby memorializes its participation in the program and authorizes the Consultant to perform on its behalf the services set forth in the Agreement. The person signing below warrants and represents that he or she has authority to sign on behalf of and bind Participating Agency to the commitments set forth herein.

______________________________
Jack Wayt, City Manager

Attest:

______________________________
City Clerk
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

MEETING DATE: May 20, 2009
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:

Consideration and possible action regarding the Adoption of Plans and Specifications and Authorization to advertise for bid the construction of the Washington Park Irrigation Improvements and transfer $29,961 in Transportation Development Act (TDA) Grant Funds to this project – Project No. PW 08-08 (Fiscal Impact: $193,546.00)

RECOMMENDED COUNCIL ACTION:

Recommendation – (1) Adopt Plans and Specifications; (2) Authorize staff to advertise the project for receipt of construction bids; (3) Transfer TDA Grant funds in the amount of $29,961 from account 118-400-8203-8604; and (4) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

None.

FISCAL IMPACT: Budget Adjustment Required

Amount Budgeted: $163,585.00

Additional Appropriation: Yes Transfer $29,961 (TDA) from 118-400-8203-8604

Account Number(s): 301-400-8202-8990 and 118-400-8203-8604

ORIGINATED BY: Dan Garcia, Assistant City Engineer

REVIEWED BY: Dana Greenwood, Public Works Director

APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

The park’s current irrigation system is an antiquated hydraulic system that uses parts that are no longer available and the irrigation controller has failed. This controller has been retrofitted as a temporary repair to keep the system functioning until a new system can be installed, one that will automatically control sprinklers with electric remote control valves. Construction of this project will improve staff’s ability to maintain this park for the enjoyment of all park visitors. The new system will use recycled water and bring the existing system into compliance with the Los Angeles County Department of Public Health Guidelines.

In January 2009, staff solicited, received two proposals and eventually retained Marina Landscape Inc. to design the Washington Park Irrigation Improvements. The total design cost was $9,415.00. This project was originally approved as a CIPAC FY 2007/2008 project for an estimated design and construction cost of $210,000. $37,000 was transferred in 2007 to the Stevenson Field Lighting Project. The remaining budget available for the construction of the irrigation system is $163,585.00.
In addition to this design, the Los Angeles County Metropolitan Transportation Authority (LACMTA) has approved the utilization of Transportation Development Act (TDA) funds to construct a decomposed granite path as part of this project. This will improve ADA access from the Palm and Maple Avenues to the playground area.

The TDA allocation of $29,961 will be available for drawdown after June 30, 2009. The total funds available to construct this project will be $193,546.00. Marina Landscape Inc. has completed their design to the satisfaction of staff. Staff recommends approval of Marina Landscape, Inc.'s plans & specifications and authorization to bid the project.
AGENDA DESCRIPTION:
Consideration and possible action regarding acceptance of the project to install an Enhanced Vapor Recovery (EVR) system at the fueling station located at the City Maintenance Yard (150 Illinois Street) Project No.: PW 08-16 (Fiscal Impact: $65,975.00)

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

ATTACHED SUPPORTING DOCUMENTS:
Notice of Completion

FISCAL IMPACT: Included in Adopted Budget
Amount Requested: $65,975.00
Additional Appropriation: No
Account Number(s): 405-400-0000-6215

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

BACKGROUND AND DISCUSSION:
On January 20, 2009, the City Council awarded a contract to Fleming Environmental, Inc., to install the EVR equipment for gasoline vapor control at the City’s fueling station for compliance with the South Coast Air Quality Management District (SCAQMD) Rule 461. The purpose of the EVR is to reduce gasoline vapor emissions at the dispensing facility. The City’s fueling station consists of two (2) 10,000 gallon gasoline tanks located at the Public Works Facility Maintenance Yard at 150 Illinois Street.

All work has now been completed to the satisfaction of the City and the required permits have been issued by the SCAQMD. Staff recommends acceptance of the project.

The final contract amount is $65,975. Funding for this project is provided through the FY 2008-2009 approved government building repair and maintenance fund.
NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name: Phase II Enhanced Vapor Recovery Upgrade at Maintenance Facility
Project No.: PW 08-16

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 Facility

5. A work of improvement on the property hereinafter described was field reviewed by the City Engineer on April 27, 2009. The work done was: installation of EVR equipment for gasoline vapor control.

6. On May 20, 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: Fleming Environmental, 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 Facility.

9. The street address of said property is: 150 Illinois Street.

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

Notice of Completion/PW 08-16
AGENDA DESCRIPTION:
Consideration and possible action regarding adoption of a Resolution of the City Council authorizing the City Manager and Police Chief to apply for, accept and expend grant monies from the U.S. Department of Justice on upgrades for existing online crime reporting system and police facility surveillance video. (Fiscal Impact: $15,119 from Byrne JAG Fund)

RECOMMENDED COUNCIL ACTION:
1. Adopt Resolution authorizing the City Manager and Police Chief to apply for, accept, and expend grant monies from the Department of Justice.
2. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Resolution

FISCAL IMPACT: None
Amount Budgeted: $0
Additional Appropriation: Yes $15,119
Account Number(s): N/A

ORIGINATED BY: Bob Turnbull, Captain
REVIEWED BY: David Cummings, Chief of Police
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act of 2009 ("Recovery Act") into law. As one of its many elements, the Recovery Act provides the U.S. Department of Justice ("DOJ") with funding for Justice Assistance Grants ("JAG") to assist local law enforcement. The funds may be used for local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and criminal justice-related research and evaluation.

The Bureau of Justice Statistics ("BJS") developed a formula which calculates direct allocations for local governments within each state based on their share of total violent crime reported within the state. Based on the BJS formula El Segundo is to be awarded $16,799. The City of Los Angeles, as grant administrator, is taking 10%($1,680) of our allocation to use towards grant management, leaving funds totaling $15,119 for use by the City of El Segundo. These funds do not require any local matching funds.
The Police Department will use the grant funds in two ways; first, to integrate our online police crime reporting system with our Records Management System for paperless communication and secondly to enhance our existing police facilities video surveillance equipment. Acquisition of such items will be accomplished in accordance with the ESMC and other applicable laws.
RESOLUTION NO. ___

A RESOLUTION AUTHORIZING THE CITY MANAGER AND POLICE CHIEF TO APPLY FOR, RECEIVE, AND APPROPRIATE GRANT FUNDS IN ACCORDANCE WITH THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

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

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

A. The American Recovery and Reinvestment Act of 2009 (the "Act") provides the United States Department of Justice with funding for Justice Assistance Grants to assist local law enforcement.

B. The funds may be used for local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and criminal justice-related research and evaluation.

C. Based upon the formula provided by the Act, the City may receive a grant of $15,119 for public safety purposes. The City Council is informed and understands that, if the grant monies are distributed, the ESPD intends to use the money for a myriad of public safety purposes.

D. ESPD must acquire any equipment or improve any facilities in accordance with the ESMC and any other applicable law.

SECTION 2: The City Manager and Police Chief are authorized to apply for a grant of $15,119 from the United States Department of Justice to be used for the purposes identified in this Resolution.

SECTION 3: The City Manager, or designee, is authorized to execute any required documents to receive the grant for the purposes identified herein.

SECTION 4: The City Manager, or designee, is authorized to accept and spend the grant monies identified in this Resolution for the purposes set forth herein.

SECTION 5: The City Council hereby amends or supplements the City's Budget for fiscal year 2008/2009 to appropriate the monies identified herein to pay for services, equipment, or improvements contemplated by the El Segundo Police Department as proposed by the City in support of its grant application. The City Manager, or designee, is authorized to implement the purpose of this section.

SECTION 6: This Resolution will become effective immediately upon adoption.
PASSED AND ADOPTED this ___ day of ________, 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 Resolution No. ____ was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the ___ day of ________, 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
AGENDA DESCRIPTION:
Consideration and possible action on the awarding of RFP # 09-07 (Police Uniforms and Accessories) to the two most responsive bidders, and authorize the City Manager to execute three (3) year agreements with a renewal option for each of an additional three (3) year period, for a maximum total contract length of six (6) years. (Fiscal Impact: Included in adopted budget)

RECOMMENDED COUNCIL ACTION:
1. Award three (3) year contracts to Galls Uniforms and Carmen’s Uniforms for use as the police department’s primary suppliers of uniforms and accessories.
2. Authorize the City Manager to exercise the renewal option for each contract of an additional three (3) year period if in the City’s best interest.
3. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Uniform Specification List

FISCAL IMPACT: Included in Adopted Budget

Amount Budgeted: $60,000 (Equipment replacement)
Additional Appropriation: N/A
Account Number(s): 001-400-3102-4215

ORIGINATED BY: Bob Turnbull, Captain
REVIEWED BY: David Cummings, Chief of Police
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
The police department uniform contract recently expired. RFP #09-07 was issued to (5) five companies on March 23, 2009 with completed bid responses due back and opened on April 7, 2009. The City received responses from three (3) companies; Galls Uniforms, Quartermaster Uniforms, and Carmen’s Uniforms. The RFP clearly stated there would be two award recommendations made by City Council to two different suppliers.

All three responses were evaluated with the following criteria: physical location, level of service, facilities, ability to meet the departments needs, and cost. The department’s most recent contract has been with Galls Uniform. They have consistently provided staff with acceptable service thus meeting the police department’s standards. The department has also used Carmen’s Uniforms in
Torrance for approximately seven years as a second source for department uniforms, which also provided quick, responsive, and quality service. The attached "Police Department Uniforms Specification List" matrix summarizes the three vendor's bids. The low bidder varies depending on the item to be purchased but consistently would be Gall's and Carmen's. The highest bidder was Quartermaster.

Therefore, staff recommends that both Gall's Uniforms and Carmen's Uniforms be awarded as police department suppliers of uniforms and accessories. This will allow staff to purchase needed items from the lowest priced bidder.
## El Segundo Police Department Uniform Specification List

<table>
<thead>
<tr>
<th>ITEM DESCRIPTION</th>
<th>SPECIFICATIONS</th>
<th>Gall's UNIT PRICES</th>
<th>Carmen's UNIT PRICES</th>
<th>Quartermaster UNIT PRICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uniform Shirt - Light weight</td>
<td>LAPD approved Long Sleeve with zipper, tailoring, and shoulder patches sewn on.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Size 14.5 - 18 $65.95</td>
<td>$57.95</td>
<td>$48.99</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Size 18.5 - 20 $77.95</td>
<td>$66.84</td>
<td>$58.99</td>
<td></td>
</tr>
<tr>
<td>Short Sleeve with zipper and tailoring</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Size 14.5 - 18 $51.95</td>
<td>$52.95</td>
<td>$45.99</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Size 18.5 - 20 $60.95</td>
<td>$60.89</td>
<td>$55.99</td>
<td></td>
</tr>
<tr>
<td>Uniform Trousers</td>
<td>LAPD approved Wool, Navy, includes tailoring</td>
<td></td>
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<tr>
<td></td>
<td>Size 28 - 42 $54.95</td>
<td>$57.95</td>
<td>$54.99</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Size 44 - 50 $59.95</td>
<td>$66.64</td>
<td>$59.99</td>
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<td></td>
<td>Size 52 - 54 $65.95</td>
<td>$75.34</td>
<td>$69.99</td>
<td></td>
</tr>
<tr>
<td>Tie</td>
<td>Black- Clip On</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>$3.95</td>
<td>$3.50</td>
<td>$4.99</td>
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<tr>
<td>Tie Bar</td>
<td>Gold Metal</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>$1.95</td>
<td>$1.75</td>
<td>$4.99</td>
</tr>
<tr>
<td>Hat</td>
<td>Round, LAPD Style</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>$35.95</td>
<td>$37.95</td>
<td>$29.99</td>
</tr>
<tr>
<td>Shoes</td>
<td>Thorogood Low Quarter Black Leather</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>$41.95</td>
<td>$42.95</td>
<td>$44.99</td>
</tr>
<tr>
<td>Boots</td>
<td>Black, Leather</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>$114.95</td>
<td>$68.95-114.95</td>
<td>$114.95</td>
</tr>
<tr>
<td>Jacket</td>
<td>Speiwak or Horace Small Black Water Repellent w/ removable liner and gold buttons, with shoulder patches, name tape, and cloth badge sewn-on.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Size SM – XL $69.95</td>
<td>$59.95</td>
<td>$84.99</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Size 2XL $69.95</td>
<td>$71.94</td>
<td>$89.99</td>
<td></td>
</tr>
<tr>
<td>Trouser Belt</td>
<td>Safety Speed, Black Leather, Basketweave w/ chrome buckle</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Size 26 – 44 $13.95</td>
<td>$13.95</td>
<td>$15.99</td>
<td></td>
</tr>
<tr>
<td>Sam Browne Belt</td>
<td>Safety Speed Black Leather Basket weave w/ chrome buckle</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Size 26 – 46 $29.95</td>
<td>$32.95</td>
<td>$29.99</td>
<td></td>
</tr>
<tr>
<td>ITEM DESCRIPTION:</td>
<td>SPECIFICATIONS</td>
<td>Gall's UNIT PRICES</td>
<td>Carmen's UNIT PRICES</td>
<td>Quartermaster UNIT PRICES</td>
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<tr>
<td>------------------</td>
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</tr>
<tr>
<td><strong>Silent Key Holder</strong></td>
<td>Safety Speed Black Basket weave Key Ring</td>
<td>$9.25</td>
<td>$9.75</td>
<td>$11.99</td>
</tr>
<tr>
<td><strong>Keepers</strong></td>
<td>Safety Speed Black Leather Basket weave, Dual-Chrome Snap</td>
<td>$2.35</td>
<td>$2.25</td>
<td>$4.99</td>
</tr>
<tr>
<td><strong>Holster - Patrol</strong></td>
<td>Safariland 070, SSIII Black Basketweave, Level III Retention Holster Extension</td>
<td>$129.95</td>
<td>$145.95</td>
<td>$129.99</td>
</tr>
<tr>
<td><strong>Safariland 6280/6285 with 6001 sis Sentry Switch Level II Retention- Basket Weave</strong></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Detectives</strong></td>
<td>Safariland 518 Black leather, basket weave, paddle holster</td>
<td>$57.25</td>
<td>$53.95</td>
<td>$59.99</td>
</tr>
<tr>
<td><strong>Ammo Case</strong></td>
<td>Safety Speed Double, Leather Basket weave, Chrome Snap</td>
<td>$16.95</td>
<td>$17.95</td>
<td>$19.99</td>
</tr>
<tr>
<td><strong>Handcuffs</strong></td>
<td>Peerless Nickel</td>
<td>$25.72</td>
<td>$24.95</td>
<td>$29.99</td>
</tr>
<tr>
<td><strong>Handcuff Case</strong></td>
<td>Safety Speed Single Black Leather, Chrome Snap</td>
<td>$14.95</td>
<td>$16.95</td>
<td>$18.99</td>
</tr>
<tr>
<td><strong>Baton</strong></td>
<td>PR24 Aluminum Swivel Handle Straight Wood Baton 26* Batton Grommet</td>
<td>$23.95</td>
<td>$28.95</td>
<td>$84.99</td>
</tr>
<tr>
<td><strong>Baton Ring</strong></td>
<td>Safety Speed Standard Black Basket weave/#4321 PR24 Baton For Straight Wood</td>
<td>$5.95</td>
<td>$10.95</td>
<td>$8.99</td>
</tr>
<tr>
<td><strong>Mace Holder</strong></td>
<td>Safety Speed Black Leather Basket weave Open Top, for 3 oz OC canister Closed Top with Chrome Snap Open Top</td>
<td>$13.95</td>
<td>$15.95</td>
<td>$15.99</td>
</tr>
</tbody>
</table>

**PAGE (1) TOTAL:** $1,391.57 $1,409.80 $1,622.66
## El Segundo Police Department Uniform Specification List

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</tr>
</thead>
<tbody>
<tr>
<td>Rain Gear</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pro-Tuff Black/orange or Black/lime Reversible Rain Jacket 48&quot;</td>
<td>$79.95</td>
<td>$46.95</td>
<td>$34.99</td>
</tr>
<tr>
<td>Whistle</td>
<td></td>
<td></td>
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<tr>
<td>Black Plastic</td>
<td>$0.95</td>
<td>$1.50</td>
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<tr>
<td>Flashlight</td>
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<tr>
<td>Streamlight, SL20X W/ Charger, Battery</td>
<td>$99.95</td>
<td>$119.95</td>
<td>$125.99</td>
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<tr>
<td>Rechargeable Battery</td>
<td>$15.25</td>
<td>$34.95</td>
<td>$33.99</td>
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<tr>
<td>Lamp Module Replacement</td>
<td>$11.25</td>
<td>$15.00</td>
<td>$12.99</td>
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<tr>
<td>Charger Sleeve</td>
<td>$6.95</td>
<td>$13.00</td>
<td>$19.99</td>
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<tr>
<td>Flashlight Lens</td>
<td>$0.95</td>
<td>$1.25</td>
<td>$10</td>
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<tr>
<td>Pelican Products-Flashlight System M11 8050AC11 OF American Body Armor Threat Level II Extreme Series</td>
<td>$86.95</td>
<td>$99.95</td>
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<tr>
<td>Ballistic Vest</td>
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<td></td>
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<tr>
<td>Size SM – XL</td>
<td>$499.95</td>
<td>$578.00</td>
<td>$539.99</td>
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<tr>
<td>Size 2XL</td>
<td>$499.95</td>
<td>$578.00</td>
<td>$559.99</td>
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<tr>
<td>Size 3XL</td>
<td>$499.95</td>
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<td>$579.99</td>
</tr>
<tr>
<td>Threat Level IIIA Extreme Series</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Size SM – XL</td>
<td>$600.95</td>
<td>$634.00</td>
<td>$639.99</td>
</tr>
<tr>
<td>Size 2XL</td>
<td>$600.95</td>
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<td>Size 3XL</td>
<td>$600.95</td>
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<td>$679.99</td>
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<tr>
<td>Replacement Vest Cover-Extreme Akwadyne</td>
<td>$59.95</td>
<td>$42.00</td>
<td>$59.95</td>
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<tr>
<td>Point Blank- Threat Level II Legacy Series BP382/Threat Level Alternate Vision Series Vision Highlite I</td>
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<tr>
<td>Size SM-XL</td>
<td>$257.33</td>
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<td>$274.48</td>
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<td>Size 3XL</td>
<td>$300.22</td>
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<td>$709.99</td>
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<tr>
<td>Point Blank- Threat Level IIIA Vision Series Vision Hilite III-A</td>
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<tr>
<td>Size SM-XL</td>
<td>$322.95</td>
<td>$769.00</td>
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<td>Size 2XL</td>
<td>$330.24</td>
<td>$769.00</td>
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<tr>
<td>Size 3XL</td>
<td>$330.24</td>
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### MOTORS

<table>
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<tr>
<th>ITEM DESCRIPTION:</th>
<th>Gall's UNIT PRICES</th>
<th>Carmen's UNIT PRICES</th>
<th>Quartermaster UNIT PRICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protective Glasses</td>
<td>Clear</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$2.25</td>
<td>$79.95</td>
<td>$12.99</td>
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</table>
# El Segundo Police Department Uniform Specification List

<table>
<thead>
<tr>
<th>ITEM DESCRIPTION</th>
<th>SPECIFICATIONS</th>
<th>Gall's UNIT PRICES</th>
<th>Carmen's UNIT PRICES</th>
<th>Quartermaster UNIT PRICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunglasses</td>
<td></td>
<td>$4.95</td>
<td>$30.00-79.99</td>
<td>15.99 + VP</td>
</tr>
<tr>
<td>Motor Breeches</td>
<td>LAPD approved, with white stripe W/ Saddle Seat, All Sizes</td>
<td>$197.25</td>
<td>$149.95</td>
<td>$NO PRICE</td>
</tr>
<tr>
<td>Leather Jacket</td>
<td>Custom fit Black Motor Style</td>
<td>$401.95</td>
<td>$355.00</td>
<td>$499.99</td>
</tr>
<tr>
<td>Motor Boots</td>
<td>Danner Jr. or All-American Black Leather</td>
<td>$133.95</td>
<td>$359.99-425.00</td>
<td>$399.99</td>
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<tr>
<td>Motor Gloves</td>
<td>Hatch or Damascus Summer riding gloves Motor Gauntlets</td>
<td>$28.95</td>
<td>$23.50</td>
<td>$24.99</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$32.95</td>
<td>$36.95</td>
<td>$12.99</td>
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Page (2) Total: $6,060.42 $9,696.74 $9,732.59

## BICYCLE PATROL

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<th>ITEM DESCRIPTION</th>
<th>SPECIFICATIONS</th>
<th>Gall's UNIT PRICES</th>
<th>Carmen's UNIT PRICES</th>
<th>Quartermaster UNIT PRICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bicycle Helmet</td>
<td>Pro Police Bike Helmet, #140176/ Shoel Police Helmet</td>
<td>$32.95</td>
<td>$372.00</td>
<td>$24.50</td>
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<tr>
<td>Shoes</td>
<td>Men's Bike Shoes, #190107/ #6501, #6501, #6874/</td>
<td>$57.25</td>
<td>$69.95/$85/$99</td>
<td>$89.00</td>
</tr>
<tr>
<td>Pants</td>
<td>Black Bike Trouser, supplex – Mocian, #090089/#2150/</td>
<td>$55.95</td>
<td>$69.95</td>
<td>$33.00</td>
</tr>
<tr>
<td>Shorts</td>
<td>Black Bike Shorts, supplex – Mocian, #090188/#1020</td>
<td>$33.25</td>
<td>$42.95</td>
<td>$23.00</td>
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<tr>
<td>Shirt</td>
<td>Polo shirt, black, with &quot;POLICE&quot; (silk screened white letters with white border) on back, cloth badge sewn on upper left breast, patches sewn on sleeves.</td>
<td>$15.95</td>
<td>$19.95</td>
<td>$34.99</td>
</tr>
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</table>

## SWAT

<table>
<thead>
<tr>
<th>ITEM DESCRIPTION</th>
<th>SPECIFICATIONS</th>
<th>Gall's UNIT PRICES</th>
<th>Carmen's UNIT PRICES</th>
<th>Quartermaster UNIT PRICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trousers</td>
<td>Super Deluxe Green 50/50 Poly Cotton</td>
<td>$32.46</td>
<td>$24.95</td>
<td>$24.50</td>
</tr>
<tr>
<td>Shirt</td>
<td>Super Deluxe Green Tactical, Long Sleeve 50/50 Poly Cotton</td>
<td>$32.46</td>
<td>$24.95</td>
<td>$24.50</td>
</tr>
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</table>

## MISC.
### El Segundo Police Department Uniform Specification List

<table>
<thead>
<tr>
<th>ITEM DESCRIPTION</th>
<th>SPECIFICATIONS</th>
<th>Gall's UNIT PRICES</th>
<th>Carmen's UNIT PRICES</th>
<th>Quartermaster UNIT PRICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nametape</td>
<td>Green W/ 5/8&quot; Black Letters</td>
<td>$1.95</td>
<td>$2.00</td>
<td>$5.00</td>
</tr>
<tr>
<td></td>
<td>Black W/ 5/8&quot; Gold Letters</td>
<td>$1.95</td>
<td>$4.00</td>
<td>$5.00</td>
</tr>
<tr>
<td>Chevrons</td>
<td>CHP style</td>
<td>$1.25</td>
<td>$3.50</td>
<td>$1.99</td>
</tr>
<tr>
<td>Service Stripes</td>
<td>CHP style Hash Marks-Sewn On (per patch)</td>
<td>$0.95</td>
<td>$0.90</td>
<td>$1.99</td>
</tr>
<tr>
<td></td>
<td>CHP style Hash Marks-Direct Embroidered (each)</td>
<td>$2.95</td>
<td>$3.50</td>
<td>$1.99</td>
</tr>
<tr>
<td>Motor Insignia</td>
<td>Gold, wheel with arrow, sewn on</td>
<td>$0.95</td>
<td>$1.95</td>
<td>$4.99</td>
</tr>
<tr>
<td>Name plates</td>
<td>Gold with blue letters</td>
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<td>$4.00</td>
<td>$6.99</td>
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### DISPATCH / RECORDS

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<th>Carmen's UNIT PRICES</th>
<th>Quartermaster UNIT PRICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pants</td>
<td>Edwards Casualwear, Black Pleated #8670-10</td>
<td>$17.95</td>
<td>$22.95</td>
<td>$21.99</td>
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<tr>
<td></td>
<td>Non-pleated #2570-10</td>
<td>$17.95</td>
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<td>$21.99</td>
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<td>Belt</td>
<td>Chambers, black, smooth</td>
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<td>Windbreaker</td>
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<td>$13.95</td>
<td>$NO PRICE</td>
</tr>
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<td>Shoes</td>
<td>Black, leather</td>
<td>$68.95</td>
<td>$68.95</td>
<td>$68.95</td>
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<tr>
<td>Shirts - Records</td>
<td>Port Authority, Stone colored, with supplied embroidered logo, squared off bottom</td>
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<td></td>
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<tr>
<td></td>
<td>Long Sleeve, S600T</td>
<td>$20.95</td>
<td>$18.95</td>
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<tr>
<td></td>
<td>Short Sleeve, S500T</td>
<td>$20.95</td>
<td>$18.95</td>
<td>$25.99</td>
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<tr>
<td>Shirts – Dispatch</td>
<td>Port Authority, Gray colored, with supplied embroidered logo</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Short Sleeve, K420</td>
<td>$15.25</td>
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<td>PAGE (3) TOTAL:</td>
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### CLASS “C” BDU

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<th>Carmen's UNIT PRICES</th>
<th>Quartermaster UNIT PRICES</th>
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</thead>
<tbody>
<tr>
<td>Trousers</td>
<td>BDU, Black, 6-pocket, heavy weight, with tailoring</td>
<td>$16.95</td>
<td>$39.95</td>
<td>$24.50</td>
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<td>ITEM DESCRIPTION</td>
<td>SPECIFICATIONS</td>
<td>Gall's UNIT PRICES</td>
<td>Carmen's UNIT PRICES</td>
<td>Quartermaster UNIT PRICES</td>
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<tr>
<td>------------------</td>
<td>----------------</td>
<td>-------------------</td>
<td>----------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Shirt</td>
<td>BDU Black, 2-pocket, heavy weight, long sleeve with zipper and tailoring &amp; patches sewn on (shoulder patches, cloth badge, name tape with 5/8&quot; letters)</td>
<td>$17.95</td>
<td>$39.95</td>
<td>$38.50</td>
</tr>
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<td></td>
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<td>PAGE (4) TOTAL:</td>
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<td>SUB TOTAL PAGE (3):</td>
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<td>SUB TOTAL PAGE (4):</td>
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<td>$79.90</td>
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<td>GRAND TOTAL ALL:</td>
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AGENDA DESCRIPTION:
Consideration and possible action regarding award of contract to Professional Building Contractors, Inc. for construction related to Group 31 (23 homes) of the City's Residential Sound Insulation Program. (RSI 09-06)  
(Fiscal impact: $854,434)

RECOMMENDED COUNCIL ACTION:
1. Reject Bid submitted by S&L Specialty Contracting, Inc.;
2. WAIVE a minor bid irregularity and award a contract to Professional Building Contractors, Inc. for construction related to Group 31 of the Residential Sound Insulation Program;
3. Authorize the City Manager to execute a contract in a form approved by the City Attorney; and/or
4. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Pages 10 and 11 of Bid submitted by S&L Specialty Contracting, Inc.
2. Email from Professional Building Contractors, Inc. dated May 8, 2009
4. Letter from G&G Specialty Contractors, Inc. dated May 11, 2009
5. Letter from Professional Building Contractors, Inc. dated May 13, 2009

FISCAL IMPACT: Included in Adopted Budget

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<th>Amount Budgeted:</th>
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<td>Additional Appropriation:</td>
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<td>Account Number(s):</td>
<td>116-400-0000-8960</td>
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ORIGINATED BY: James S. O'Neill, Program Manager
REVIEWED BY: Greg Carpenter, Director of Planning & Building Safety
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
On May 7, 2009 the City Clerk's office opened sealed bids for Group 31 (RSI 09-06) of the City's Residential Sound Insulation (RSI) Program. The result of the bid opening was as follows:

1. S&L Specialty Contracting, Inc. ...........................................$770,250
2. Professional Building Contractors, Inc. ..............................$776,760
3. G&G Specialty Contractors, Inc. .........................................$780,974
4. Karabuild Development, Inc. ..............................................$845,459
5. Sam Boo Construction .........................................................$865,000
The Bid from S&L Specialty Contracting, Inc. (S&L) was reviewed by City staff and is non-responsive for the following reasons:

- Subcontractors were not listed for roofing work or work related to fireplace specialties, indicating that S&L would self-perform such work. S&L, however, does not possess the required licenses to perform such work. The specifications require a C39 (roofing) license for roofing work and C29 (masonry) license for work related to fireplace specialties. According to the Contractor State License Board website, S&L only possesses B (general building), C20 (Warm-Air Heating, Ventilation and Air-Conditioning), and C10 (electrical) licenses.

Note that Professional Building Contractors, Inc. (PBC) questioned the Non-Collusion Affidavit and Bid Bond submitted by S&L (see attached email). Since the Bid from S&L is non-responsive for the reasons listed above, PBC’s issues are moot.

The Bid from Professional Building Contractors, Inc. (PBC) was reviewed by City staff and found to be responsive with the minor irregularity noted by G&G Specialty Contractors, Inc. (G&G) in the letter dated May 11, 2009. Upon review by City staff, the Total Bid (Contract Sum) should be $776,758, not the $776,760, and PBC has acknowledged this discrepancy in the letter attached. Staff is recommending that the City Council waive this minor irregularity.

Bids from G&G Specialty Contractors, Inc., Sam Boo Construction, Inc. and Karabuild Development, Inc. were not reviewed by City staff due to the Bid amounts being higher than that of PBC’s Bid, which was found to be responsive.

The amount requested for the contract is $854,434 which represents the Total Bid amount and an additional 10% for potential change orders related to unforeseen conditions.

Note that the Bids received on May 7th were in response to a second Notice Inviting Sealed Bids, after all Bids received on March 3, 2009 were rejected by the City Council on March 17th for being non-responsive. The result of the original bid opening was as follows:

1. G&G Specialty Contractors, Inc...........................$823,753
2. Y&M Construction............................................$843,218
3. Professional Building Contractors, Inc. ...............$848,749

As City Council is aware, the City has witnessed a series of bid protests highlighting bidding errors and resulting in the rejection of bids. Although the City cannot prevent bidders from failing to meet bidding requirements, City staff has made many revisions to the contract documents to clarify the requirements to bidders to help avoid bidding errors that would render bids non-responsive.

Should the City Council award a contract to PBC, the accepted Bid of $780,974 would represent a savings of over $46,995 compared to the lowest Bid received on March 3rd.

As the City Council is aware, eighty percent (80%) of costs associated with the Residential Sound Insulation Program are paid by federal grant funding from the Federal Aviation Administration (FAA). This remains a funding source until those funds identified in the Grant Implementation Plan to the City of Los Angeles are exhausted. Remaining expenses, except for
elective "Owner Upgrades" selected by property owners, are paid for by funding received as part of the settlement agreement with LAWA.

To date, the City’s RSI Program has completed work at 921 homes, representing Groups 1-29.
Designation of Subcontractors

Bidders must identify as Subcontractors all individuals and/or companies that are not direct employees of the Bidder that will perform ANY PORTION of the Work under the Contract. Each Bidder must set forth below: (a) the Work activity to be performed, (b) the percentage of Work to be performed, (c) the name and address of the individual or company who will perform such Work, (d) the number of employees of the Subcontractor, (e) the applicable license number as issued by the State of California, (f) if individual or company is certified as a Disadvantaged Business Enterprise by Caltrans, and (g) the contract value of the subcontract to be entered into if Bidder is awarded a Contract for the Project.

Bidders must list only one (1) individual or company for each portion of Work to be performed. Bidder agrees that Bidder is fully qualified and will perform all Work for which Bidder has not identified a Subcontractor.

Bidders must not substitute any Subcontractor, permit any subcontract to be voluntarily assigned or transferred, or allow a portion of Work to be performed by anyone other than the original Subcontractor listed in the original Bid, except in cases of public emergency or necessity, and then only after a finding reduced to writing as a public record of the City awarding the Contract setting forth the facts constituting the emergency or necessity.

<table>
<thead>
<tr>
<th>Work Activity</th>
<th>Percentage of Work to be performed</th>
<th>Business Name and Address</th>
<th>Number of employees</th>
<th>State Contractor's License Number</th>
<th>Certified as a DBE Contractor?</th>
<th>Contract Value</th>
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<tbody>
<tr>
<td>Insulation</td>
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<td>MD Insulation</td>
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<td>623469</td>
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<tr>
<td></td>
<td></td>
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<tr>
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<td>El Monte CA 91733</td>
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<tr>
<td>HVAC</td>
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<td>HVAC Development</td>
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<td></td>
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<td>620 Via Barden</td>
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<tr>
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<td>14238 Loma Ave</td>
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<tr>
<td></td>
<td></td>
<td>Commerce Hill CA 91344</td>
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Designation of Subcontractors 10 RSI 09-06 (Group 31 re-Bid)
<table>
<thead>
<tr>
<th>Duct Access</th>
<th>&lt;1%</th>
<th>Mighty Dichter</th>
<th>1381 Georgia Rd. Santa Ana, CA 92705</th>
<th>80</th>
<th>748387</th>
<th>Y / N (Circle one)</th>
<th>$4,400.00</th>
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<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>(Circle one)</td>
<td></td>
</tr>
<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(Circle one)</td>
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</tr>
<tr>
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<td>(Circle one)</td>
<td></td>
</tr>
</tbody>
</table>

Note: Bidders are reminded that Certification of Disadvantage Business Enterprises (DBE) Contractors and Subcontractors by Caltrans must be submitted for each DBE and must be submitted within forty eight (48) hours after the opening of Bids. (Refer to requirements of the Notice Inviting Sealed Bids)
O'Neill, James

From: Dave deGroot [dave@pbcla.com]
Sent: Friday, May 08, 2009 4:28 PM
To: O'Neil, James
Subject: El Segundo Groups 31 rebid, 34, 35

James,

There have been a couple of issues brought to my attention with the bid submitted by California Averland Construction Inc on Group 35, and the bids submitted by S&L Specialty Contracting Inc. I am hoping to get your feedback on them before I waste any time (mine or yours) protesting these items. I realize that you have no obligation to respond or give any information before the Staff recommendation is posted with the City Agenda so if you cannot answer can you at least tell me when the recommendations are expected to be posted.

1. The Non-Collusion Affidavit does not include the Jurat notarization as required. At the bottom of the page it clearly states “Must be subscribed and sworn before a Notary Public and Jurat notarization must be attached.” A Jurat is required since it is a sworn statement. The Non-Collusion Affidavit is an specific item in the instruction to bidders so if this form is not correct or invalid since the Jurat is not attached will the City deem these bids non-responsive or will the City allow that Jurat to be submitted subsequent to the bid as an immaterial omission?

2. Bid Bond Notary – S&L submitted a standard bid bond form from their surety. I realize the specs state that a standard form can be used as long as it does not reduce the security stipulations protecting the City. However their form does not include any notaries for the signatures of S&L or the Surety company. Usually all bid bond forms require a notary for these signatures including the prior and present City of El Segundo sample bid bond forms. Again is this an irregularity that the City would accept as an immaterial omission? Or would the City deem the form invalid and reject the bids.

I would appreciate any feedback that you can give me.

Thanks,

Dave
BIDDERS’ PROPOSAL AND STATEMENT

Project Number RSI 09-06
“Residential Sound Insulation Program – Group 31”

To the Mayor and City Council
City of El Segundo
350 Main St.
El Segundo, CA 90245

The undersigned declares that he/she has examined the Contract Documents, including without limitation the “Instructions to Bidders” and the “Conditions of the Contract,” and otherwise satisfied himself/herself as to the nature and location of the Work, and is fully informed as to all conditions and matters which can in any way affect the Work or its cost, and agrees to the following:

To perform all Work in strict conformity with the requirements of the Contract Documents and at the following lump sum price:

<table>
<thead>
<tr>
<th>ID</th>
<th>Address</th>
<th>Description</th>
<th>Engineer’s Estimate</th>
<th>Bid Amount</th>
<th>Property Subtotal</th>
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<td>Electrical Upgrade</td>
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<td>Windows 20 &amp; 21 Upgrade</td>
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<td></td>
<td>Sill Upgrade at Windows 9, 10, &amp; 11 $100</td>
<td>Sill Upgrade at Windows 12 &amp; 15 $75</td>
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<td>Air Conditioning Upgrade $1,500</td>
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<td>Sill Upgrade $50</td>
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<tr>
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<td>Door A Upgrade $50</td>
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<td>31.17</td>
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<td>Electrical Upgrade $1,800</td>
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<td>Sill Upgrade $50</td>
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Bidder's Proposal and Statement

RSI 09-06 (Group 31 re-Bid)
<table>
<thead>
<tr>
<th>31.21</th>
<th>415 W. Oak Ave.</th>
<th>RSI Improvements</th>
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<td>Door B Grid Upgrade</td>
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<td>$38,318</td>
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<td>770 W. Imperial Ave., Unit 9</td>
<td>RSI Improvements</td>
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<td>$14,441</td>
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<td>$14,441</td>
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<td>31.23</td>
<td>770 W. Imperial Ave., Unit 32</td>
<td>RSI Improvements</td>
<td>$16,579</td>
<td>$16,043</td>
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<tr>
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<td></td>
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<td></td>
<td>$16,043</td>
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</tbody>
</table>

**Total Bid (Contract Sum)**

Seven Hundred Seventy-Six Thousand Seven Hundred Sixty-

$776,760.00

In case of discrepancy between the words and figures, the words must prevail.

**Notices:**

- Illegible Bids must be disqualified
- If the Total Bid does not equal the total of the Schedule of Values, it is grounds for rejection of the Bid or rescinding a Notice of Award.
- Inconsistencies between the Schedule of Values and the Plans for each Home are grounds for rejection of the Bid

If awarded the Contract for the Work, the undersigned hereby agrees to execute the Contract within ten (10) calendar days as required by the Contract Documents (See Section 00 51 00).

Bid Security, which must not be less than ten percent (10%) of the Total Bid (Contract Sum), is enclosed as a guarantee that the undersigned will enter into a Contract if awarded to the undersigned. Bidder further agrees that in the event Bidder fails to execute the Contract in accordance with the requirements of the Contract Documents after being awarded the Contract, Bidder will be liable for and forfeit to the City the amount of the difference between the amount of its Bid and the larger amount for which the City procures the Work.

**Name of Firm:** PEC, Inc.

**Address:** 125 Sheldon St., ES, CA 90245

**Telephone Number:** 310-524-0580

**Contractor’s License Number:** 765663

**Type of License:** Class B

**License Expiration Date:** 7/31/09
May 11, 2009

Mr. James O'Neill
City of El Segundo
350 Main Street
El Segundo, CA 90245

RE: Residential Sound Insulation Program
Group 31 Rebid

Dear Mr. O'Neill,

Please accept this letter as our notification of items on S & L Specialty Contracting and PBC's bids for the above referenced bid that we believe do not conform to the project specifications and issued addendums. We have also noted items on the other bidder's proposal which are not delineated here but we will provide to you if requested.

- S & L
  - Bid bond form is not the proscribed form although we acknowledge that this form may have been pre-approved prior to bid date such as ours was.
  - Per section 07.30.00 the roofing work must be completed by or under the continuous direct supervision of an individual whom has at least 2 years recent experience in the roofing trade and whose employer maintains a current C39 license. The Contractor currently does not hold this license nor did they list a subcontractor with this license.
  - Per section 10.32.00 all work in the fireplace specialties section must be completed by a contractor that holds a C29 masonry license. The Contractor currently does not hold this license nor did they list a subcontractor with this license.

- PBC
  - The individual amounts do not add up to the total bid amount.

If you have any questions please call me at (480) 921-4079.

Sincerely,

James Scott GoodBallet
Vice-President

ARIZONA A #193232 KB-1 #181092 CALIFORNIA B #839702 NEVADA A-23 #0057634
James O’Neill  
Program Manager  
City of El Segundo  
Residential Sound Insulation Program

Dear Mr. O’Neill,

I have reviewed the apparent math error you have brought to our attention in the bid submitted for the Group 31 (rebid). The correct total for the project is actually $776,758.00 and not $776,760.00 as we indicated in the bid total. The $2 difference is apparently an inadvertent rounding error in our excel program used to prepare our bid estimates for the projects. By this letter I am confirming that the bid amount values for RSI Improvements/Upgrades entered for each property are correct and the total bid amount is $776,758.00 for the Group 31 Project. I am also confirming that Professional Building Contractors Inc. will honor the correct amount of $776,758.00 if we are fortunate enough to be awarded this project by the City of El Segundo. I would like to add that this inadvertent error has no effect on any of the other values listed in the bid or the percentages of Suppliers, SubContractors, or DBE’s identified in the bid proposal. Please feel free to contact me with any additional questions.

Respectfully Submitted,

David DeGroot,  
General Manager, PBC Inc.
AGENDA DESCRIPTION:
Consideration and possible action regarding awarding a contract to Professional Building Contractors, Inc. for construction related to Group 34 (23 homes) of the City's Residential Sound Insulation Program (Project No. RSI 09-04).
(Estimated construction costs and retention: $739,710)

RECOMMENDED COUNCIL ACTION:
1. Reject Bid submitted by S&L Specialty Contracting, Inc.;
2. Award a contract to Professional Building Contractors, Inc. for construction related to Group 34 of the Residential Sound Insulation Program;
3. Authorize the City Manager to execute a contract in a form approved by the City Attorney; and/or
4. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Pages 10 and 11 of Bid submitted by S&L Specialty Contracting, Inc.
2. Email from Professional Building Contractors, Inc. dated May 8, 2009

FISCAL IMPACT: Included in Adopted Budget

<table>
<thead>
<tr>
<th>Amount Budgeted:</th>
<th>$10,570,900</th>
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<tr>
<td>Additional Appropriation:</td>
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<tr>
<td>Account Number(s):</td>
<td>116-400-0000-8960</td>
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</tbody>
</table>

ORIGINATED BY: James S. O’Neill, Program Manager
REVIEWED BY: Greg Carpenter, Director of Planning and Building Safety
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
On May 6, 2009 the City Clerk’s office opened sealed bids for Group 34 (RSI 09-04) of the City’s Residential Sound Insulation (RSI) Program. The results of the bid openings were as follows:

1. S&L Specialty Contracting, Inc. ..................................... $646,600.00
2. Professional Building Contractors, Inc. ........................ $672,464.00
3. G&G Specialty Contractors, Inc. .................................... $686,974.00
4. Karabuild Development, Inc. ....................................... $708,899.00

The Bid from S&L Specialty Contracting, Inc. (S&L) was reviewed by City staff and is non-responsive for the following reasons:
- Subcontractors were not listed for roofing work or work related to fireplace specialties, indicating that S&L would self-perform such work. S&L, however, does not possess the required licenses to perform such work. The specifications require a C39 (roofing)
license for roofing work and C29 (masonry) license for work related to fireplace specialties. According to the Contractor State License Board website, S&L only possesses B (general building), C20 (Warm-Air Heating, Ventilation and Air-Conditioning), and C10 (electrical) licenses.

Note that Professional Building Contractors, Inc. (PBC) questioned the Non-Collusion Affidavit and Bid Bond submitted by S&L (see attached email). Since the Bid from S&L is non-responsive for the reasons listed above, these issues are moot.

The Bid from Professional Building Contractors, Inc. (PBC) was reviewed by City staff and found to be responsive.

Bids from G&G Specialty Contractors, Inc. and Karabuild Development, Inc. were not reviewed by City staff due to the Bid amounts being higher than that of PBC’s Bid, which was found to be responsive.

The amount requested for the contract is $739,710 which represents the Total Bid amount and an additional 10% for potential change orders related to unforeseen conditions.

As the City Council is aware, eighty percent (80%) of costs associated with the Residential Sound Insulation Program are covered by federal grant funding from the Federal Aviation Administration (FAA). This remains a funding source until those funds identified in the Grant Implementation Plan to the City of Los Angeles are exhausted. Remaining expenses, except for elective “Owner Upgrades” selected by property owners, are paid for by funding received as part of the settlement agreement with LAWA.

To date, the City’s RSI Program has completed work at 921 homes, representing Groups 1-29.
**Designation of Subcontractors**

Bidders must identify as Subcontractors all individuals and/or companies that are not direct employees of the Bidder that will perform ANY PORTION of the Work under the Contract. Each Bidder must set forth below: (a) the Work activity to be performed, (b) the percentage of Work to be performed, (c) the name and address of the individual or company who will perform such Work, (d) the number of employees of the Subcontractor, (e) the applicable license number as issued by the State of California, (f) if individual or company is certified as a Disadvantaged Business Enterprise by Caltrans, and (g) the contract value of the subcontract to be entered into if Bidder is awarded a Contract for the Project.

Bidders must list only one (1) individual or company for each portion of Work to be performed. Bidder agrees that Bidder is fully qualified and will perform all Work for which Bidder has not identified a Subcontractor.

Bidders must not substitute any Subcontractor, permit any subcontract to be voluntarily assigned or transferred, or allow a portion of Work to be performed by anyone other than the original Subcontractor listed in the original Bid, except in cases of public emergency or necessity, and then only after a finding reduced to writing as a public record of the City awarding the Contract setting forth the facts constituting the emergency or necessity.

<table>
<thead>
<tr>
<th>(a) Work Activity</th>
<th>(b) Percentage of Work to be performed</th>
<th>(c) Business Name and Address</th>
<th>(d) Number of employees</th>
<th>(e) State Contractor's License Number</th>
<th>(f) Certified as a DBE Contractor?</th>
<th>(g) Contract Value</th>
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<td>720050</td>
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City of El Segundo  
Residential Sound Insulation Program

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<td>Y/N</td>
<td>4,000</td>
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O'Neill, James

From: Dave deGroot [dave@pbcla.com]
Sent: Friday, May 08, 2009 4:28 PM
To: O'Neill, James
Subject: El Segundo Groups 31 rebid, 34, 35

James,

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I would appreciate any feedback that you can give me.

Thanks,

Dave
BIDDERS' PROPOSAL AND STATEMENT

Project Number RSI 09-04  
"Residential Sound Insulation Program – Group 34"

To the Mayor and City Council  
City of El Segundo  
350 Main St.  
El Segundo, CA 90245

The undersigned declares that he/she has examined the Contract Documents, including without limitation the "Instructions to Bidders" and the "Conditions of the Contract," and otherwise satisfied himself/herself as to the nature and location of the Work, and is fully informed as to all conditions and matters which can in any way affect the Work or its cost, and agrees to the following:

To perform all Work in strict conformity with the requirements of the Contract Documents and at the following lump sum price:

<table>
<thead>
<tr>
<th>ID</th>
<th>Address</th>
<th>Description</th>
<th>Engineer's Estimate</th>
<th>Bid Amount</th>
<th>Property Subtotal</th>
</tr>
</thead>
</table>
| 34.01 | 201 E. Walnut Ave.  
(Front unit) | RSI Improvements   | $30,163             | $32,302    |                   |
|      |                          | Air Conditioning Upgrade | $3,000       | $3,029     |                   |
|      |                          | Electrical Upgrade   | $1,500             | $1,500     |                   |
|      |                          | Secondary Door Upgrade | $500          | $500       |                   |
|      |                          | Bollards Upgrade     | $100              | $100       |                   |
|      |                          | **Total**            | **$37,273**       |            |                   |
| 34.02 | 201 E. Walnut Ave.  
(Back unit) | RSI Improvements   | $19,985             | $23,040    |                   |
|      |                          | Air Conditioning Upgrade | $3,000       | $3,994     |                   |
|      |                          | Electrical Upgrade   | $1,500             | $1,508     |                   |
|      |                          | Secondary Door Upgrade | $500          | $934       |                   |
|      |                          | Windows 9, 10 and 11 Upgrade | $1,800 | $1,934 |                   |
|      |                          | Doors C and D Upgrade | $3,000             | $3,830     | **$33,240**       |
| 34.03 | 1204 E. Walnut Ave.     | RSI Improvements   | $28,220             | $34,256    |                   |
|      |                          | Air Conditioning Upgrade | $3,000       | $3,020     |                   |
|      |                          | Electrical Upgrade   | $1,500             | $1,522     | **$38,808**       |
| 34.04 | 930 Cypress St.         | RSI Improvements   | $22,397             | $23,002    | **$28,746**       |

Bidder's Proposal and Statement  
Addendum #6  
Last Modified: April 30, 2009
<table>
<thead>
<tr>
<th>Address</th>
<th>RSI Improvements</th>
<th>Air Conditioning Upgrade</th>
<th>Electrical Upgrade</th>
<th>Garage Window Upgrade</th>
<th>Tinted Glass Upgrade</th>
<th>Window Sill Upgrade</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>34.05 521 E. Walnut Ave.</td>
<td>$24,000</td>
<td>$1,500</td>
<td>$2,994</td>
<td>$500</td>
<td>$393</td>
<td>$384</td>
<td>$27,816</td>
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<tr>
<td>34.06 861 Maryland St.</td>
<td>$32,143</td>
<td>$3,000</td>
<td>$28,583</td>
<td>$57,976</td>
<td>$393</td>
<td>$27,816</td>
<td>$32,075</td>
</tr>
<tr>
<td>34.07 532 W. Sycamore Ave.</td>
<td>$58,778</td>
<td>$500</td>
<td>$57,976</td>
<td>$393</td>
<td></td>
<td></td>
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<tr>
<td>34.08 860 Bungalow Dr.</td>
<td>$29,983</td>
<td>$500</td>
<td>$28,583</td>
<td>$57,976</td>
<td>$393</td>
<td></td>
<td>$32,075</td>
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<tr>
<td>34.09 917 E. Walnut Ave.</td>
<td>$27,600</td>
<td>$1,500</td>
<td>$21,714</td>
<td>$732</td>
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<td>$21,714</td>
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<tr>
<td>34.10 503 E. Maple Ave.</td>
<td>$22,612</td>
<td>$3,000</td>
<td>$21,714</td>
<td>$732</td>
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<tr>
<td>34.11 821 McCarthy Ct.</td>
<td>$32,576</td>
<td>$3,000</td>
<td>$30,354</td>
<td>$1,523</td>
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<tr>
<td>34.12 635 W. Oak Ave.</td>
<td>$30,837</td>
<td>$500</td>
<td>$31,282</td>
<td>$21,798</td>
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<td>$21,798</td>
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<tr>
<td>34.13 803 Eucalyptus Dr.</td>
<td>$35,085</td>
<td>$400</td>
<td>$31,282</td>
<td>$21,798</td>
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<tr>
<td>34.14 852 Sheldon St.</td>
<td>$26,274</td>
<td>$600</td>
<td>$35,344</td>
<td>$38,900</td>
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<tr>
<td>34.15 854 Sheldon St.</td>
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<td>$3,000</td>
<td>$38,900</td>
<td>$38,900</td>
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<tr>
<td>34.16 922 Main St., #1</td>
<td>$17,735</td>
<td>$1,500</td>
<td>$18,216</td>
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<td></td>
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<td>$18,216</td>
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<tr>
<td>34.17 922 Main St., #2</td>
<td>$17,735</td>
<td>$1,500</td>
<td>$18,216</td>
<td>$18,216</td>
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<td>$18,216</td>
</tr>
<tr>
<td>34.18 922 Main St., #3</td>
<td>$15,850</td>
<td>$1,500</td>
<td>$18,216</td>
<td>$18,216</td>
<td></td>
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<tr>
<td>34.19 922 Main St., #4</td>
<td>$15,850</td>
<td>$1,500</td>
<td>$18,216</td>
<td>$18,216</td>
<td></td>
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<td>$18,216</td>
</tr>
</tbody>
</table>

Last Modified: April 30, 2009
City of El Segundo
Residential Sound Insulation Program

| 34.20 | 922 Main St., #5  | RSI Improvements | $12,496 | $14,580 | $14,580 |
| 34.21 | 922 Main St., #6  | RSI Improvements | $12,930 | $14,814 | $14,814 |
| 34.22 | 922 Main St., #7  | RSI Improvements | $14,207 | $17,041 | $17,041 |
| 34.23 | 922 Main St., #8  | RSI Improvements | $14,703 | $17,634 | $17,634 |

**Total Bid (Contract Sum)**

Six Hundred Seventy-Two Thousand Four Hundred Sixty-Four

$672,464.00

In case of discrepancy between the words and figures, the words must prevail.

**Notices:**

- Illegible Bids must be disqualified
- If the Total Bid does not equal the total of the Schedule of Values, it is grounds for rejection of the Bid or rescinding a Notice of Award.
- Inconsistencies between the Schedule of Values and the Plans for each Home are grounds for rejection of the Bid

If awarded the Contract for the Work, the undersigned hereby agrees to execute the Contract within ten (10) calendar days as required by the Contract Documents (See Section 00 51 00).

Bid Security, which must not be less than ten percent (10%) of the Total Bid (Contract Sum), is enclosed as a guarantee that the undersigned will enter into a Contract if awarded to the undersigned. Bidder further agrees that in the event Bidder fails to execute the Contract in accordance with the requirements of the Contract Documents after being awarded the Contract, Bidder will be liable for and forfeit to the City the amount of the difference between the amount of its Bid and the larger amount for which the City procures the Work.

**Name of Firm:** PBC, Inc.

**Address:** 125 Sheldon St., El Segundo, CA 90245

**Telephone Number:** 310-524-0590

**Contractor's License Number:** 765663

**Type of License:** Class B

**License Expiration Date:** 7-31-09

Type of Entity: [ ] Sole Proprietorship [ ] Partnership [ ] Corporation [ ] Other

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

Bidder's Proposal and Statement 3
Addendum #6
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

AGENDA DESCRIPTION:
Consideration and possible action regarding award of contract to Professional Building Contractors, Inc. for construction related to Group 35 (23 homes) of the City's Residential Sound Insulation Program. (RSI 09-08).
(Fiscal impact: $699,435)

RECOMMENDED COUNCIL ACTION:
1. Reject Bid submitted by California Averland Construction, Inc.
2. Reject Bid submitted by S&L Specialty Contracting, Inc.
3. Award a contract to Professional Building Contractors, Inc. for construction related to Group 35 of the Residential Sound Insulation Program
4. Authorize the City Manager to execute a contract in a form approved by the City Attorney; and/or
5. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Pages 8, 10 and 11 of Bid submitted by California Averland Construction, Inc.
2. Pages 10 and 11 of Bid submitted by S&L Specialty Contracting, Inc.
3. Email from Professional Building Contractors, Inc. dated May 8, 2009

FISCAL IMPACT: Included in Adopted Budget

| Amount Budgeted: | $10,570,900 |
| Additional Appropriation: | N/A |
| Account Number(s): | 116-400-0000-8960 |

ORIGINATED BY: James S. O'Neill, Program Manager
REVIEWED BY: Greg Carpenter, Director of Planning & Building Safety
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

On May 7, 2009 the City Clerk’s office opened sealed bids for Group 35 (RSI 09-08) of the City’s Residential Sound Insulation (RSI) Program. The result of the bid opening was as follows:

1. California Averland Construction, Inc..........................$578,827.74
2. S&L Specialty Contracting, Inc......................................$621,900.00
3. Professional Building Contractors, Inc...........................$635,850.00
4. G&G Specialty Contractors, Inc......................................$638,974.00
5. Y&M Construction, Inc...............................................$679,780.00
6. Sam Boo Construction................................................$753,000.00
The Bid from California Averland Construction, Inc. (California Averland) was reviewed by City staff and is non-responsive for the following reasons:

- Subcontractors were not listed for roofing work or work related to fireplace specialties, indicating that California Averland would self-perform such work. California Averland, however, does not possess the required licenses to perform such work. The specifications require a C39 (roofing) license for roofing work and C29 (masonry) license for work related to fireplace specialties. According to the Contractor State License Board website, California Averland only possesses a B (general building) license and a C36 (plumbing) license.
- The required Manufacturer and Supplier information for secondary sliding glass doors was not provided. The applicable section of the Bidding Document was left blank.
- The Bid Bond submitted was on a City form which was replaced with Addendum #3, despite California Averland acknowledging Addendum #3 in their Bid.

The Bid from S&L Specialty Contracting, Inc. (S&L) was reviewed by City staff and is non-responsive for the following reasons:

- Subcontractors were not listed for roofing work or work related to fireplace specialties, indicating that S&L would self-perform such work. S&L, however, does not possess the required licenses to perform such work. The specifications require a C39 (roofing) license for roofing work and C29 (masonry) license for work related to fireplace specialties. According to the Contractor State License Board website, S&L only possesses B (general building), C20 (Warm-Air Heating, Ventilation and Air-Conditioning), and C10 (electrical) licenses.

Note that Professional Building Contractors, Inc. (PBC) questioned the Non-Collusion Affidavits submitted by California Averland and S&L, and Bid Bond submitted by S&L. Since the Bids from California Averland and S&L are non-responsive for the reasons listed above, PBC’s issues are moot.

The Bid from Professional Building Contractors, Inc. (PBC) was reviewed by City staff and found to be responsive.

Bids from G&G Specialty Contractors, Inc. (G&G), Y&M Construction, Inc. (Y&M), and Sam Boo Construction, Inc. (Sam Boo) were not reviewed by City staff due to the Bid amounts being higher than that of PBC’s Bid, which was found to be responsive.

The amount requested for the contract is $699,435 which represents the Total Bid amount and an additional 10% for potential change orders related to unforeseen conditions.

As the City Council is aware, eighty percent (80%) of costs associated with the Residential Sound Insulation Program are covered by federal grant funding from the Federal Aviation Administration (FAA). This remains a funding source until those funds identified in the Grant Implementation Plan to the City of Los Angeles are exhausted. Remaining expenses, except for elective “Owner Upgrades” selected by property owners, are paid for by funding received as part of the settlement agreement with LAWA.

To date, the City’s RSI Program has completed work at 921 homes, representing Groups 1-29.
<table>
<thead>
<tr>
<th>Secondary Sliding Glass Doors</th>
<th>HVAC Equipment</th>
<th>Fireplace Glass Doors</th>
<th>Fireplace</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Person</td>
<td>N/A</td>
<td>Susan Kearney</td>
<td>Same as Manufacturer</td>
</tr>
<tr>
<td>Company</td>
<td>Vic Balouzian</td>
<td>Portland Willamette</td>
<td>Company</td>
</tr>
<tr>
<td>Address</td>
<td>Zodiac Heating &amp; Air</td>
<td>8400 Melrose Ave.</td>
<td>Address</td>
</tr>
<tr>
<td>City / State / Zip Code</td>
<td>14411 Gilmore St.</td>
<td>Los Angeles, CA 90060</td>
<td>City / State / Zip Code</td>
</tr>
<tr>
<td>Phone Number</td>
<td>(714) 578-5200</td>
<td>(323) 966-4789</td>
<td>Phone Number</td>
</tr>
<tr>
<td>Fax Number</td>
<td>N/A</td>
<td>(310) 659-9399</td>
<td>Fax Number</td>
</tr>
<tr>
<td>Email Address</td>
<td>N/A</td>
<td>Email Address</td>
<td>Email Address</td>
</tr>
</tbody>
</table>

City of El Segundo
Residential Sound Insulation Program

Designation of Manufacturers and Suppliers 8  RSI 09-08 (Group 35)
Addendum #3
Designation of Subcontractors

Bidders must identify as Subcontractors all individuals and/or companies that are not direct employees of the Bidder that will perform ANY PORTION of the Work under the Contract. Each Bidder must set forth below: (a) the Work activity to be performed, (b) the percentage of Work to be performed, (c) the name and address of the individual or company who will perform such Work, (d) the number of employees of the Subcontractor, (e) the applicable license number as issued by the State of California, (f) if individual or company is certified as a Disadvantaged Business Enterprise by Caltrans, and (g) the contract value of the subcontract to be entered into if Bidder is awarded a Contract for the Project.

Bidders must list only one (1) individual or company for each portion of Work to be performed. Bidder agrees that Bidder is fully qualified and will perform all Work for which Bidder has not identified a Subcontractor.

Bidders must not substitute any Subcontractor, permit any subcontract to be voluntarily assigned or transferred, or allow a portion of Work to be performed by anyone other than the original Subcontractor listed in the original Bid, except in cases of public emergency or necessity, and then only after a finding reduced to writing as a public record of the City awarding the Contract setting forth the facts constituting the emergency or necessity.

<table>
<thead>
<tr>
<th>Work Activity</th>
<th>Percentage of Work to be performed</th>
<th>Business Name and Address</th>
<th>Number of employees</th>
<th>State Contractor’s License Number</th>
<th>Certified as a DBE Contractor?</th>
<th>Contract Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mechanical</td>
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<td>Zodiac Heating A/C</td>
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<td>☑</td>
<td>$100,100.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>14411 Gilmor St</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Van Nuys, CA 91401</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insulation</td>
<td>19%</td>
<td>M&amp;f Insulation</td>
<td>N/A</td>
<td>623-669</td>
<td>☑</td>
<td>$14,500.00</td>
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<tr>
<td></td>
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<td>9902 Klingeman St</td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>El Monte, CA 91733</td>
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<tr>
<td>Electrical</td>
<td>40%</td>
<td>HK Electrical</td>
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<td>781415</td>
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<td>Granda Hills, CA 91344</td>
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<tr>
<td>Service</td>
<td>Amount</td>
<td>Company</td>
<td>Contact Person</td>
<td>Address</td>
<td>Phone</td>
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</tr>
<tr>
<td>--------------------</td>
<td>--------</td>
<td>--------------------------------</td>
<td>----------------</td>
<td>------------------</td>
<td>-------</td>
<td>------------</td>
</tr>
<tr>
<td>Abatement</td>
<td>4.5%</td>
<td>Flagship PDG 15617 South State College</td>
<td>N/A</td>
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</tr>
<tr>
<td>Duct Cleaning</td>
<td>1%</td>
<td>Rapid Duct Testing P.O. Box 10021 Burbank, CA 91510</td>
<td>N/A</td>
<td>CC# 2004664</td>
<td>N/A</td>
<td>$6,100.00</td>
</tr>
</tbody>
</table>

Note: Bidders are reminded that Certification of Disadvantage Business Enterprises (DBE) Contractors and Subcontractors by Caltrans must be submitted for each DBE and must be submitted within forty eight (48) hours after the opening of Bids. (Refer to requirements of the Notice Inviting Sealed Bids)
Designation of Subcontractors

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Bidders must list only one (1) individual or company for each portion of Work to be performed. Bidder agrees that Bidder is fully qualified and will perform all Work for which Bidder has not identified a Subcontractor.

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<tr>
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<th>Number of employees</th>
<th>State Contractor's License Number</th>
<th>Certified as a DBE Contractor?</th>
<th>Contract Value</th>
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<td>123456789</td>
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<td>HAZ MATTL</td>
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<td>PROJ. DEVELOPMENT GROUP</td>
<td>30</td>
<td>789123456</td>
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<td>ELECTRICAL</td>
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<td>ILX ELECTRIC</td>
<td>28</td>
<td>78149865</td>
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City of El Segundo  
Residential Sound Insulation Program

<table>
<thead>
<tr>
<th>Duct Cleaning</th>
<th>10%</th>
<th>Mighty Ducts</th>
<th>1384 Gershon Pl</th>
<th>San Diego, CA 92105</th>
<th>8</th>
<th>742.387</th>
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<td></td>
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<td>(Circle one)</td>
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<tr>
<td></td>
<td></td>
<td>Y/N</td>
<td>(Circle one)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Y/N</td>
<td>(Circle one)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Y/N</td>
<td>(Circle one)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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Designation of Subcontractors 11  
RSI 09-08 (Group 35)  
Addendum #3
From: Dave deGroot [dave@pbcla.com]
Sent: Friday, May 08, 2009 4:28 PM
To: O'Neill, James
Subject: El Segundo Groups 31 rebid, 34, 35

James,

There have been a couple of issues brought to my attention with the bid submitted by California Averland Construction Inc on Group 35, and the bids submitted by S&L Specialty Contracting Inc. I am hoping to get your feedback on them before I waste any time (mine or yours) protesting these items. I realize that you have no obligation to respond or give any information before the Staff recommendation is posted with the City Agenda so if you cannot answer can you at least tell me when the recommendations are expected to be posted.

1. The Non-Collusion Affidavit does not include the Jurat notarization as required. At the bottom of the page it clearly states *Must be subscribed and sworn before a Notary Public and Jurat notarization must be attached. A Jurat is required since it is a sworn statement. The Non-Collusion Affidavit is an specific item in the instruction to bidders so if this form is not correct or invalid since the Jurat is not attached will the City deem these bids non-responsive or will the City allow that Jurat to be submitted subsequent to the bid as an immaterial omission?

2. Bid Bond Notary - S&L submitted a standard bid bond form from their surety. I realize the specs state that a standard form can be used as long as it does not reduce the security stipulations protecting the City. However their form does not include any notaries for the signatures of S&L or the Surety company. Usually all bid bond forms require a notary for these signatures including the prior and present City of El Segundo sample bid bond forms. Again is this an irregularity that the City would accepted as an immaterial omission? Or would the City deem the form invalid and reject the bids.

I would appreciate any feedback that you can give me.

Thanks,

Dave
BIDDERS'S PROPOSAL AND STATEMENT

Project Number RSI 09-08
"Residential Sound Insulation Program – Group 35"

To the Mayor and City Council
City of El Segundo
350 Main St.
El Segundo, CA 90245

The undersigned declares that he/she has examined the Contract Documents, including without limitation the “Instructions to Bidders” and the “Conditions of the Contract,” and otherwise satisfied himself/herself as to the nature and location of the Work, and is fully informed as to all conditions and matters which can in any way affect the Work or its cost, and agrees to the following:

To perform all Work in strict conformity with the requirements of the Contract Documents and at the following lump sum price:

<table>
<thead>
<tr>
<th>ID</th>
<th>Address</th>
<th>Description</th>
<th>Engineer's Estimate</th>
<th>Bid Amount</th>
<th>Property Subtotal</th>
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<tr>
<td>35.01</td>
<td>1128 E. Acacia Ave</td>
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<td>$24,011</td>
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<td></td>
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<td>Air Conditioning Upgrade</td>
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<td>Electrical Upgrade</td>
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<td>$100</td>
<td>$102</td>
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<td>Sill Damage Upgrade</td>
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<td>Window 13,14, and 15 Upgrade</td>
<td>$2,100</td>
<td>$1,400</td>
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<td>A/C Upgrade</td>
<td>$3,000</td>
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<td>Door C Upgrade</td>
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<td>Window 11 Upgrade</td>
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<td>$492</td>
<td>$30,819</td>
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Bidder's Proposal and Statement 1

RSI 09-08 (Group 35)
Addendum #3
<table>
<thead>
<tr>
<th></th>
<th>Address</th>
<th>RSI Improvements</th>
<th>Door A Upgrade</th>
<th>Door B Upgrade</th>
<th>Window 15 &amp; 16 Upgrade</th>
<th>Electrical Upgrade</th>
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<td>1127 E. Acacia Ave.</td>
<td>$26,587</td>
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<td>$1,688</td>
<td>$578</td>
<td>$30,767</td>
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<td>$35,146</td>
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<td>35.11</td>
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<td>35.12</td>
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<td>$21,286</td>
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<td>909 McCarthy Ct</td>
<td>$47,136</td>
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<td>$50,125</td>
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<td>$15,768</td>
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Bidder's Proposal and Statement

RSI 09-08 (Group 35)
Addendum #3

[Signatures]
City of El Segundo
Residential Sound Insulation Program

<table>
<thead>
<tr>
<th>35.23</th>
<th>836 Main St, Unit 4</th>
<th>RSU Improvements</th>
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<th>$15,178</th>
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<td>$274</td>
<td>$15,954</td>
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<td>35.24</td>
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<td>Door A Upgrade</td>
<td>$250</td>
<td>$274</td>
<td>$16,631</td>
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</tbody>
</table>

Total Bid (Contract Sum)

Six Million Thirty-Five Thousand Eight Hundred Fifty

$6,358,850.00

In case of discrepancy between the words and figures, the words must prevail.

Notices:

- Illegible Bids must be disqualified
- If the Total Bid does not equal the total of the Schedule of Values, it is grounds for rejection of the Bid or rescinding a Notice of Award.
- Inconsistencies between the Schedule of Values and the Plans for each Home are grounds for rejection of the Bid

If awarded the Contract for the Work, the undersigned hereby agrees to execute the Contract within ten (10) calendar days as required by the Contract Documents (See Section 00 51 00).

Bid Security, which must not be less than ten percent (10%) of the Total Bid (Contract Sum), is enclosed as a guarantee that the undersigned will enter into a Contract if awarded to the undersigned. Bidder further agrees that in the event Bidder fails to execute the Contract in accordance with the requirements of the Contract Documents after being awarded the Contract, Bidder will be liable for and forfeit to the City the amount of the difference between the amount of its Bid and the larger amount for which the City procures the Work.

Name of Firm: PBC, Inc.
Address: 125 Sheldon St., ES, CA 90245
Telephone Number: 310-524-0680
Contractor's License Number: 765663
Type of License: Class B
License Expiration Date: 7/31/09

Type of Entity: ☐ Sole Proprietorship ☐ Partnership ☐ Corporation ☐ Other

Bidder’s Proposal and Statement 3 RSI 09-08 (Group 35)
Addendum #3
AGENDA DESCRIPTION:

Consideration and possible action to approve a maintenance agreement between the City of El Segundo and Thomas Properties Group, Inc. for sanitary sewer, water and storm drain facilities located between Mariposa Avenue, Nash Street, Atwood Way and Douglas Street.
(Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

(1) Approve the attached Maintenance Agreement in a form as approved by the City Attorney for maintenance of sanitary sewer, water and storm drain facilities located between Mariposa Avenue, Nash Street, Atwood Way and Douglas Street; (2) Authorize the City Manager to execute the Agreement; and (3) Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Maintenance Agreement and Associated Exhibits

FISCAL IMPACT: Included in Adopted Budget

<table>
<thead>
<tr>
<th>Amount Requested:</th>
<th>$</th>
</tr>
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<tbody>
<tr>
<td>Additional Appropriation:</td>
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</tr>
<tr>
<td>Account Number(s):</td>
<td></td>
</tr>
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</table>

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

BACKGROUND AND DISCUSSION:

The Thomas Properties Group (TPG) completed the installation of water, wastewater and storm drain facilities between Mariposa Avenue, Nash Street, Atwood Way and Douglas Street as part of the Campus El Segundo commercial development project. Because the new infrastructure benefits development other than Campus El Segundo and will be tied into existing City infrastructure systems, the City has agreed to assume responsibility for maintenance and repairs, while TPG has agreed to assume responsibility for street surface repairs and replacement, including those damaged as a result of City maintenance activities. The attached maintenance agreement outlines the responsibilities and conditions of both parties for the new facilities.
RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

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

No fee per Government Code § 6103

MAINTENANCE AGREEMENT

TRACT NO. 53570

This MAINTENANCE AGREEMENT ("Agreement") is made and entered into this 20th day of May, 2009, by and between the CITY OF EL SEGUNDO, a general law city and municipal corporation ("CITY") and THOMAS PROPERTIES GROUP, INC., a California Corporation ("DEVELOPER") with reference to the following facts:

RECITALS

A. DEVELOPER is constructing a commercial development identified as Tract No. 53570 as approved by the City Council (the "Project") on the real property located at 700-800 N. Nash Street, bounded by Mariposa Avenue, Nash Street, Douglas Street, and Atwood Way, as more particularly described on Exhibit "A" attached hereto (the "Property")

B. As part of the Project, DEVELOPER has constructed on, under, and adjacent to the Property the underground water, reclaimed water, sanitary sewer, and storm drain improvements more particularly described on Exhibit "B" attached hereto (collectively, the "Improvements").

C. The Improvements will benefit development other than the Project and will be tied into existing City infrastructure systems. Accordingly, DEVELOPER has conveyed the Improvements to CITY by Grant Deed dated May 6, 2009 and accepted by the City Council pursuant to Resolution No. 4255.

D. DEVELOPER and CITY desire to set forth the respective obligations with respect to maintenance of the Improvements as set forth herein.
Therefore, the Parties agree as follows:

1. **MAINTENANCE AND REPAIR.**

   A. City acknowledges and agrees that certain other utilities (the "Other Utilities") cross the Improvements at various points.

   B. CITY is responsible for the operation, maintenance and /repair of the Improvements constructed within the easement depicted in Exhibit A at its sole cost and expense. Maintenance of the Improvements will be undertaken by CITY in accordance with its regular business practices with regard to public facilities within CITY’s jurisdiction.

   C. Notwithstanding anything to the contrary contained herein, DEVELOPER is responsible, at its sole cost and expense, for the repair of any private streets on the Property that may be damaged as a result of CITY’s repair of the Improvements.

2. **CITY NOT LIABLE FOR PLANS AND SPECIFICATIONS.** CITY is not an insurer or surety for the design or construction of the Improvements. And no CITY official, officer, or employee is liable or responsible for any claim arising during construction of the Improvements.

3. **WARRANTY OF IMPROVEMENTS.** DEVELOPER warrants that the plans and specifications for the Improvements comply with all applicable CITY specifications. DEVELOPER further warrants that the plans and specifications can be relied upon to accomplish the maintenance work contemplated by this Agreement in a good, workmanlike manner and in accordance with accepted construction practices.

4. **WARRANTY OF WORK.** DEVELOPER warrants that the Improvements were constructed in a manner consistent with CITY’s specifications and the highest industry standards. Should any Improvement fail to comply with this warranty or any other provision of this Agreement within one (1) year after CITY’s final acceptance, DEVELOPER must, without delay and without cost to CITY, repair, replace or reconstruct any defective or otherwise unsatisfactory part or parts of the Improvements. Should DEVELOPER fail to act promptly or in accordance with this requirement or should the exigencies of the case require repairs or replacements to be made before DEVELOPER can be notified, CITY may, at its option, make the necessary repairs or replacements or perform the necessary work and DEVELOPER must pay to CITY the actual cost of such repairs plus fifteen percent (15%) for CITY’s administrative overhead costs. This Section is not a waiver of any other right CITY may have for correcting faulty workmanship or defective materials.
5. **INDEMNIFICATION.**

A. DEVELOPER indemnifies and holds CITY harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising out of DEVELOPER's negligence or willful misconduct in connection with this Agreement or its performance, except to the extent caused by CITY's negligence or willful misconduct. Should CITY be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of this Agreement, or its performance, DEVELOPER must defend CITY (at CITY's request and with counsel satisfactory to CITY) and indemnify CITY for any judgment rendered against it or any sums paid out in settlement or otherwise.

B. For purposes of this section "CITY" includes CITY's officers, officials, employees, agents, representatives, and certified volunteers.

C. The foregoing release, waiver, and indemnity agreement is intended to be as broad and inclusive as is permitted by the law of the State of California and that if any portion is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

D. It is expressly understood and agreed that the foregoing provisions will survive termination of this Agreement.

6. **NOTICES.**

A. All notices given or required to be given pursuant to this Agreement will be in writing and may be given by personal delivery or by mail. Notice sent by mail will be addressed as follows:

To CITY: City of El Segundo
Public Works Department
350 Main Street
El Segundo, CA 90245

To DEVELOPER: Thomas Properties Group, Inc.
Mr. Dennis Watsabaugh
City National Plaza
515 South Flower Street, 6th Floor
Los Angeles, CA 90071
B. When addressed in accordance with this paragraph, notices will be deemed given upon deposit in the United States mail, postage prepaid. In all other instances, notices will be deemed given at the time of actual delivery.

C. Changes may be made in the names or addresses of persons to whom notices are to be given by giving notice in the manner prescribed in this paragraph.

7. CITY’S LEGAL FEES. DEVELOPER agrees to pay all legal fees incurred by CITY in preparing this document. Payment of such fees is a condition precedent to CITY’s obligations under this Agreement and must be made at or before the time CITY accepts the Improvements.

8. COMPLIANCE WITH LAW. DEVELOPER will comply with all laws applicable to this Agreement including, without limitation, federal, state, and local laws requiring permitting and licenses. All such compliance will be at DEVELOPER’s own cost.

9. CONSTRUCTION. The language of each part of this Agreement will be construed simply and according to its fair meaning, and this Agreement will never be construed either for or against either party.

10. SEVERABILITY. If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, then such portion will be deemed modified to the extent necessary in the opinion of the court to render such portion enforceable and, as so modified, such portion and the balance of this Agreement will continue in full force and effect.

11. CAPTIONS. The captions of the paragraphs of this Agreement are for convenience of reference only and will not affect the interpretation of this Agreement.

12. WAIVER. Waiver of any provision of this Agreement will not be deemed to constitute a waiver of any other provision, nor will such waiver constitute a continuing waiver.

13. GOVERNING LAW. This Agreement has been made in and will be construed in accordance with the laws of the State of California and exclusive venue for any action involving this Agreement will be in Los Angeles County.

14. AUTHORITY/MODIFICATION. This Agreement is subject to and conditioned upon approval and ratification by the El Segundo City Council. This Agreement is not binding upon CITY until executed by the City Manager. The Parties represent and warrant that all necessary action has been taken by the Parties to authorize the undersigned to execute this Agreement and to engage in the actions described herein.
This Agreement may be modified by written agreement. CITY's City Manager may execute any such amendment on behalf of CITY.

15. **BINDING UPON SUCCESSORS.** The terms of this Agreement constitute a burden and benefit upon the Property. Accordingly, this Agreement will be recorded and the term will run with the Property and become binding upon the parties and their respective heirs, successors and assigns.

16. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement between DEVELOPER and CITY with respect to the subject matter hereof. There are no other understandings, terms or other agreements expressed or implied, oral or written.

IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

**CITY:**

CITY OF EL SEGUNDO,
a municipal corporation

By: ________________________________
    Jack Wayt, City Manager

ATTEST:

____________________________________
Cindy Mortesen, City Clerk

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

By: ________________________________
    Karl H. Berger,
    Assistant City Attorney

**TPG:**

TPG-EL SEGUNDO PARTNERS, LLC,
a California limited liability company

By: THOMAS PROPERTIES GROUP, L.P.,
a Maryland limited partnership
    Its Manager

By: THOMAS PROPERTIES GROUP, INC.,
a Delaware corporation
    Its General Partner

By: ________________________________
    Dennis Watsabaugh,
    Vice President
EXHIBIT "A"

EASEMENT TO OPERATE, MAINTAIN AND REPAIR UNDERGROUND WATER, RECLAIMED WATER, SANITARY SEWER AND STORM DRAIN IMPROVEMENTS.
IN THE CITY OF EL SEGUNDO
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

SCALE: 1" = 250'

INDICATES PROPERTY COVERED BY EASEMENT

PSOMAS
AGENDA DESCRIPTION:
Consideration and possible action regarding the presentation of fiscal year 2008-2009 Midyear Financial Review and approval of fiscal year 2009-2010 Budget Calendar. (Fiscal Impact: none)

RECOMMENDED COUNCIL ACTION:
2) Direct staff to proceed with Fiscal Year 2009-2010 Budget Calendar,
3) Alternatively discuss and take other action related to this item

ATTACHED SUPPORTING DOCUMENTS:
1. Proposed 2009-2010 Budget Calendar
2. Report of purchases and contracts $10,001 to $25,000 for the 2nd quarter

FISCAL IMPACT: None

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ORIGINATED BY: Angelina Garcia, Fiscal Services Manager
REVIEWED BY: Deborah Cullen, Director of Finance
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

Midyear Financial Review Fiscal Year 2008-2009

Staff has reviewed all revenues and expenditures for midyear Fiscal Year 2008-2009, with an emphasis on the General Fund, to determine if all sources and uses are on target with the originally adopted budget and to highlight any areas that may end the fiscal year significantly above or below budget. As we review the midyear results and begin the budgeting process for FY 2009-2010, the City faces uncertain economic times and financial challenges that are unprecedented. The State budget deficit may impact municipalities and further erode our ability to accurately forecast a balanced budget. The good news is that our practice of fiscal conservatism will provide the City some protection during these uncertain times. Although the length of the current recession is unknown, staff will continue to control expenditures and monitor revenues to ensure proactive planning for the City's future.
Detailed information is provided below, but for summary purposes staff is projecting that revenues will fall short of the adopted budget by $2,580,500.

To minimize the projected deficit staff has taken the following actions:
- A hiring freeze has been instituted for all vacancies. Approval to fill vacant positions is at the discretion of the City Manager;
- Staff has been asked to review all consulting contracts and reduce if possible; and
- City overtime is being reviewed for possible saving opportunities.

As a result, staff projects expenditures will come in $2,500,500 under the adopted budget, leaving the City with a deficit of $80,000.

Currently the City has sufficient General Fund unreserved/undesignated funds available to accommodate the estimated shortfall while maintaining the City’s fund policy reserve of 20% of General Fund Expenditures. Currently the unreserved/undesignated General Fund balance is 22% of total General Fund expenditures (net of operating transfers) as of September 30, 2008. With these measures in place staff is confident that the identified deficit will be reduced or minimized.

**General Fund Revenues**

The following is a list of major General Fund revenues, and the performance of each source through midyear:

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Prior Year Midyear FY 2007-2008</th>
<th>Current Year Midyear FY 2008-2009</th>
<th>Adopted Budget</th>
<th>% Received</th>
<th>Year-End Estimate</th>
<th>Variance Over/(Under)</th>
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<td>Business License</td>
<td>$9,350,572</td>
<td>8,853,910</td>
<td>9,912,700</td>
<td>89.32%</td>
<td>8,943,344</td>
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<td>Sales &amp; Use Tax</td>
<td>5,037,473</td>
<td>4,953,732</td>
<td>9,149,800</td>
<td>54.14%</td>
<td>9,149,800</td>
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<td>Property Tax</td>
<td>3,175,383</td>
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<td>5,781,000</td>
<td>58.53%</td>
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<td>Transient Occupancy (TOT)</td>
<td>2,462,562</td>
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<td>4,853,800</td>
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<td>Charges for Services</td>
<td>2,152,206</td>
<td>1,974,243</td>
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<td>Electric Utility Tax</td>
<td>1,687,493</td>
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<td>1,733,955</td>
<td>3,200,000</td>
<td>54.19%</td>
<td>3,467,911</td>
<td>267,911</td>
</tr>
<tr>
<td>Cogeneration Electric</td>
<td>1,040,029</td>
<td>867,461</td>
<td>2,750,000</td>
<td>31.54%</td>
<td>1,859,223</td>
<td>(890,777)</td>
</tr>
<tr>
<td>License &amp; Permits</td>
<td>592,940</td>
<td>835,514</td>
<td>1,557,200</td>
<td>53.65%</td>
<td>1,693,947</td>
<td>136,747</td>
</tr>
<tr>
<td>Gas Utility Tax</td>
<td>832,437</td>
<td>765,494</td>
<td>1,250,000</td>
<td>61.24%</td>
<td>1,617,068</td>
<td>367,068</td>
</tr>
<tr>
<td>Transfers In</td>
<td>1,970,375</td>
<td>2,383,350</td>
<td>4,931,700</td>
<td>48.33%</td>
<td>4,931,700</td>
<td>-</td>
</tr>
<tr>
<td>Other Revenues</td>
<td>2,840,125</td>
<td>2,669,564</td>
<td>6,133,070</td>
<td>43.53%</td>
<td>5,535,777</td>
<td>(597,293)</td>
</tr>
<tr>
<td><strong>Total General Fund Revenues</strong></td>
<td>$33,114,626</td>
<td>32,486,404</td>
<td>60,784,950</td>
<td>53.44%</td>
<td>58,204,450</td>
<td>(2,580,500)</td>
</tr>
</tbody>
</table>
Sales & Use Tax and Sales Tax in Lieu combined is the City's largest revenue source, accounting for 22% of the General Fund revenues. Sales and Use Tax receipts for the City's October through December sales (4th quarter for sales tax reporting) were 5.7% higher than the same quarter last year. Actual sales activity was down 0.7% when reporting aberrations were factored out. The City has experienced strong sales in office equipment, home furnishings and restaurants with beer and wine although these gains were partially offset by declines in sales of business services and transportation non-auto. Taxable sales for all of Los Angeles County showed a decline to fourth quarter last year of 13.4%. The current economy will continue to impact this revenue stream but fortunately the City's diverse sales tax base has provided a bit of stability through midyear. Sales Tax in Lieu is received in two payments each year (January and May) and is currently on target to make budget at yearend.

Sales & Use Tax
FY 2008 Actual Revenue: $9,573,863
FY 2009 Adopted Budget: $9,149,800
FY 2009 Yearend Estimate: $9,149,800

Sales Tax in Lieu
FY 2008 Actual Revenue: $3,197,128
FY 2009 Adopted Budget: $3,200,000
FY 2009 Yearend Estimate: $3,467,911

Business License Tax is the City's second largest General Fund revenue source, accounting for 18% of total revenues. The majority of this revenue stream is collected in January and February, and based on the revenues received in the first 6 months of the fiscal year this category will not meet the adopted budget projection. There have been two impacts to this revenue source; an increase in sales tax credits for this fiscal year and a decrease in the number of businesses in the City. Our records show that there has been a reduction of 359 business licenses issued in this fiscal year coupled with 8% increase in the number of companies receiving sales tax credits that offsets a portion or the entire business license tax. Staff is currently working diligently to identify all new businesses through the AB 163 process and to collect any license taxes due to the City. This category is estimated to end the year below budget by $969,400.

Business License Tax
FY 2008 Actual Revenue: $9,720,166
FY 2009 Adopted Budget: $9,912,700
FY 2009 Yearend Estimate: $8,943,344

Property Tax is currently 6.55% or $207,980 more than the same period last year. Based on research that staff has performed and discussions with our consultants the housing slowdown has begun to impact this revenue source, and we anticipate ending the year approximately $300,000 below budgeted amounts. We are still expecting an impact from property tax delinquencies county-wide, which affect all cities in the county, since these delinquencies are allocated across all cities within the county, not just to the city in which the delinquency occurs. Our consultants
expect to have the delinquency rate by July 1 so staff will be able to incorporate this number in FY 2009-2010 budget.

**Property Taxes**
- FY 2008 Actual Revenue: $5,919,767
- FY 2009 Adopted Budget: $5,781,000
- FY 2009 Yearend Estimate: $5,464,325

**Real Property Transfer Tax** has shown a significant decrease due to the drop in property sales volume. Historically this revenue at midyear is at 38% of budget; however, currently this revenue is only at 11% of budget. This is being driven by the median price of homes and the drop in actual sales. In FY 2007, single-family residential property sales volume was 137 units, with a median sales price of $830,000 and in FY 2008, single-family residential property sales volume was 110 (a decrease of 19.7%), with a median price of $693,500 (a decrease of 16.4%). This revenue source will most likely be below adopted budget by an estimated $311,000.

**Real Property Transfer Tax**
- FY 2008 Actual Revenue: $303,203
- FY 2009 Adopted Budget: $400,000
- FY 2009 Yearend Estimate: $88,537

**Transient Occupancy Tax** is currently 17.61% or $433,561 below the same period last year, with 41.80% of budget received. Through the first quarter of FY 2008-2009, TOT was showing a slight lag compared to the first quarter of FY 2007-2008, and that trend has continued. Based on staff inquiries the decrease in this category is due to lower than expected occupancy levels driven by the reduction in tourism and business travel. Staff will continue to monitor and report any changes due to the economic conditions at third quarter, but is projecting this revenue source to fall short of the budgeted amount by $641,000.

**Transient Occupancy Tax**
- FY 2008 Actual Revenue: $4,842,887
- FY 2009 Adopted Budget: $4,853,800
- FY 2009 Yearend Estimate: $4,212,259

**Franchise Tax** is currently on target when compared to the same period last year. The majority of this revenue is received in two payments made in April of each year, and based on receipts through April 30th the City has received $3.4 million, exceeding budget by $106,000.

**Franchise Tax**
- FY 2008 Actual Revenue: $3,119,995
- FY 2009 Adopted Budget: $3,319,680
- FY 2009 Yearend Estimate: $3,426,238
Gas Utility Tax is currently at 61.24% of budget. Based on the uncertainty of the operational status of the local power plant, staff had estimated a decrease in this category for the FY 2008-2009 budget. The good news is that the local power plant is reporting revenues each month and the City has received unexpected revenues. This revenue source continues to be difficult to forecast. Staff has taken a very conservative approach of not including revenues from the local power plant, which provides the City with a buffer in case the revenue stream does stop completely as had been projected in the past few years.

**Gas Utility Tax**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2008</td>
<td>$1,831,811</td>
</tr>
<tr>
<td>FY 2009</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>FY 2009 Yearend Estimate</td>
<td>$1,617,068</td>
</tr>
</tbody>
</table>

Cogenerated Electric Utility User’s Tax is estimated to come in significantly lower than budget by $891,000 attributable to a reduction in the Short Run Avoided Cost (SRAC), which is the cost that the local refinery pays Southern California Edison (SCE) for electricity purchased and used to value the Cogenerated production for the tax payment. This SRAC formula is tied to changes in natural gas prices, which have dropped unexpectedly and significantly over the past year. Based on staff research, the price for natural gas megawatt per hour in March 2008 was $89 and in March 2009 the price per megawatt hour is $43 and estimates are that the price will continue to drop over the summer months.

**Cogenerated Electric Utility User’s Tax**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2008</td>
<td>$2,504,864</td>
</tr>
<tr>
<td>FY 2009</td>
<td>$2,750,000</td>
</tr>
<tr>
<td>FY 2009 Yearend Estimate</td>
<td>$1,859,223</td>
</tr>
</tbody>
</table>

Interest on Investments has experienced a significant reduction due to the current economic crisis and the result of the Federal Reserve Bank’s rate reduction in short-term and long-term interest rates. Additionally, as explained in the first quarter review the City’s portfolio at the end of FY 2007-2008 was significantly impacted by the loss of portfolio value of $3.8 million. This loss was offset with interest gains and at yearend resulted in a net loss of $1.9 million. Currently, the City’s portfolio is invested in Local Agency Investment Funds (LAIF) (47% of the portfolio value), money market accounts (5% of the portfolio value), negotiable CD’s, (2% of the portfolio value), Federal Agency Issues (20% of the portfolio value), and miscellaneous securities (26% of the portfolio value). The average return on our miscellaneous securities through midyear was 4.8%, and LAIF was 1.8%, and with the total average return for entire portfolio being 3.1%. The estimates for the average return at yearend for misc. securities is 3.1%, LAIF will fall to 1.0%, and the total average return for the portfolio is estimated to be 2.6%. These rate reductions will result in a decrease in expected earnings on investments. We are estimating interest income will be lower that budget by $764,000.
Interest on Investments
FY 2008 Actual Loss: $1,825,582
FY 2009 Adopted Budget: $2,200,000
FY 2009 Yearend Estimate: $1,435,946

Charges for Services includes Zoning and Planning fees, Plan Check fees, Plan Retention fees, Energy Plan Check fees, and Planning Service fees have a combined budget of $4,444,000, and the City has received $1,974,243 or 44.42% combined through midyear. Staff had factored in the continued slowdown in housing and construction in the budget estimate for FY 2008-2009, and this revenue group is trending close to the budget estimate. At this time staff is estimating this revenue group to end the year slightly below budget by $281,000.

Charges for Services
FY 2008 Actual Revenue: $4,465,919
FY 2009 Adopted Budget: $4,444,460
FY 2009 Yearend Estimate: $4,163,846

License and Permits In the first quarter this revenue group recorded revenues of $242,574 over same period last year, primarily due to the issuance of one building permit in the amount of approximately $240,000. At midyear this revenue stream is tracking closely to estimated budget and is anticipated to end the year slightly over budget by $137,000.

License and Permits
FY 2008 Actual Revenue: $1,342,308
FY 2009 Adopted Budget: $1,557,200
FY 2009 Yearend Estimate: $1,693,947

Total Estimated Revenues

Revenues in all other funds appear to be on target. Staff will provide a more in-depth analysis during the second Strategic Planning Session in July 2009.
General Fund Expenditures

The General Fund expenditures through March 31, 2009 are projected to come in under budget, as illustrated in the following table:

<table>
<thead>
<tr>
<th>Department</th>
<th>Budget 08/09</th>
<th>Midyear 08/09</th>
<th>Projected Year-End 08/09</th>
<th>(Over) Under Budget (Projected)</th>
<th>% (Over) Under Budget (Projected)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elected Officials</td>
<td>816,650</td>
<td>371,626</td>
<td>795,153</td>
<td>21,497</td>
<td>2.63%</td>
</tr>
<tr>
<td>Administrative Support</td>
<td>5,766,950</td>
<td>2,345,570</td>
<td>5,229,873</td>
<td>537,077</td>
<td>9.31%</td>
</tr>
<tr>
<td>Police</td>
<td>17,611,709</td>
<td>8,322,233</td>
<td>17,075,307</td>
<td>536,402</td>
<td>3.05%</td>
</tr>
<tr>
<td>Fire</td>
<td>14,613,850</td>
<td>7,211,274</td>
<td>14,368,028</td>
<td>245,822</td>
<td>1.68%</td>
</tr>
<tr>
<td>Planning/Building Safety</td>
<td>3,361,400</td>
<td>1,174,397</td>
<td>2,461,725</td>
<td>899,675</td>
<td>26.76%</td>
</tr>
<tr>
<td>Public Works</td>
<td>5,990,900</td>
<td>2,922,521</td>
<td>5,968,336</td>
<td>22,564</td>
<td>0.38%</td>
</tr>
<tr>
<td>Recreation and Parks</td>
<td>4,647,150</td>
<td>1,892,980</td>
<td>4,378,635</td>
<td>268,515</td>
<td>5.78%</td>
</tr>
<tr>
<td>Library</td>
<td>2,150,050</td>
<td>990,207</td>
<td>2,150,050</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>Nondepartment</td>
<td>4,782,290</td>
<td>2,064,858</td>
<td>4,813,340</td>
<td>(31,050)</td>
<td>-0.65%</td>
</tr>
<tr>
<td>Transfers to Other Funds</td>
<td>1,044,000</td>
<td>582,300</td>
<td>1,044,000</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>Total General Fund</strong></td>
<td><strong>$60,784,949</strong></td>
<td><strong>27,877,966</strong></td>
<td><strong>58,284,449</strong></td>
<td><strong>2,500,500</strong></td>
<td><strong>4.11%</strong></td>
</tr>
</tbody>
</table>

The following is summary of General Fund expenditures by major categories:

**Elected Officials and Administrative Support Services**

The Elected Officials category, which consists of the City Council, City Clerk and City Treasurer, is currently on target to come in 2.6% under budget.

The Administrative Support category, which includes the City Manager’s office, Finance and Human Resources, is currently on target to come in 9.3% under budget, primarily due to cost savings on salaries for unfilled positions and cost savings in legal fees.

**Public Safety**

The Police Department is projected to come in under budget at year-end, primarily due to cost savings on salaries for unfilled positions. Mid-year expenditures totaled $8,322,233 or 47.25% of budget.

The Fire Department is projected to come in under budget at year-end as well, primarily due to cost savings on salaries for unfilled positions. Mid-year expenditures totaled $7,211,274 or 49.35% of budget.
Planning and Building Safety

Mid-year expenditures totaled $1,174,397 or 35% of the budget. This department continues to maximize staffing efficiency with consultant resources; this, in turn enables them to more effectively control expenditures when necessary due to the uncertain economic conditions and fluctuation in the volume of permit applicants. This department is projected to come in under budget at year-end.

Public Works

This function’s General Fund divisions consist of Government Buildings, Engineering, Street Services, Street Maintenance, Traffic Safety, Solid Waste Recycling, Wastewater, Storm Drains, Equipment Maintenance and Administration. As of March 31, 2009, the department is right on target with actual expenditures at $2,922,521 or 49% of budget.

Recreational, Cultural and Information Services

The Recreation, Cultural and Information Services function includes the Recreation and Parks Department and the Library Department.

For the first six months of the fiscal year, the Recreation and Parks department is slightly below budget with actual expenditures at $1,892,980 or 41% of budget. Currently, the Parks Division is $870,564 or 19% of budget and the Recreation Division is $1,022,416 or 22% of budget.

Library Services is on target with budget at $990,207 or 46.06% of expenditures realized though the first six months of the fiscal year.

Nondepartment

Nondepartment expenditures are currently projected to come in over budget. This is primarily due to slightly higher retiree health costs than anticipated.

Summary

With half of the fiscal year complete, General Fund expenditures are at 45.86% of budget and are projected to come in under budget by approximately 4%.

Expenditures and revenues in all other funds appear to be on target with budget.
<table>
<thead>
<tr>
<th>Start Date</th>
<th>Due Date</th>
<th>Responsible Department</th>
<th>Description of Task</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/19/2009</td>
<td></td>
<td>City Council, City Manager, Department Heads</td>
<td>City Council Strategic Planning Session</td>
</tr>
<tr>
<td>4/1/2009</td>
<td>4/20/2008</td>
<td>Accounting</td>
<td>Midyear closing</td>
</tr>
<tr>
<td>5/5/2009</td>
<td></td>
<td>Department Heads</td>
<td>Year-End Projections due from Department Heads to Finance</td>
</tr>
<tr>
<td>5/21/2009</td>
<td>6/1/2009</td>
<td>Department Heads/ Budget Analyst</td>
<td>Prepare submission of FY 2009-2010 budget. Submit the following to the Finance Department (FY 2009-2010 Budget):&lt;br&gt;1) Proposed fee increases as of October 1, 2009 in accordance with City ordinances, if applicable,&lt;br&gt;2) Completed expenditure and revenue worksheets,&lt;br&gt;3) Completed personnel worksheets,&lt;br&gt;4) Completed Capital Outlay Requests,&lt;br&gt;5) Completed Travel and Meetings, Professional and Technical Services, Dues and Subscriptions, Training and Education,&lt;br&gt;6) Completed New Program Requests, if applicable, and&lt;br&gt;7) Completed departmental and divisional narratives updated on network (&quot;U&quot; Drive).</td>
</tr>
<tr>
<td>6/1/2009</td>
<td>6/12/2009</td>
<td>City Manager/Finance/ Department Heads</td>
<td>Department budget sessions with the City Manager and Director of Finance to discuss departmental budgets.</td>
</tr>
<tr>
<td>7/10/2009</td>
<td>7/15/2009</td>
<td>Finance</td>
<td>Distribute Preliminary Budget</td>
</tr>
<tr>
<td>7/1/2009</td>
<td>7/20/2009</td>
<td>City Manager/ Finance</td>
<td>Finance Dept. sends revised budget to budget coordinators for final review.</td>
</tr>
<tr>
<td>7/6/2009</td>
<td>7/24/2009</td>
<td>City Manager/ Finance</td>
<td>2nd Strategic Planning Session (exact date TBD).</td>
</tr>
<tr>
<td>9/1/2009</td>
<td></td>
<td>All Departments</td>
<td>City Council holds a public hearing on the FY 2009-2010 annual operating budget and the FY 2009-2010 through 2013-2014 CIP budget.</td>
</tr>
<tr>
<td>9/15/2009</td>
<td></td>
<td>All Departments</td>
<td>Budget Adoption. Departments present listing of all contracts &gt;$25,000 to City Council.</td>
</tr>
<tr>
<td>#</td>
<td>Amount</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>-------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>13,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>23,438.00</td>
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<td>3</td>
<td>20,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>18,726.26</td>
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</tr>
<tr>
<td>5</td>
<td>20,363.22</td>
<td></td>
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<tr>
<td>6</td>
<td>24,500.00</td>
<td></td>
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<tr>
<td>7</td>
<td>25,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>25,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>25,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>16,250.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>25,000.00</td>
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<td></td>
</tr>
<tr>
<td>12</td>
<td>10,865.37</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>11,550.00</td>
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<tr>
<td>15</td>
<td>14,702.57</td>
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<td>16</td>
<td>22,706.31</td>
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</tr>
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<td>17</td>
<td>14,609.99</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>15,679.45</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>15,999.15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>23,568.23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>23,660.60</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 2nd Qtr PO's between $10K and $25K: 22 | 426,189.90 |
| ALL PO's this Fiscal Year: 244 | 35,860,323.17 |
| % of Total PO's: 9.02% | 1.19% |