AGENDA
EL SEGUNDO CITY COUNCIL
COUNCIL CHAMBERS - 350 Main Street

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

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

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

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

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

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JUNE 2, 2009 – 5:00 P.M.

Next Resolution # 4601
Next Ordinance # 1430

5:00 P.M. SESSION

CALL TO ORDER

ROLL CALL

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

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

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

1. Public Employee Performance Evaluation
   Title: City Manager

2. Public Employment
   Title: City Manager

CONFERENCE WITH CITY’S LABOR NEGOTIATOR (Gov’t Code §54957.6): -2-
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)

2. Unrepresented Employee: City Manager, Jack Wayt
   City’s Representative: City Attorney, Mark Hensley

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

SPECIAL MATTERS: - 0- matter
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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JUNE 2, 2009 - 7:00 P.M.

Next Resolution # 4601
Next Ordinance # 1430

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Pastor SeHee Han, United Methodist Church

PLEDGE OF ALLEGIANCE – Council Member Carl Jacobson
PRESENTATIONS

a. Proclamation announcing June 13, 2009 for Beauty and the Beach Day in El Segundo.

b. Proclamation announcing July RELAY FOR LIFE month and designate July 11th and 12th as RELAY FOR LIFE days.

ROLL CALL

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

A. PROCEDURAL MOTIONS

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

Recommendation – Approval.

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

C. UNFINISHED BUSINESS

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

E. CONSENT AGENDA

All items listed are to be adopted by one motion without discussion and passed unanimously. If a call for discussion of an item is made, the item(s) will be considered individually under the next heading of business.
1. Warrant Numbers 2571785 to 2571990 on Register No. 16 in the total amount of $958,134.71 and Wire Transfers from 05/08/09 through 05/21/09 in the total amount of $1,802,166.68.

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.

2. Regular City Council Meeting Minutes of May 20, 2009.

Recommendation – Approval.

3. Consideration and possible action regarding the adoption of Ordinance No. 1429 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. (Fiscal Impact: None)

Recommendation – (1) Waive second reading and adopt Ordinance No. 1429; (2) Alternatively, discuss and take other possible action related to this item.

4. Consideration and possible action regarding a new Alcoholic Beverage Control (ABC) license for on-site sale and on-site consumption of alcohol (Type 41 – On-Sale Beer and Wine) at an existing restaurant located at 2251 E. Maple Avenue (Kaya Sushi Restaurant), EA No. 823 for AUP No. 09-01.

Applicant: Dae Kil Im/Kaya Sushi Restaurant (Fiscal Impact: None)

Recommendation – (1) Receive and file this report without objecting to a new Type 41 ABC license at 2251 E. Maple Avenue; (2) Alternatively, discuss and take other possible action related to this item.

5. Consideration and possible action regarding the approval of an amendment to the Professional Services Agreement with Tetra Tech, Inc. in conjunction with the 3.1 Million Gallon (MG) Water Reservoir Seismic Retrofit project located at 400 Lomita Street. (Fiscal Impact: $63,625.00)

Recommendation – (1) Authorize the City Manager to execute an amendment to the existing Professional Services Agreement with Tetra Tech, Inc. in the amount of $63,625.00 in conjunction with the 3.1 MG Seismic Retrofit project RFP 07-04; (2) Alternatively discuss and take other action related to this item.
6. Consideration and possible action regarding authorizing the City Manager to enter into a lease of office space located at 333 Main Street for the purpose of relocating the Residential Sound Insulation (RSI) program offices. (Fiscal Impact: $7,000 for the remainder of FY 2008-2009 and annual cost of $40,000)

Recommendation – (1) Authorize the City Manager to enter into a lease agreement in a form approved by the City Attorney; (2) Alternatively, discuss and take other action related to this item.

7. Consideration and possible action to amend the base salary a police officer trainee is paid. (Fiscal Impact: $27,000)

Recommendation – (1) Amend the base salary of police officer trainees from 80% of Step A of the Police Salary Table to 100% of Step A of the Police Salary Table; (2) Alternatively discuss and take other action related to this item.

8. Consideration and possible action to waive the formal bidding process pursuant to the El Segundo Municipal Code § 1-7-10 and authorize the Fire Department to purchase twenty-five (25) self-contained breathing apparatus units under a sole source purchase through Allstar Fire Equipment. The City will be reimbursed for these expenditures through the Urban Area Security Initiative Fiscal Year 2006 grant funding. (Fiscal Impact: Not to exceed $140,725)

Recommendation – (1) Pursuant to El Segundo Municipal Code § 1-7-10, waive the bidding process and authorize the Fire Department to purchase twenty-five (25) self-contained breathing apparatus units under a sole source purchase from Allstar Fire Equipment; (2) Alternatively discuss and take other action related to this item.

9. Consideration and possible action regarding awarding a contract to Professional Building Contractors, Inc. for construction related to Group 32 (24 homes) of the City’s Residential Sound Insulation Program (Project No. RSI 09-09). (Estimated construction costs and retention: $909,013)

Recommendation – (1) Reject Bid from Harry H. Joh Construction, Inc.; (2) Award a 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.
10. Consideration and possible action regarding awarding a contract to Professional Building Contractors, Inc. for construction related to Group 33 (30 homes) of the City's Residential Sound Insulation Program (Project No. RSI 09-10). *(Estimated construction costs and retention: $633,996)*

Recommendation – (1) Reject Bid submitted by S&L Specialty Contracting, Inc.; (2) Award a 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 36 (30 homes) of the City's Residential Sound Insulation Program (Project No. RSI 09-11). *(Estimated construction costs and retention: $751,188)*

Recommendation – (1) Award a contract to Professional Building Contractors, Inc.; (2) Authorize the City Manager to execute a contract in a form approved by the City Attorney; (3) Alternatively discuss and take other action related to this item.

12. Consideration and possible action to waive the formal bidding process per the El Segundo Municipal Code Section 1-7-10 and authorize the Fire Department to issue a purchase order enabling Valley Fire Service to *perform a major engine overhaul for Engine 32*. *(Fiscal Impact: $27,760)*

Recommendation – (1) Recommend that the City Council waive the formal bidding process per the El Segundo Municipal Code Section 1-7-10, and authorize the Fire Department to issue a purchase order to Valley Fire Service to perform a major engine overhaul on Engine 32; 2) Alternatively, discuss and take other action related to this item.

13. Consideration and possible action regarding the annual Resolution updating the employer's contribution under the Public Employees' Medical and Hospital Care Act for El Segundo Fire Fighters' Association, El Segundo Police Officers' Association, El Segundo Police Management Association, and the El Segundo Management / Confidential Group. *(Fiscal Impact: Included in adopted budget)*

Recommendation – (1) Adopt the required Resolutions; (2) Alternatively discuss and take other action related to this item.

**CALL ITEMS FROM CONSENT AGENDA**
F. NEW BUSINESS

14. Consideration and possible action to receive and file in accordance with the independent auditor's opinion on the City's Comprehensive Annual Financial Report, and its various fund financial statements, schedules, and agreements. (Fiscal Impact: None)

Recommendation – (1) Receive and File; (2) 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: May 27, 2009
TIME: 3:15 p.m.
NAME: [Signature]
Proclamation

City of El Segundo, California

WHEREAS, For economic, aesthetic and environmental reasons, the quality of Santa Monica Bay beaches is of paramount concern to all citizens of El Segundo; and

WHEREAS, On Saturday, June 13, 2009, from 10 a.m. to 12 p.m., the El Segundo Power, LLC and El Segundo Kiwanis Club will sponsor the Beauty & The Beach community event for people to gather and celebrate their commitment to preserving our beaches by undoing some of the damage caused to this precious natural resource; and

WHEREAS, Employees of El Segundo Power, LLC and members of the El Segundo Kiwanis Club along with other volunteers, will clean the stretch of beach from all debris between Grand Avenue southward to 45th Street.

NOW, THEREFORE, on this 2nd day of June, 2009, the Mayor and Members of the City Council of the City of El Segundo, California, hereby proclaim June 13, 2009 Beauty & The Beach Day in El Segundo and invite the community to join the El Segundo Power, LLC and members of The El Segundo Kiwanis Club in cleaning our El Segundo Beach.

Mayor Kelly McDowell
Mayor Pro Tem Eric H. Busch
Council Member Bill Fisher
Council Member Carl Jacobson
Council Member Don Braunn
WHEREAS, Cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in premature death; and

WHEREAS, cancer is predicted to strike one out every three Americans sometime in our lifetime with an estimated 140,815 new cases of diagnosed cancer in California in 2009, the equivalent to 16 new case every hour of every day; and

WHEREAS, approximately 54,460 people will die of cancer in California in 2009 - about 150 people each day; and

WHEREAS, The American Cancer Society is the nation's largest and most respected voluntary health organization since 1913 and has funded research which has contributed to every known method for detecting cancer and techniques for treating cancer: thereby increasing the cancer survival rates from 10% to over 63%; and

WHEREAS, The American Cancer Society is a voluntary community-based coalition of local citizens dedicated to eliminating cancer as a major health problem through financial support and education awareness; and

WHEREAS, the El Segundo RELAY FOR LIFE event financially benefits The American Cancer Society’s research and support programs, and educationally benefits our local citizens; and

WHEREAS, the El Segundo RELAY FOR LIFE is a community event that allows all participants an opportunity to network with businesses, associates, family, and friends, with the same goal of making a difference in the battle against cancer.

NOW, THEREFORE, on this 2nd day of June, 2009, the Mayor and Members of the City Council of the City of El Segundo, California, hereby proclaim the month of July RELAY FOR LIFE month and designate July 11th and July 12th 2009 as RELAY FOR LIFE days throughout the City of El Segundo. We further urge all citizens to recognize and participate in this anti-cancer campaign being held in our community to show support to those individuals living with cancer, and honor those individuals that have lost their lives to the dreaded disease of cancer.

Mayor Kelly McDowell
Mayor Pro Tem Eric K. Peacock
Council Member Carl Jacobson
Council Member Bill Fisher
Council Member Don Brown
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<th>Code</th>
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<td>Traffic Safety Fund</td>
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<tr>
<td>106</td>
<td>State Gas Tax Fund</td>
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<td>108</td>
<td>Associated Recreation Activities Fund</td>
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<tr>
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<td>Asset Forfeiture Fund</td>
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<td>Prop &quot;C&quot; Transportation</td>
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<td>Home Sound Installation Fund</td>
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<td>TDA Article 3 - 59 861 Bikeway Fund</td>
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<td>L.A.W.A. Fund</td>
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<td>Assessment District #73</td>
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<td>701</td>
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<td>702</td>
<td>Expendable Trust Fund - Developer Fees</td>
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<td>703</td>
<td>Expendable Trust Fund - Other</td>
<td>63,145.53</td>
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<tr>
<td>706</td>
<td>Outside Services Trust</td>
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</table>

Total Warrants: $ 968,134.71

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

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

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

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

CODES:

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

For Ratification:

A = Payroll and Employee Benefit checks

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

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

FINANCE DIRECTOR

DATE: 5/21/09

CITY MANAGER

DATE: 5/26/09
# CITY OF EL SEGUNDO
## PAYMENTS BY WIRE TRANSFER
### 05/08/09 THROUGH 05/21/09

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<th>Date</th>
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<td>5/15/2009</td>
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<td>5/15/2009</td>
<td>UBOC</td>
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<td>PARS payment</td>
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<td>5/15/2009</td>
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<td>5/20/2009</td>
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<td>ABAG</td>
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<td>5/7-5/21/09</td>
<td>Workers Comp Activity</td>
<td>25,030.64</td>
<td>SCRMA checks issued</td>
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<td></td>
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<td><strong>1,802,166.68</strong></td>
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**DATE OF RATIFICATION: 6/02/09**
**TOTAL PAYMENTS BY WIRE:**

1,802,166.68

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
WEDNESDAY, MAY 20, 2009 – 5:00 P.M.

5:00 P.M. SESSION

CALL TO ORDER – Mayor McDowell at 5:00 p.m.

ROLL CALL

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

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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.

MOTION by Mayor McDowell, SECONDED by Council Member Brann to appoint 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. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

CLOSING SESSION:
The City Council moved into a closed session pursuant to applicable law, including the Brown Act (Government Code Section §54956, 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 §54965.9(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
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

Council moved to open session at 5:30 p.m.

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]

Council consensus to appoint Debby Bundy and Joe Caravello to the Recreation and Parks Commission to full terms to expire 5/30/13; Marie Fellhauer to the Planning Commission to a full term to expire 6/30/13; and Carol Wingate and John Nisley to the Sr. Citizens Housing Corp. to full terms to expire 6/30/13; and Daniel Barbee to the Environmental Committee to a full term to expire 6/30/13.

No appointment to the Library Board of Trustees was made tonight.

RECESS: 6:40 P.M.
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
WEDNESDAY, MAY 20, 2009 - 7:00 P.M.

7:00 P.M. SESSION

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

INVOCATION – Pastor Scott Tannehill, El Segundo Foursquare Church

PLEDGE OF ALLEGIANCE – Council Member Bill Fisher

PRESENTATIONS

a. Mayor McDowell presented a Proclamation to Sue Carter, Woman of the Year

ROLL CALL

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

PUBLIC COMMUNICATIONS –

A. PROCEDURAL MOTIONS

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

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

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

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)
Council Member Jacobson will not be participating in this item due to his ownership of property in the zone which may pose a potential conflict of interest; Mayor Pro Tem Busch does not have a conflict because his wife's business is on a month to month lease and FPPC has ruled there is no conflict.

Council Member Jacobson left the dais.

Mayor McDowell stated this is the time and place hereto fixed for a Public 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). Clerk Mortesen stated that proper notice was completed and no written communication had been received by City Clerk's Office.

Mark Hensley, City Attorney, gave a report.

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

Mark Hensley, City Attorney, read by title only:

ORDINANCE NO. 1429

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)

Mayor Pro Tem Busch introduced the ordinance.

Second reading and adoption is scheduled for June 2, 2009.

RESOLUTION NO. 4599

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

MOTION by Council Member Fisher, SECONDED by Mayor Pro Tem Busch, to adopt Resolution No. 4599 establishing procedures for paying in-lieu fees in accordance with the El Segundo Downtown Specific Plan. MOTION PASSED BY UNANIMOUS VOICE VOTE. 4/0. COUNCIL MEMBER JACOBSON NOT PARTICIPATING DUE TO A POTENTIAL CONFLICT

Council Member Jacobson returned to the dais.
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)

Mayor McDowell announced the appointment of Debby Bundy and Joe Caravello to the Recreation and Parks Commission to full terms to expire 5/30/13; Marie Fellhauer to the Planning Commission to a full term to expire 6/30/13 Carol Wingate and John Nisley to the Sr. Citizens Housing Corp. to full terms to expire 6/30/13; and Daniel Barbee to the Environmental Committee to a full term to expire 6/30/13.

No appointment was made to the Library Board of Trustees tonight.

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. Approved 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. 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 participating in the federal stimulus energy efficiency project grant funding program sponsored by the South Bay Cities Council of Governments. Authorized the City Manager to execute a Memorandum of Participation No. 3944 in a form approved by the City Attorney. (Fiscal Impact: None)

6. Adopted Plans and Specifications for 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) Authorized staff to advertise the project for receipt of construction bids; Authorized the Transfer Transportation Development Act TDA Grant funds in the amount of $29,961 from account 118-400-8203-8604.

7. Accepted the project as complete for the installation of 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)
Authorized the City Clerk to file a Notice of Completion in the County Recorder's Office.

8. Adopted Resolution No. 4600 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)

9. PULLED BY THE CITY MANAGER

10. Rejected the Bid submitted by S&L Specialty Contracting, Inc.; Waived a minor bid irregularity and awarded Contract No. 3941 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) Authorized the City Manager to execute the contract in a form approved by the City Attorney.

11. Rejected the Bid submitted by S&L Specialty Contracting, Inc.; Awarded Contract No. 3942 to Professional Building Contractors, Inc. for construction related to Group 34 of the Residential Sound Insulation Program (RSI 09-04) Authorized the City Manager to execute the contract in a form approved by the City Attorney.

12. Rejected the Bid submitted by California Averland Construction, Inc.; Rejected the Bid submitted by S&L Specialty Contracting, Inc.; Awarded Contract No. 3943 to Professional Building Contractors, Inc. for construction related to Group 35 of the Residential Sound Insulation Program (Project No. RSI 09-04). (Estimated construction costs and retention: $739,710); Authorized the City Manager to execute the contract in a form approved by the City Attorney.

13. Approved Maintenance Agreement No. 3944 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) Authorized the City Manager to execute the Agreement.

MOTION by Council Member Brann, SECONDED by Council Member Fisher to approve Consent Agenda Items 3, 4, 5, 6, 7, 8, 10, 11, 12 and 13. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

CALL ITEMS FROM CONSENT AGENDA

F. NEW BUSINESS

Deborah Cullen, Finance Director, gave a report.

Council received and filed FY 2008-2009 Midyear Financial staff report. Directed staff to proceed with Fiscal Year 2009-2010 Budget Calendar.

G. REPORTS – CITY MANAGER
H. REPORTS – CITY ATTORNEY
I. REPORTS – CITY CLERK
J. REPORTS – CITY TREASURER
K. REPORTS – CITY COUNCIL MEMBERS

Council Member Brann – Spoke regarding his tours of the City Departments. Condolences to the family of Nguyen Vu, Daily Breeze Reporter covering the School Districts in the area, on his sudden death.

Council Member Fisher – None

Council Member Jacobson – Announced the ESEF Car Show and CPR Saturday on May 30, 2009.

Mayor Pro Tem Busch – Agendize for discussion the meeting schedule for the Environmental Committee. Mayor’s State of the City address on May 27, 2009.

Mayor McDowell – Spoke regarding the economy.

PUBLIC COMMUNICATIONS – None

CLOSED SESSION – NONE

ADJOURNMENT at 8:04 p.m.

__________________________
Cindy Mortesen, City Clerk
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

AGENDA DESCRIPTION:
Consideration and possible action regarding the adoption of Ordinance No. 1429 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. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Waive second reading and adopt Ordinance No. 1429; and/or
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Ordinance No. 1429

FISCAL IMPACT: None

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

I. Background and Discussion

On May 20, 2009, the City Council introduced and had first reading of an Ordinance to adopt Environmental Assessment No. EA-834, Specific Plan Amendment No. 09-01 and Zone Text Amendment No. 09-01. If adopted, Ordinance No. 1429 will become effective in 30 days.
ORDINANCE NO. 1429

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 20, 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. 2654 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 20.12.190, 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
   b. Outdoor storage, subject to conformance with Section 20.12.080, Screen, of the El Segundo Municipal Code
   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
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.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 newstands, 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 20.12.190, 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

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 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**

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.

20.08.246

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.
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.

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.

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

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 submital 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** 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 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 2nd day of June, 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. 1429 was duly introduced by said City Council at a regular meeting held
on the 20th 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 2nd day of June, 2009, and the same was so
passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________
Cindy Mortesen, City Clerk
AGENDA DESCRIPTION:
Consideration and possible action regarding a new Alcoholic Beverage Control (ABC) license for on-site sale and on-site consumption of alcohol (Type 41 – On-Sale Beer and Wine) at an existing restaurant located at 2251 E. Maple Avenue (Kaya Sushi Restaurant), EA No. 823 for AUP No. 09-01. Applicant: Dae Kil Im/Kaya Sushi Restaurant (Fiscal Impact: N/A)

RECOMMENDED COUNCIL ACTION:
1. Receive and file this report without objecting to a new Type 41 ABC license at 2251 E. Maple Avenue; and/or,
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Crime and Arrest Statistics by Reporting District (RD)
2. Police Reporting District Map
3. Planning Commission Staff Report dated May 14, 2009
4. Approval Letter to Applicant dated May 7, 2009
5. Police Department and Building Safety Department Memorandum

FISCAL IMPACT: None

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

BACKGROUND AND DISCUSSION:

I. Background

On April 4, 1995, the City Council decided to review all future Alcohol Beverage Control ("ABC") license applications. ABC regulations require a 30-day review and comment period, for alcohol sales at restaurants, after notice to the local police and planning departments. A protest should relate to public health, safety or welfare concerns.

II. Analysis

According to the most recent Crime and Arrest statistics report (July 2008 – December 2008, Exhibit 1) prepared by the Police Department, the proposed restaurant is located in Reporting
District (RD) 307 which is the Corporate Campus Specific Plan Development. The Crime and Arrest statistics show that the District had a total of 9 Part I crimes (criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson) and 3 felony and misdemeanor arrests for a total of 12 crimes. The Police Department and the Planning and Building Safety Department do not object to a new ABC license for the existing restaurant; the Building Safety Division only requires that the business get approval from the Los Angeles County Health Department.

This license would be for the convenience of serving alcoholic beverages to the customers to complement the food service at an existing restaurant. The outdoor dining area of the restaurant is currently being expanded by 250 square feet for a total of 450 square feet. Restaurants are permitted use in the Corporate Campus Specific Plan (CCSP) Zone. The proposed on-site sale and consumption of beer and wine at an existing restaurant and outdoor patio area greater the 200 square feet (450 square feet is proposed), requires an Administrative Use Permit (AUP) and a Conditional Use Permit (CUP) respectively, in accordance with the development standards contained within the Corporate Campus Specific Plan (CCSP) § V.C.1. A license is required, since the applicant does not currently hold any alcohol license, and there was no previous license issued for this address. The applicant’s proposed hours of alcohol sale are expected to be during the hours the restaurant is open and in accordance with the Corporate Campus Specific Plan. The restaurant's hours of operation will be from: 11:00 a.m. to 2:30 p.m. for lunch and 5:30 p.m. to 10:00 p.m. for dinner Monday through Sunday. Consequently, no alcohol would be sold before 11:00 a.m. and there are no residential uses adjacent to the subject property.

On May 7, 2009 the Director of Planning and Building Safety approved an Administrative Use Permit application (EA No. 823 and AUP No. 09-01) for 2251 E. Maple Avenue. The Director's decision was forwarded to the Planning Commission on May 14, 2009, which chose to receive and file the item.

ABC license review requires mandatory findings that are regulated by the Department of Alcoholic Beverage Control; the City’s AUP process is separate. The Department of Alcoholic Beverage Control (ABC) is responsible for running a complete background check on all alcohol license applicants, as well as conducting site inspections, before issuing any type of alcohol license.

III. Conclusion

Planning staff recommends that the Council receive and file the determination without objecting to a new Type 41 ABC license at 2251 E. Maple Avenue.
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Number of Reporting Districts = 51
Average # of Part I Crimes per Reporting District = 7
Average # of Felony/Misdemeanor Part I Crime Arrests per Reporting District = 2
Average # of Crimes and Arrests per Reporting District = 9
(Results from 07/01/2008 through 12/31/2008)

FORMULA: Add (Part I crimes + Felony/Misd Arres) then subtract from the Average # of Crimes and Arrests per Rd, divided by the Average # of Crimes and Arrests per RD and multiply by 100.
Sample: 14+1=15.9=69%=66x100=+66%
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<td>323</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>

**Number of Reporting Districts = 51**
**Average # of Part I Crimes per Reporting District = 7**
**Average # of Part II Crimes per Reporting District = 13**
**Average # of Crimes and Arrests per Reporting District = 19**
(Results from 07/01/2008 through 12/31/2008)
**High Crime Area = Reporting District total higher than 23.2**
I. Introduction

The proposed project is a request for a Conditional Use Permit to expand an outdoor patio area and an Administrative Use Permit to allow the sale and consumption of alcohol and at an existing restaurant located at 2151 E. Maple Avenue in the Corporate Campus Specific Plan (CCSP) Zone. The restaurant is located within the retail portion of the Edge at Campus El Segundo (Building 16 Unit 12). The applicant is requesting a Type 41 license for the on-site sale and on-site consumption of beer and wine from the California Department of Alcoholic Beverage Control; this is the first request for such a license at this location. The Director made the necessary findings to grant an Administrative Use Permit for the on-site sale and consumption of alcohol and approved Administrative Use Permit on May 7, 2009 (see Exhibit E).

II. Recommendation

Planning Staff recommends that the Planning Commission 1) review the facts and findings contained within this report, and adopt Resolution No. 2656 approving
Environmental Assessment No. EA-823 and Conditional Use Permit No. 09-02, with conditions, and 2) Receive and File Administrative Use Permit No. 09-01.

III. Background

The Kaya Sushi restaurant, currently 2,397 gross square feet, will expand an outdoor patio area by 250 square feet from 200 square feet to 450 square feet. The total gross floor area will be approximately 2,847 square feet. Approximately 991 square feet of floor area will be dedicated to the interior dining area which will contain 46 seats; the outdoor patio area will be 450 square feet maximum and will contain 32 seats. The proposed hours of operation are from 11:00 a.m. to 2:30 p.m. for lunch service, and from 5:30 p.m. to 10:00 p.m. for dinner service Monday through Sunday.

The existing 200 square foot outdoor patio is located along the west side of the building in a large landscaped area that was originally designed and built with the intent that there could be a future expansion of the patio. The current patio area is fully enclosed by a 3 foot high metal handrail. A 4 foot wide meandering sidewalk lines the perimeter of the patio area. The proposed expansion will be built within the existing defined area; a 3 foot high perimeter brick wall will replace the metal handrail to enclose the patio area; 3 feet of glass will be built on top of the brick wall to provide a wind shield. A small meandering plant area will provide a landscape buffer between the patio area and the adjacent sidewalk area; the sidewalk area will remain unchanged. A decorative trellis will be built over the patio area for a total overall height of 12 feet (see Exhibit B proposed elevation).
The interior of the restaurant includes a main dining area, a bar area, restrooms and kitchen area. The interior will contain 46 seats in the general dining area, including 10 seats at the bar. The outdoor dining area will increase from 12 seats to 32 total seats. The restaurant will contain a combined total of 78 seats. The following chart summarizes the proposed dining and seating areas:

<table>
<thead>
<tr>
<th>RESTAURANT</th>
<th>PROPOSED SQUARE FOOTAGE</th>
<th>NUMBER OF SEATS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indoor Dining and Bar</td>
<td>2,397 SF</td>
<td>46 seats</td>
</tr>
<tr>
<td>Proposed Outdoor Patio</td>
<td>450 SF</td>
<td>32 seats</td>
</tr>
<tr>
<td>Total</td>
<td>2,847 SF</td>
<td>78 seats</td>
</tr>
</tbody>
</table>

Surrounding Land Uses

The subject site is surrounded by other commercial/industrial uses. The surrounding land uses are as follows:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Boeing Industries</td>
<td>Urban Mixed Use North (MU-N)</td>
</tr>
<tr>
<td>East</td>
<td>Northup Grumman</td>
<td>Urban Mixed Use North (MU-N)</td>
</tr>
<tr>
<td>South</td>
<td>Vacant – TPG Campus El Segundo</td>
<td>Corporate Campus Specific Plan (CCSP)</td>
</tr>
<tr>
<td>West</td>
<td>Various commercial/industrial businesses</td>
<td>Urban Mixed Use North (MU-N)</td>
</tr>
</tbody>
</table>

IV. CONDITIONAL USE PERMIT PURPOSE FINDINGS AND ANALYSIS

Pursuant to El Segundo Municipal Code §15-23-4, the Planning Commission is authorized to grant a conditional use permit if it makes the three required findings listed in ESMC §15-23-6. As listed in ESMC §15-23-5, the purpose of a conditional use permit is to 1) assure the compatibility of the particular use on the particular site in relationship to other existing and potential uses within the general area in which
the use is proposed to be located; 2) assure the proposed use is consistent and compatible with the purpose of the zone in which the site is located; and 3) recognize and compensate for potential impacts that could be generated by the proposed use, such as noise, smoke, dust, fumes, vibration, odors, traffic and hazards. As listed in ESMC §15-23-6, the required findings are 1) That the proposed location of the conditional use permit is in accord with the objectives of the Title and the purposes of the zone in which the site is located; 2) that the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity; and 3) the proposed conditional use will comply with each of the applicable provisions of this Chapter. Facts in support of said findings are outlined below.

Finding 1 - Compatibility

Restaurants are a permitted use in the Corporate Campus Specific Plan (CCSP) Zone however, the proposed use, on-site sale and consumption of beer and wine at an existing restaurant and an outdoor patio area greater the 200 square feet (450 square feet proposed), requires an Administrative Use Permit (AUP) and a Conditional Use Permit (CUP) respectively, in accordance with the development standards contained within the Corporate Campus Specific Plan (CCSP) § V.C.1. Restaurants, such as the subject full service restaurant typically have outdoor dining area that provides choice of indoor or outdoor dining for restaurant patrons. The proposed outdoor dining area will be compatible with the existing retail, café and office uses on site and in the surrounding area. These uses are customarily located in complexes like the Edge at Corporate Campus that serve the dining needs of corporate employees.

Finding 2 - Zoning Consistency

The proposed outdoor dining area expansion is located within an existing restaurant and within the fully developed Edge at Corporate Campus development. The 450 square foot patio area is a permitted use within the CCSP Zone subject to a conditional use permit. The following chart reflects development standards for the Corporate Campus Specific Plan Zone; the proposed patio expansion complies with these requirements.
### ZONING CONSISTENCY

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>CORPORATE CAMPUS SPECIFIC PLAN (CCSP)</th>
<th>PROPOSED PROJECT STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
<td>Outdoor dining area exceeding 200 square feet in area or 20% of the indoor dining area whichever is less subject to a conditional use permit. Corporate Campus Specific Plan</td>
<td>450 square-foot outdoor dining area</td>
</tr>
<tr>
<td>Height</td>
<td>175 feet maximum</td>
<td>12 feet (complies)</td>
</tr>
<tr>
<td>Setback¹</td>
<td>Minimum of 15 feet from adjoining public rights-of-way @ Nash Street, Atwood Way, Douglas Street, and Mariposa Avenue. Within the interior of the Specific Plan, 5 feet from each lot line, except from buildings adjacent to private streets and internal roadways, in which case setbacks are 15 feet from curb face.</td>
<td>100 feet from west interior property line 70 feet from south property line at Maple Avenue 200 feet from north interior property line 240 feet from the east property line at Douglas Street.</td>
</tr>
<tr>
<td>Parking</td>
<td>1/300 first 25,000 square feet 1/350 second 25,000 square feet 1/400 area over 50,000 square feet</td>
<td>The entire Corporate campus site is parked at 3/1000 Parcel 7-121 provided/120 required per the approved parking reduction</td>
</tr>
</tbody>
</table>

On March 6, 2009, in accordance with the Corporate Campus Specific Plan, a 20 percent parking reduction for the entire retail center was granted by the Director of Planning and Building Safety. The reduction was granted based on a shared parking analysis performed by Walker Parking Consultants which demonstrated that based on the benefits of shared parking and the mix of uses with differing peak parking demands, there would not be substantial conflict with parking demand between the joint uses thus, the reduction would not be detrimental to the overall demand for parking within the existing, fully leased retail center. The proposed outdoor patio expansion was included in that analysis.

As such and with the reduction, 120 parking spaces would be required and 121 were provided. The existing restaurant and the proposed patio expansion have a

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¹ The Corporate Campus Specific Plan defines setbacks from public rights-of-way and private internal streets and not from front side or rear property lines.
net floor area of 2,752 net square feet which requires 36 parking spaces; a total of 121 parking spaces are currently available for the entire retail center. The table on the following page (Table 1) provides a breakdown of all uses within the retail center.

<table>
<thead>
<tr>
<th>Tenant</th>
<th>Status</th>
<th>Type</th>
<th>Gross Sq. Footage</th>
<th>Net Sq. Footage</th>
<th>Code Parking Ratio</th>
<th>Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building 17</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Xerox</td>
<td>Lease</td>
<td>Retail</td>
<td>3,663</td>
<td>3,516</td>
<td>300</td>
<td>11.7</td>
</tr>
<tr>
<td>2 Scottrade</td>
<td>Lease</td>
<td>Retail</td>
<td>1,197</td>
<td>1,149</td>
<td>300</td>
<td>3.8</td>
</tr>
<tr>
<td>3 Z Pizza</td>
<td>Lease</td>
<td>Restaurant</td>
<td>1,180</td>
<td>1,133</td>
<td>75</td>
<td>15.1</td>
</tr>
<tr>
<td>4 Gelato / Z Pizza</td>
<td>LOI</td>
<td>Restaurant</td>
<td>916</td>
<td>879</td>
<td>75</td>
<td>11.7</td>
</tr>
<tr>
<td>5 Subway</td>
<td>Lease</td>
<td>Café</td>
<td>1,126</td>
<td>1,081</td>
<td>300</td>
<td>3.6</td>
</tr>
<tr>
<td>6 Noah's</td>
<td>Lease</td>
<td>Restaurant</td>
<td>2,522</td>
<td>2,421</td>
<td>75</td>
<td>32.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>10,604</strong></td>
<td><strong>10,179</strong></td>
<td></td>
<td>78.3</td>
</tr>
</tbody>
</table>

| Building 16 |        |             |                   |                 |                    |        |
| 7 Starbucks | Lease  | Restaurant  | 1,558             | 1,502           | 75                 | 20.0   |
| 8 Open     | LOI    | Café / Retail| 654               | 627             | 300                | 2.1    |
| 9 Salad Creations | Lease | Café        | 1,124             | 1,079           | 300                | 3.6    |
| 10 Premiere Chiropractic | Lease | Medical     | 1,197             | 1,149           | 200                | 5.7    |
| 11 Premiere Chiropractic | Lease | Office      | 1,174             | 1,127           | 300                | 3.8    |
| 12 Kaya Sushi | Lease | Restaurant  | 2,397             | 2,302           | 75                 | 30.7   |
| 12A Kaya Sushi Patio | LOI  | Restaurant  | 500               | 500             | 75                 | 6.7    |
|          |        |             | **8,604**         | **8,286**       |                    | 72.6   |
| Total    |        |             | **19,208**        | **18,465**      | 150.8              |        |
| Available Parking |        |             |                   |                 | 30.2               |        |
| Required Parking |        |             |                   |                 | 120.7              |        |

Finding 3 - Impacts

The proposed location, which is the west side of the existing restaurant and patio area, and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety or welfare. The existing restaurant is located inside an existing retail commercial building (Building 16 Unit 12 – the retail portion of the Edge at Corporate Campus). Each building is equipped with a monitored alarm system.

Noise is a potential impact that can be associated with the expanded outdoor dining
area however, the project area is completely commercial/industrial and there are no sensitive residential developments. Additionally, the Corporate Campus Specific Plan conditions of approval limit the restaurant dining hours of operation for the sale of alcohol only from 10:00 a.m. to 2:00 a.m. seven days a week. The proposed hours of operation for the sale of alcohol are from 11:00 a.m. to 2:30 p.m. for the lunch hour, and again from 5:30 p.m. to 10:00 p.m. for the dinner service, Monday through Sunday. The outdoor dining patio would be open the same hours as the restaurant. Any change to the hours of operation is subject to review and approval by the Director of Planning and Building Safety.

As analyzed above, there is adequate evidence to support the three required Conditional Use Permit findings subject to the listed conditions of approval in the attached resolution. The Planning Commission may consider and impose additional conditions which it deems necessary, if it demonstrates a reasonable relationship between the condition it desires to impose and the project's impact.

V. GENERAL PLAN CONSISTENCY

The General Plan land use designation for the site is Corporate Campus Specific Plan and is consistent with the current zoning designation which is Corporate Campus Specific Plan as specified in the attached draft resolution.

VI. INTER-DEPARTMENTAL COMMENTS

The project applications and plans were circulated to the Police Department and Building Division for review. The Police Department had no comments. The Building Division's Plan Check Engineer submitted comments which have been incorporated in the conditions of approval.

VII. ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities) and pursuant to 14 California Code of Regulations § 15303 as a Class 3 categorical exemption (New Construction or Conversion of Small Structures). The project includes an alcohol license for an existing restaurant which results in a minor alteration in the operation of an existing building involving a minor expansion of the existing use with the addition of a 250 square-foot outdoor dining patio. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.
VIII. CONCLUSION

Planning staff recommends that the Planning Commission: 1) adopt Resolution No. 2656, approving Environmental Assessment No. EA-823 and Conditional Use Permit No. 09-02, with conditions based upon the findings as contained in this report; and 2) Receive and File Administrative Use Permit No. 09-01.

V. EXHIBITS

A. Draft Resolution No. 2656
B. Inter-departmental Comments
C. Administrative Use Permit Application
D. Conditional Use Permit Application
E. Administrative Use Permit Approval Letter, dated May 7, 2009
F. Plans

Prepared by: Traci Nelson, Senior Planning Consultant

Kimberly Christensen, AICP, Planning Manager
Department of Planning & Building Safety

Greg Carpenter, Director
Department of Planning & Building Safety
RESOLUTION NO. 2656

A RESOLUTION APPROVING ENVIRONMENTAL ASSESSMENT NO. EA-823 AND CONDITIONAL USE PERMIT NO. 09-02 TO ALLOW A 450 SQUARE-FOOT OUTDOOR DINING AREA IN CONJUNCTION WITH AN EXISTING RESTAURANT IN THE CORPORATE CAMPUS SPECIFIC PLAN (CCSP) ZONE AT 2151 E. MAPLE AVENUE.

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

SECTION 1: The Commission finds and declares that:

A. On January 6, 2009, Dae Kil Im on behalf of Kaya Restaurant filed an application for Environmental Assessment No. EA-823 and Conditional Use Permit No. 09-02 to allow the construction and use of a 450 square-foot outdoor dining area in conjunction with an existing restaurant at 2251 E. Maple Avenue;

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

C. 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);

D. The Planning and Building Safety Department completed its review and scheduled a public hearing regarding the application before this Commission for May 14, 2009;

E. On May 14, 2009, the Commission held a public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the Commission by Continental Development Corporation and its representatives; and

F. The Commission considered the information provided by City staff, public testimony, and the representative for Kaya Sushi Restaurant. This Resolution and its findings are made, in part, based upon the evidence presented to the Commission at its May 14, 2009 public hearing including, without limitation, the staff report submitted by the Planning and Building Safety Department.

SECTION 2: Factual Findings. The Commission finds that the following facts exist:
A. The subject site is located in the Corporate Campus Specific Plan (CCSP) Zone at 2251 E. Maple Avenue.

B. The subject site is located in the retail portion of the Edge at Corporate Campus development, which is within the larger area known as the Corporate Campus Specific Plan.

C. The subject site is currently developed within the Edge at Corporate Campus development and contains roughly 216,000 square feet of existing office and retail area including; 196,000 square feet of office floor area and 19,000 square feet of retail floor area in 17 buildings.

D. The proposed expansion of the existing 200 square foot outdoor patio area to 450 square feet within the existing 2,397 square foot restaurant will bring the total floor area to 2,847 square feet.

E. The subject site is located within the retail portion of the Edge at Campus El Segundo development, lot 7 of Tract 68231; the lot has 121 parking spaces available and 36 spaces are required for the proposed restaurant, and expanded outdoor dining area.

F. A Conditional Use Permit is required for outdoor dining areas which exceed 200 square feet or 20% of the indoor dining area, whichever is less, pursuant to El Segundo Municipal Code §15-5F-5(H).

G. The proposed outdoor dining area is approximately 450 square feet in area.

SECTION 3: Environmental Assessment. The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities) and pursuant to 14 California Code of Regulations § 15303 as a Class 3 categorical exemption (New Construction or Conversion of Small Structures). The project includes an alcohol license for an existing restaurant which results in a minor alteration in the operation of an existing building involving a minor expansion of the existing use with the addition of a 250 square-foot outdoor dining patio. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

SECTION 4: General Plan Findings. The proposed project conforms to the City’s General Plan as follows:

A. The El Segundo General Plan land use designation for the property is Corporate Campus Specific Plan. This designation permits a mixture of office, research and development, retail, restaurants and hotel uses. The existing restaurant use is a permitted use in the Corporate Campus Specific Plan (CCSP) Zone. Outdoor dining areas in conjunction with a restaurant that exceed 200 square feet or 20% of the indoor dining area, whichever is less, are permitted with approval of a Conditional Use Permit.
B. The proposed use is consistent with Land Use Element Goal LU4 in that it provides a stable tax base for the City through development of new commercial uses, primarily within a mixed-use environment, without adversely affecting the viability of Downtown.

C. The proposed use is consistent with Land Use Element Objective LU4-4 in that it adds to the mixture of uses, which has the potential to maximize economic benefit, reduce traffic impacts, and encourage pedestrian environment.

SECTION 5: Conditional Use Permit Findings. After considering the above facts, the Commission finds as follows:

A. The proposed location of the conditional use is in accord with the objectives of this Title and the purposes of the zone in which the site is located.

The zoning designation for the subject site is Corporate Campus Specific Plan (CCSP). This zone allows outdoor dining areas which exceed 200 square feet or 20% of the indoor dining area, whichever is less, subject to the granting of a conditional use permit. The size of the outdoor dining area is appropriate to its location as it will be incidental to the restaurant. The principal uses in the zone are restricted to a mixture of commercial, office, research and development, retail, restaurant and hotel uses. The subject site (lot 7 of Tract 68231) consists of roughly 19,000 square feet of retail commercial floor area in two buildings containing a variety of such uses including Salad Creations, Noah's Bagel, Subway, Starbucks, Kaya Sushi, Scottrade, Xceed Financial, and Premier Chiropractic. It is the intent of the CCSP Zone to have several types of uses occupy a single building. The restaurant with the accompanying outdoor dining area is in accord with the principal objectives of the zone.

B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The proposed location of the conditional use is adjacent to the west side of an existing 2,397 square foot restaurant located within the Edge at Corporate Campus which it is bounded by Atwood Way on the north, Douglas street to the east, Maple Avenue to the south, and Nash Street west. No particular use is adjacent or near the proposed outdoor dining area that could be impacted by the operation of the outdoor dining area which faces the internal parking area. Outdoor dining activities are not anticipated to be detrimental to adjacent businesses and no residential uses are located in the vicinity. As such, the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
C. That the proposed conditional use will comply with each of the applicable provisions of this Chapter.

The proposed conditional use complies with the applicable provisions of ESMC Chapter 15-23 and 15-27 since proper notice was provided and a hearing was scheduled for May 14, 2009. In addition, proper hearing decision procedures and records will be complied with, and the required findings will be considered. The proposed project meets all of the current ESMC requirements.

SECTION 6: Approval. Subject to the conditions listed on the attached Exhibit “A,” which are incorporated into this Resolution by reference, the Planning Commission approves Environmental Assessment No. EA-823 and Conditional Use Permit No. 09-02.

SECTION 7: This Resolution will remain effective unless superseded by a subsequent resolution.

SECTION 8: The Commission Secretary is directed to mail a copy of this Resolution to Dae Kil Im of Kaya Restaurant and to any other person requesting a copy.

SECTION 9: 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 10: Except as provided in Section 9, this Resolution is the Commission’s final decision and will become effective immediately upon adoption.
PASSED, APPROVED AND ADOPTED this 14th day of May 2009.

David Wagner, Chair
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. 2656

Exhibit A

CONDITIONS OF APPROVAL

In addition to all applicable provisions of the El Segundo Municipal Code ("ESMC"), Continental Development Corporation agrees to comply with the following provisions as conditions for the City of El Segundo's approval of Environmental Assessment No. EA-823 and Conditional Use Permit No. 09-02 ("Project Conditions"): 

Zoning Conditions

1. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building Safety Department. Any subsequent modification must be referred to the Director of the Planning and Building Safety Department for a determination regarding the need for Planning Commission review and approval of the proposed modification.

2. The outdoor dining area must comply with all requirements of the Corporate Campus Specific Plan.

3. The Corporate Campus Specific Plan conditions of approval limit the restaurant dining hours of operation for the sale of alcohol only from 10:00 a.m. to 2:00 a.m. seven days a week. The proposed hours of operation for the sale of alcohol are from 11:00 a.m. to 2:30 p.m. for lunch service, and again from 5:30 p.m. to 10:00 p.m. for dinner service Monday through Sunday. The outdoor dining patio would be open the same hours as the restaurant.

4. No live entertainment is permitted. Only pre-recorded background music may be provided, and must meet the noise and vibration requirements of ESMC § 7-2-1.

5. Before the City issues building permits, the applicant/property owner must submit landscaping and irrigation plans for any new or modified landscaping areas to the Planning and Building Safety and Recreation and Parks Departments for review.

6. A conditional use permit issued under the terms of this Chapter (ESMC 15-23-11 B) shall expire 24 months after its approval if the use has not been commenced under a valid building permit.

7. The expiration of the approved conditional use permit shall terminate all proceedings. The City shall not be responsible to notify the applicant of a pending expiration.
Building Safety Conditions

8. The applicant must comply with the California Building Code 2007 Edition as amended by the City of El Segundo for the new patio structure.

9. Before the City issues building permits, the applicant must obtain Los Angeles County Health Department approval.

10. Provide 1 wheel chair seating space in the patio area.

Fire Department Conditions

11. The applicant must comply with applicable California Fire Code requirements and El Segundo Fire Department regulations.

Miscellaneous Conditions

12. Kaya Restaurant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Environmental Assessment No. EA-823 and Conditional Use Permit No. 09-02. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of Environmental Assessment No. EA-823 and Conditional Use Permit No. 09-02, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of El Segundo's elected officials, appointed officials, officers, and employees.

By signing this document, Continental Development Corporation, certifies that they read, understood, and agree to the Project Conditions listed in this document.

Dae Il Kim
Kaya Restaurant

{If Corporation or similar entity, needs two officer signatures or evidence that one signature binds the company}
City of El Segundo
INTER-DEPARTMENTAL CORRESPONDENCE

Circulation Date: February 9, 2009

TO: David Cummings, Police Chief
    Suresh Tyagi, Plan Check Engineer

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

STAFF PLANNER: Trayci Nelson, Contract Senior Planner

SUBJECT: Environmental Assessment No. EA-823 and Administrative Use Permit No. (AUP) 09-01: To allow the sale and consumption of alcohol at an existing restaurant

Address: 2251 E. Maple Ave (The Edge at Campus El Segundo)

Applicant: Kaya Sushi Restaurant, Dae Kil Im

Property Owner: AMB DFS El Segundo, LLC

The applicant, Kaya Sushi, requests an Administrative Use Permit to allow an alcohol license for the sale of beer and wine for on-site consumption (Type 41 Alcoholic Beverage Control license) at their existing restaurant located within the Edge at Campus El Segundo development. The restaurant is located within the retail portion of the development (Bldg 16 Unit 12) at 2251 E. Maple Ave. The restaurant is approximately 2,397 square feet in total area including a 200 square foot outdoor patio area, and contains a total of 62 seats. The outdoor patio on the west side of the building provides seating for 12 and the remaining 50 seats are located inside of the restaurant.

Attached for your review and comment is a copy of the application and plans. Please return the plans along with any comments by February 19, 2009. You may also e-mail your comments to tmelso@elsegundo.org. Should you have any questions about the project, please contact Trayci Nelson, Planning Consultant at extension 2342.
City of El Segundo
INTER-DEPARTMENTAL CORRESPONDENCE

Circulation Date: February 9, 2009

TO: David Cummings, Police Chief
    Suresh Tyagi, Plan Check Engineer

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

STAFF PLANNER: Trayci Nelson, Contract Senior Planner

SUBJECT: Environmental Assessment No. EA-823 and Administrative Use Permit No. (AUP) 09-01: To allow the sale and consumption of alcohol at an existing restaurant

Address: 2251 E. Maple Ave (The Edge at Campus El Segundo)

Applicant: Kaya Sushi Restaurant, Dae Kil Im

Property Owner: AMB DFS El Segundo, LLC

The applicant, Kaya Sushi, requests an Administrative Use Permit to allow an alcohol license for the sell of beer and wine for on-site consumption (Type 41 Alcoholic Beverage Control license) at their existing restaurant located within the Edge at Campus El Segundo development. The restaurant is located within the retail portion of the development (Bldg 16 Unit 12) at 2251 E. Maple Ave. The restaurant is approximately 2,397 square feet in total area including a 200 square foot outdoor patio area, and contains a total of 62 seats. The outdoor patio on the west side of the building provides seating for 12 and the remaining 50 seats are located inside of the restaurant.

Attached for your review and comment is a copy of the application and plans. Please return the plans along with any comments by February 19, 2009. You may also e-mail your comments to tnelson@elsegundo.org. Should you have any questions about the project, please contact Trayci Nelson, Planning Consultant at extension 2342.
COMMENTS:

0. Los Angeles County health department approval will be required.

2. Women's restroom will require 2 water closets (equal to total of water closets & urinals in Men's restroom) per footnote 14, UDC 2007, Table 4-1.

3. Applicable code: CBC 2007

Reviewed By:

Suresh T.
Signature and Title

012-09
Date

File:
Planning & Building Safety\PROJECTS\801-825\EA-823\2008.EA-823.IDC.doc
APPLICATION FOR AN ADMINISTRATIVE USE PERMIT

Environmental Assessment No: 823
AUP No: 09-01
Date: 1-6-09

Applicant:

DAE KII JIN
Name (print or type)
2477 Coolidge Avenue
Address
LOS ANGELES, CA 90064
City/St/Zip

Check One: Owner ☐ Lessee ☑ Agent ☐

Property Owner: MAI VENTURES INC.

LAURIE LEE MAYER
Name (print or type)
2050 W. 180th St #108
Address
TORRANCE, CA 90504
City/St/Zip

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

Phone
Fax
Email
Signature
Request: Under the provisions of Section 15-22-3 of the El Segundo Municipal Code, application for consideration of an Administration Use Permit for the above described property.

1. Describe in detail the entire proposed project (type of construction, materials to be used, uses involved, i.e., bank, general office, industrial, restaurant, etc.) buildings, and other equipment necessary to the project.

   **Dine-in Restaurant. Permission to sell alcohol with an existing dine-in restaurant.**

2. Describe the existing development on the site (include square footages and uses of each building).

   *Retail (Starbucks, Subway, Z pizza, Xceed Financial, Salad Creations, Nosh's Bagel, Trade Secret) 8400 sq.ft.*
   *Buildings (Xceed Financial) + 11,400 sq.ft.*
   *All within the EDGE at Corporate Campus.*
3. Explain in detail why this particular site is especially suited for the proposed development and how it is compatible with the purpose of the zone.

This establishment is well suited for the site because it will provide a place for the businesses/corporations around the area to dine-in for lunch, dinner, takeout and business meetings. Already an existing restaurant with state approval for license.

4. Describe how the proposed project relates to the development of adjacent properties and the immediate area and will not have detrimental effects to the adjacent properties or neighborhood.

This development will not have detrimental effects around the area/neighborhood because it is a restaurant (fine dining).

5. Describe the requested hours of operation of the proposed use/uses. Please list hours for each use if there are multiple uses on the site. If the application is for an alcohol permit, please also clarify if any entertainment is proposed and what are the requested hours of entertainment.

Monday - Friday
Lunch 11:00 am - 2:30 pm
Dinner 5:30 pm - 11:00 pm

Saturday & Sunday
Dinner 5:00 pm - 11:00 pm

Use: dine-in and takeout service.

6. If the application is for an alcohol permit, please list the type of alcohol license you are requesting (i.e., Type 41, On-site Sale and Consumption of beer and wine).

on-site sale and consumption of beer and wine.
NOTE: Separate Affidavits must be submitted if there are multiple owners.

**OWNER'S AFFIDAVIT**

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

Signature

Date

STATE OF CALIFORNIA,
County of Los Angeles

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

WITNESS my hand and official seal.

Notary Public in and for said County and State
OWNER'S AUTHORIZATION

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

[Signature]
Owner's Signature

12-11-08
Date

APPLICANT AFFIDAVIT

I, We  am (are) the APPLICANT(S) of the property involved in this application; I (we) have familiarized myself (ourselves) with the rules and regulation of the City of El Segundo with respect to preparing and filing this application; and the information documents and all plans is true and correct to the best of my (our) knowledge and belief.

[Signature]
Applicant's Signature

[Date]
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of LOS ANGELES

On 12/11/08 before me, SARAH DYAN CHIONIS, NOTARY OF PUBLIC personally appeared LAURA LEE MAYER who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature

OPTIONAL

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

Description of Attached Document

Title or Type of Document: ____________________________ Number of Pages: ____________________________

Document Date: ____________________________

Signer(s) Other Than Named Above: ____________________________

Capacity(ies) Claimed by Signer(s)

Signer's Name: ____________________________

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

Signer Is Representing: ____________________________

Signer's Name: ____________________________

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

Signer Is Representing: ____________________________
City of El Segundo

APPLICATION FOR A CONDITIONAL USE PERMIT

Environmental Assessment No: EA 823 Conditional Use Permit No: 09-02

Date: 4.20.09

Applicant:

NAME: Dae Kil Im
Address: 2251 East Maple Avenue
City/State/Zip: El Segundo, CA 90245

Check One: Owner ☑ Lessee ☐ Agent ☐

Property Owner:

Name: David Khedr
Address: 1242 Third Street Promenade, #206
City/State/Zip: Santa Monica, CA 90401

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

Name (print or type)
Address
City/State/Zip

Phone: 310-394-6791  (310) 394-6792
Fax:
Email: dkhedr@aol.com
Signature:

Phone: 310-640-1025  310-640-1026
Fax:
Email: kayagushi@hotmail.com
Signature:

Phone: 310-640-1025  310-640-1026
Fax:
Email: kayagushi@hotmail.com
Signature:
1. Describe in detail the entire proposed project. Uses involved (i.e. bank, general office, industrial, restaurant, etc.), number of buildings and size, (including square footage and number of stories); design of buildings (style, materials, colors), and related equipment necessary to the project (mechanical, telephone and electrical equipment, transformers, generators, trash enclosures, loading docks, etc.). Add additional sheets to answer questions as needed.

For the expansion of existing patio outdoor seating. Currently, the patio is 200 sq. ft. and will be expanding and additional 200-250 sq. ft.

2. Describe the existing development on the site. Includes square footages, and uses of each building.

Established restaurant at The Edge in El Segundo. Indoor dining is about 1,200 sq.ft with a 200 sq.ft. patio dining.
3. Explain in detail why this particular site is especially suited for the proposed development on the site and how it is compatible with the purpose of the zone.

See 1 & 2 above.

4. Describe how the proposed project related to the development of adjacent properties and the immediate surrounding area and will not have detrimental effects to the adjacent properties or neighborhood.

See 1 & 2 above.

5. Describe hours of operation for the proposed use/uses.

<table>
<thead>
<tr>
<th>Day</th>
<th>Lunch</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday-Friday</td>
<td>Lunch</td>
<td>11:00am - 2:20pm</td>
</tr>
<tr>
<td></td>
<td>Dinner</td>
<td>5:20pm - 10:00pm</td>
</tr>
<tr>
<td>Saturday</td>
<td>Dinner</td>
<td>5:20pm - 10:00 pm</td>
</tr>
<tr>
<td>Sunday</td>
<td>Dinner</td>
<td>5:00pm - 10:00 pm</td>
</tr>
</tbody>
</table>
NOTE: Separate Affidavits must be submitted if there are multiple owners.

OWNER'S AFFIDAVIT

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

[Signature]

[Date] 4/16  2009

DAVID KHEDR

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

On this ___________ day of April __________, 20__9, before me, the undersigned Notary Public in and for said County and State, personally appeared __________________________, known to me to be the person whose name __________________________ subscribe to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.

[Seal]

ALEXANDER D. MEbane
Notary Public in and for said County and State

Notary Public in and for said County and State
AGENT AUTHORIZATION

I hereby authorize Laura Mayer to act for me/us in all matters relevant to this application. I understand that this person will be the exclusive contact on the project and will be sent all information and correspondence.

David Khedr
Owner's Signature

4/16 2009

AGENT AFFIDAVIT

I, We Laura Mayer, Project Coordinator being duly sworn deposite and say that I/we am the AGENT of the property involved in this application and that I/we have familiarized myself (ourselves) with the rules and regulations of the City of El Segundo with respect to preparing and filing this application and that the foregoing statements herein contained and the information documents and all plans attached hereto are in all respects true and correct to the best of my/our knowledge and belief.

Laura Mayer, Project Coordinator
Mer Ventures, Inc.

Signature 4-17 2009

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

On this 17th day of April 2009, before me, the undersigned Notary Public in and for said County and State, personally appeared Laura Mayer known to me to be the person whose name subscribe to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.

MARISSA E. PESCE
Commission # 1936218
Notary Public - California
Los Angeles County
My Comm. Expires Feb 13, 2013

Notary Public in and for said County and State
Elected Officials:
Kelly McDowell,
Mayor
Eric K. Busch,
Mayor Pro Tem
Carl Jacobson,
Council Member
Bill Fisher,
Council Member
Don Brann,
Council Member
Cindy Mortensen,
City Clerk
Ralph Lanphere,
City Treasurer

Appointed Officials:
Jack Wayt,
City Manager
Mark D. Hensley,
City Attorney

Department Directors:
Bill Crowe,
Assistant City Manager
Deborah Cullen,
Finance
Robert Hyland,
Human Resources
Kevin Smith,
Fire Chief
Debra Brighton,
Liberty Services
Greg Carpenter,
Planning and Building Safety
David Cummings,
Police Chief
Dana Greenwood,
Public Works
Robert Cummings,
Recreation & Parks

www.elsegundo.org

City of El Segundo
Planning & Building Safety Department

May 7, 2009

Dae Kil Im
2477 Coolidge Avenue
Los Angeles, CA 90064

RE: Environmental Assessment No. EA-823 for Administrative Use Permit (AUP) No. 09-01
On-Site Sale and Consumption of Beer and Wine in Conjunction with the Operation of a Restaurant (Kaya Sushi) for a Type 41 State of California Alcoholic Beverage Control License and the expansion of an existing outdoor patio area.

Address: 2251 E Maple Avenue (The Edge at Campus El Segundo)

Dear Mr. Im:

The purpose of this letter is to inform you that, in accordance with El Segundo Municipal Code (ESMC) Chapter 15-22, the Planning Division reviewed your application for the above-referenced project and the Director of Planning and Building Safety APPROVED Environmental Assessment No. EA-823 for Administrative Use Permit No. 09-01 for the on-site sale and on-site consumption of beer and wine. The Director also APPROVED Conditional Use Permit No. 09-02 for expanding an existing outdoor dining area at 2251 E. Maple Avenue. The Director did not identify a reason to oppose the proposed Type 41 license by the Alcoholic Beverage Control Department for the existing restaurant located at 2251 E. Maple Avenue, within the Edge at Campus El Segundo development. The following are the findings and facts in support of each finding for this decision:

350 Main Street, El Segundo, California 90245-3813
Phone (310) 524-2380   FAX (310) 322-4167
FINDINGS AND FACTS IN SUPPORT OF FINDINGS:

Environmental Assessment No. EA-823

Finding 1

- The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) Pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities).

Facts in Support of Finding 1

1. The applicant requests an alcohol license for the on-site sale and consumption of beer and wine at an existing restaurant located within the Edge at Campus El Segundo development. In addition, the applicant seeks to expand the restaurant by adding 250 square feet of outdoor dining area. The Edge contains approximately 216,000 square feet of existing office and retail area including; 196,000 square feet of office floor area and 19,000 square feet of retail floor area in 17 buildings. The property is in an urbanized and developed area where it has adequate access and all public services and facilities are available. The Edge at Campus El Segundo site is currently developed with several office buildings with retail uses and it is in an area that is not environmentally sensitive. Therefore, the project is not anticipated to have any significant impacts with regard to traffic, noise, air quality or water quality.

The project consists of the expansion of an existing outdoor dining area from 200 square feet to 450 square feet in and existing restaurant and within an existing restaurant.

Administrative Use Permit 09-01

Finding 1

- There is compatibility of the particular use on the particular site in relationship to other existing and potential uses within the general area in which the use is proposed to be located.

Facts in Support of Finding 1

1. The applicant proposes to expand and existing outdoor dining area from 200 square feet to 450 square feet, and provide on-site sale and consumption of beer and wine in an existing restaurant. The restaurant is located within the retail portion of the Edge at Campus El Segundo development (Bldg 16 Unit 12) at 2251 E. Maple Ave. The restaurant is approximately 2,597 square feet in total area including a 200 square foot outdoor patio area, and contains a total of 58 seats. The proposed outdoor patio expansion on the west side of the building will
increase seating from 12 seats to 32 seats for a new combined total of 78 seats (46 seats on the building interior). The overall floor area of the restaurant will increase by 250 square feet to 2,847 square feet. The minimum number of required parking spaces for the restaurant is 37 parking stalls which will be provided on-site within the total available of 121 spaces.

2. The proposed restaurant will be compatible with, and is intended to support the surrounding land uses which include commercial, retail, restaurant, office, and light industrial uses. Other uses in the retail portion of the center include Salad Creations, Noah's Bagel, Subway, Starbucks, Zpizza, Scottrade, Xceed Financial, and Premier Chiropractic.

3. The General Plan Land Use designation for the site is Corporate Campus Specific Plan (CCSP). The zoning for the site is Corporate Campus Specific Plan (CCSP). Restaurants are permitted uses in the Corporate Campus Specific Plan (CCSP) Zone in accordance with CCSP § V.A.17 and on-site sale and consumption of alcohol is permitted with the approval of an Administrative Use Permit in accordance with CCSP § V.C.1.

4. The Corporate Campus Specific Plan (CCSP) Zone permits, and the surrounding land uses include: commercial retail, restaurant, office, hotel, and light industrial uses. The proposed restaurant will be similar and compatible with the surrounding uses.

5. The restaurant must obtain a State of California Alcohol and Beverage Control (ABC) license for on-site sale and consumption of alcohol (Type 41).

6. On May 14, 2009 the El Segundo Planning Commission is scheduled to Receive and File the Administrative Use Permit request.

Finding 2.

- The proposed use is consistent and compatible with the purpose of the Zone in which the site is located.

Facts in Support of Finding 2

1. The General Plan Land Use designation for the site is Corporate Campus Specific Plan.

2. The zoning for the site is Corporate Campus Specific Plan (CCSP). Restaurants are a permitted use in this Zoning District in accordance with the CCSP. The proposed use, on-site sale and consumption of beer and at an existing restaurant, requires an Administrative Use Permit in accordance with the CCSP.
3. The purpose of the Corporate Campus Specific Plan (CCSP) Zone is to provide areas where a mixture of compatible commercial, office, research and development, retail and hotel uses can locate and develop in a mutually beneficial manner. It is the intent of the Corporate Campus Specific Plan (CCSP) Zone to have several types of uses occupy a single building.

4. The surrounding land uses include: commercial retail, restaurant, and office and light industrial uses. The proposed restaurant will be compatible with the surrounding land uses.

**Finding 3**

- The proposed location and use and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

**Facts in Support of Finding 3**

1. The restaurant is located inside an existing retail commercial building. A new 250 square-foot addition to an existing 200 square-foot outdoor patio area is proposed as part of the current request for the alcohol license. Sufficient parking will be provided on-site in compliance with ESMC Chapter 15-15 and the Corporate Campus Specific Plan. In addition, the applicant indicates that the restaurant will be located within the retail portion of the Edge at Campus El Segundo; each building is equipped with a monitored alarm system.

2. The surrounding land uses include commercial retail and office uses, and light industrial uses. The proposed restaurant is a permitted use within the CCSP and includes a 450 square-foot outdoor dining area which requires a Conditional Use Permit.

3. The Corporate Campus Specific Plan conditions of approval limit the restaurant dining hours of operation for the sale of alcohol only from 10:00 a.m. to 2:00 a.m. seven days a week. The proposed hours of operation for the sale of alcohol are from 11:00 a.m. to 2:30 p.m. for lunch service, and again from 5:30 p.m. to 10:00 p.m. for dinner service Monday through Sunday. The outdoor dining patio would be open the same hours as the restaurant. No live entertainment is proposed. Only pre-recorded background music will be provided, and the restaurant will be required to meet the noise and vibration requirements of ESMC § 7-2-1.

**Finding 4**

- Potential impacts that could be generated by the proposed use, such as noise, smoke, dust, fumes, vibration, odors, traffic, and hazards have been recognized and mitigated.
Facts in Support of Finding 4

1. The sale of alcohol will not create any new impacts that would not be normally associated with the operation of a restaurant with an indoor dining area and outdoor patio area.

2. The Corporate Campus Specific Plan conditions of approval limit the restaurant dining hours of operation for the sale of alcohol only from 10:00 a.m. to 2:00 a.m. seven days a week. The proposed hours of operation for the sale of alcohol are from 11:00 a.m. to 2:30 p.m. for lunch service, and from 5:30 p.m. to 10:00 p.m. for dinner service Monday through Sunday. These hours also apply to the outdoor patio. The proposed restaurant is located in a predominantly commercial/industrial area that is not adjacent to any residential uses, which will help to minimize noise impacts on sensitive uses.

3. The proposed restaurant will provide adequate parking on-site. In addition, the restaurant is located within an existing office and retail area, which will make it accessible by pedestrians and will limit the vehicular traffic to and from the site.

4. In addition to complying with the requirements of the City of El Segundo and the State of California Department of Alcoholic Beverage Control the restaurant is subject to County Health Department regulations that address and monitor impacts of fumes and odors.

Finding 5

- The State Department of Alcoholic Beverage Control has issued or will issue a license to sell alcohol to the applicant.

Facts in Support of Finding 5

1. The applicant obtained a license from the State of California Department of Alcoholic Beverage Control (Type No. 41).

DIRECTOR OF PLANNING AND BUILDING SAFETY DEPARTMENT ACTION

Based on these findings and facts in support of these findings, the Director of Planning and Building Safety Department APPROVES the proposed project, subject to the following conditions:

1. Pursuant to the established conditions of approval associated with EA No. 548, Specific Plan No 01-1, Development Agreement No. 01-01, General Plan Amendment No 01-2, Zone Change No. 01-0, Zone Text Amendment No. 01-1, Administrative Use Permit No, 01-1, and Subdivision No 01-5 (Vesting Tentative Map No. 53578), the Corporate Campus Specific Plan conditions of approval limit
the restaurant dining hours of operation for the sale of alcohol only from 10:00 a.m. to 2:00 a.m. seven days a week. The proposed restaurant hours of operation for the sale of alcohol are from 11:00 a.m. to 2:30 p.m. for lunch service, and again from 5:30 p.m. to 10:00 p.m. for dinner service Monday through Sunday. These hours also apply to the outdoor patio. Food service must be available in the indoor dining area and the outdoor patio during the dining hours. Any change to the hours of operation or the hours that alcohol may be served is subject to review and approval by the Director of Planning and Building Safety.

2. The seating within the restaurant, as currently configured, includes 46 indoor dining seats, including a maximum of 10 bar seats. The proposed outdoor patio will expand from 12 to 32 total seats. The restaurant will contain a combined total of 78 seats.

3. Any subsequent modification to the project as approved, including the floor plan and areas where alcohol will be served, and/or the conditions of approval, must be referred to the Director of Planning and Building Safety for approval and a determination regarding the need for Planning Commission review of the proposed modification.

4. The applicant must obtain and maintain all licenses required by the Alcoholic Beverage Control Act (Business & Professions Code §§ 23300 et seq.). The applicant must obtain and maintain a Type 41 license.

5. The restaurant operations must comply with ESMC §§ 7-2-1, et seq. regulating noise and vibration.

6. The Planning and Building Safety Department and the Police Department must be notified of any change of ownership of the approved use in writing within 10 days of the completion of the change of ownership. A change in project ownership may be cause to schedule a hearing before the Planning Commission regarding the status of the administrative use permit.

7. The applicant must comply with all regulations of the Alcoholic Beverage Control Act and the regulations promulgated by the Alcoholic Beverage Control Board including, without limitation, the regulations set forth in 4 Cal. Code of Regs. §§ 55, et seq.

8. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the establishment to address any concerns of the community regarding noise in the restaurant, patio and parking lot. Said contact's name and phone number must also be available through the restaurant staff at all times.
9. The applicant must, at all times, display a Designated Driver sign of at least ten inches by ten inches (10" X 10") in the bar and restaurant dining areas at eye level. The sign must be worded in a way that reminds patrons who are consuming alcohol to designate a non-drinking driver.

10. There must be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to the exterior must constitute a violation of this condition.

11. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) for the responsible sales of alcohol. The training must be offered to new employees on not less than a quarterly basis.

12. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:

   a. Completed training from the State of California Department of Alcoholic Beverage Control (ABC), Long Beach/Lakewood District Office administered Leadership and Education in Alcohol and Drugs (LEAD) Program in the form of an ABC-issued certificate; or,

   b. Completed an accepted equivalent by the ABC, Long Beach/Lakewood District Office to ensure proper distribution of beer, wine and distilled spirits to adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then;

   c. The ABC-licensed proprietors must have confirmed with the Planning and Building Safety Department within fifteen (15) days of the Director’s decision, or by final project approval, that a date certain has been scheduled within the local ABC Office to complete the LEAD course.

   d. Within thirty (30) days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Police Department.

13. The licensee must have readily identifiable personnel to monitor and control the behavior of customers inside the building premises. Staff must monitor activity outside in the parking lot and any adjacent property under the establishment’s control to ensure the areas are generally free of people and are cleared of patrons and their vehicles one-half hour after closing.

14. If complaints are received regarding excessive noise, parking availability, lighting, building access, and the like associated with the restaurant and the outdoor patio
area, the city may, in its discretion, take action to review the Administrative Use Permit, including without limitation, adding conditions or revoking the permit.

15. The outdoor dining/seating area must comply with ESMC § 15-2-16.

16. The building must not be occupied by more persons than allowed by the California Building Code, as adopted by the ESMC.

17. The building and any outdoor seating must comply with California Building and Fire Code requirements, as adopted by the ESMC.

18. The Applicant agrees to indemnify and hold the City harmless from and against any claims, action, damages, costs (including, without limitation, attorney’s fees), injuries, or liability, arising from the City’s approval of Environmental Assessment No. 823 for Administrative Use Permit No. 09-01 and Conditional Use Permit No. 09-02. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of EA-823 or AUP 09-01, the Applicant agrees to defend the City (at the City’s request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section “the City” includes the City of El Segundo’s elected officials, appointed officials, officers, and employees.

PLANNING COMMISSION

This determination was received and filed by the Planning Commission at its May 14, 2009 meeting. Please be advised that this does not conclude the review process. The City Council will determine whether or not to protest the issuance of the ABC License (Type 47) at its meeting on June 2, 2009.

Should you have any questions, please contact Trayci Nelson, Project Planner, at (310) 524-2342.

Sincerely,

[Signature]

Greg Carpenter, Director
Department of Planning and Building Safety
AGENDA DESCRIPTION:

Consideration and possible action regarding the approval of an amendment to the Professional Services Agreement with Tetra Tech, Inc. in conjunction with the 3.1 Million Gallon (MG) Water Reservoir Seismic Retrofit project at 400 Lomita Street. (Fiscal Impact: $63,625.00)

RECOMMENDED COUNCIL ACTION:

Recommendation - (1) Authorize the City Manager to execute an amendment to the existing Professional Services Agreement with Tetra Tech, Inc. in the amount of $63,625.00 in conjunction with the 3.1 MG Seismic Retrofit project RFP 07-04; and (2) Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Amendment No. 1
Exhibit A

FISCAL IMPACT: Included in Adopted Budget

- **Amount Budgeted:** $100,000
- **Additional Appropriation:** N/A $63,625 is included in the budgeted amount.
- **Account Number(s):** 501-400-7103-8227

ORIGINATED BY: Dan Garcia, Assistant City Engineer

REVIEWED BY: Dana Greenwood, Public Works Director

APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

Tetra Tech, Inc. Professional Services Agreement Amendment

On August 21, 2007, City Council awarded Tetra Tech, Inc. a Professional Services Agreement (PSA) to evaluate the 3.1 MG Reservoir for seismic considerations. A first draft of the report from this effort was submitted in November 2008. Staff has been evaluating the context of the report based on the City’s Peer Reviewer’s September 2008 comments. While the reservoir would still be capable of retaining the water in storage following a design seismic event, the analysis indicated that the roof of the structure needed additional reinforcement and the walls needed strengthening for the reservoir to remain fully operational as a source of potable water. From the alternatives listed in the report, a $1.6 million alternative appeared to be most appropriate to address the structural seismic concerns and was also the most economical. Tetra Tech has already completed the preliminary analysis and can design the $1.6 million alternative for this facility for $63,625.00. Staff is recommending amending their existing Professional
Services Agreement to incorporate the final design of the project. Once designed, the project will be publicly bid for construction.

When this project does go to construction, the 3.1 MG reservoir will need to be taken off-line in order to implement the retrofit improvements. For this reason, it is likely that the construction will take place during the winter months when the daily demand is lower. Staff is investigating the availability of grant funds to reduce the cost to the City.
FIRST AMENDMENT TO AGREEMENT NO. 3742
BETWEEN
THE CITY OF EL SEGUNDO AND
TETRA TECH. INC.
FOR
PROFESSIONAL SERVICES

THIS FIRST AMENDMENT ("Amendment"), is made and entered into on this 2nd day of June 2009, by and between the CITY OF EL SEGUNDO, a general law city and Municipal Corporation existing under the laws of California ("City"), and Tetra Tech, Inc., (Consultant).

1. Agreement No. 3742 ("Agreement"), executed by the parties on or about September 1, 2007 is amended to add the services as set forth on Exhibit A hereto:

   The Consultant will begin performance of these additional services on June 2, 2009. Consultant will complete each of the tasks included in Exhibit A to City’s satisfaction. If City is not satisfied with such services, the Consultant will work on such matter until City approves of the service. For the additional services included in Exhibit A, this Amendment No. 1 provides an increase to the Agreement in an amount not to exceed $63,625.00.

2. The attached Exhibit A which is incorporated by reference adds to the Consultant’s Scope of Services in the Agreement.

3. This Amendment may be executed in any number of counterparts, each of which will be an original, but all of which together constitute one instrument executed on the same date.

4. Except as modified by this Amendment, all other terms and conditions of Agreement No. 3742 remain the same.

   [Signatures on following page]
CITY OF EL SEGUNDO
A general law city.

Jack Wayt,
City Manager

Tetra Tech, Inc.

President

Secretary

ATTEST:

Cindy Mortesen,
City Clerk

Taxpayer ID No. 95-4148514

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

By:
Karl H. Berger,
Assistant City Attorney
May 21, 2009

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

Attention: Mr. Daniel Garcia

Reference: Proposal for Structural Engineering Services for Seismic Retrofit of 3.1 Million Gallon Reservoir

Gentlemen:

Tetra Tech appreciates this opportunity to submit this proposal for our services. This proposal is in response to your verbal request on Tuesday, May 12, 2009. It is our understanding that the City wishes to proceed with the final design and construction of the option shown in the cost estimate of our November 2008 Seismic Evaluation Report (SER) with the estimated construction cost of $1.6M. This involves the addition of new plywood roof sheathing, strengthening the walls with reinforced concrete, and the addition of steel shear transfer frames. The repairs and retrofits described in the SER for this option will therefore serve as a basis for the scope of work for this proposal. Since no visual observation or site reconnaissance of the interior or exterior of the tank have been performed as of yet, effort on our part, which may required to correct unforeseen deficiencies, damage, deterioration, etc., are not included in the scope of work of this proposal. However, we have included in our workscope the necessary site reconnaissance to verify the condition of the existing construction.

We propose to provide the following scope of services:

I. Preliminary Engineering Design Phase

   A. Kick-Off Meeting (none assumed)

   B. Site Reconnaissance

      1. Visual observation of the existing condition of the roof framing, and underside of the roof sheathing and upper portion of the exterior walls (above the water level at the time of our visit) as viewed from the inside of the reservoir. This observation will be conducted from an inflatable...
boat. On the day of our visit, we will need access to the interior reservoir, the water level of the reservoir is to be within 3 to 3-1/2 feet of the bottom of the lowest roof framing member, and the City will need to provide the necessary confined space monitoring and disinfection of our boat and oars (if deemed necessary by the City).

2. Underwater video examination of the interior wall surfaces of the tank not visible from above the water surface will be performed by our subconsultant DiveCorr. For this investigation, the water level should be brought to overflow elevation, if possible, for purposes of leak detection. This effort should ideally be performed before item 1 above.

II. Final Engineering Design Phase

A. Drawings

Produce structural drawings for the proposed improvements using AutoCAD 2007. It is anticipated that this will include a total of seven drawing sheets (see Exhibit D, “Hours and Fees” for sheet titles).

B. Structural Calculations

The preliminary analysis previously performed by Tetra Tech for the SER will serve as a basis for the final structural calculations. Additional structural analysis will be performed in order to finalize the design of the reinforced concrete wall strengthening, roof diaphragm nailing and shear transfer frame connections. The pertinent portions of the preliminary calculations from the SER will be combined with the new analysis to create a complete set of structural calculations.

C. Specifications

Produce technical specifications in MS Word format for inclusion with the City’s standard “boiler plate” documents. The specifications will use the Construction Specification Institute (CSI) Master Format

D. Construction Cost Estimates
Perform material quantity estimates, and determine material costs to be used as the basis for the Engineer's construction cost estimate. Our estimate will be prepared in a spreadsheet format for accurate calculation and tabulation of costs.

**Deliverables**

- **At the 60% Level of Completion:**
  - Plans: Two (2) Sets of Blueprints
  - Specifications: Two (2) Sets of Outline Specs.
  - Preliminary Construction Cost Estimate

- **At the 90% Level of Completion:**
  - Plans: Four (4) Sets of Draft Final Blueprints (2 for Eng. Dept. & 2 for Bldg. Dept.)
  - Cost Estimate: Four (4) Copies of Draft Final Construction Cost Estimate
  - Calculations: Two (2) Copies of the Structural Calculations

- **At the 100% Level of Completion:**
  - Plans: Four (4) Sets of Final Blueprints (2 for Eng. Dept. & 2 for Bldg. Dept.)
  - Specifications: Two (2) Copies of Final Special Provisions
  - Cost Estimate: Four (4) Copies of Final Construction Cost Estimate
  - Calculations: Two (2) Copies of the Structural Calculations

**E. Design Review Meetings**

Attend Design Review Meetings at the 60% and 90% levels of project completion, which will include selected members of the design team and City staff.

**Meeting Deliverables:**

Draft Meeting Agenda (approximately 1 week prior to meeting)
Final Meeting Agenda (distributed at the meeting)

Meeting Minutes (within approximately 1 week after meeting)

Two (2) sets of blueline prints of the Drawings (60% level of Completion) in 22” x 34” format

Four (4) sets of blueline prints of the Drawings (90% level of Completion) in 22” x 34” format

F. Approvals and Reviews

Submit the Drawings, Specifications, Estimates and Calculations for City review and comment at 60%, 90% and 100% levels of completion, as described in the “Deliverables” section, above. It is assumed that the City will route these documents to all other involved City/State/County agencies (City Building Department, City Planning, County Health Department, etc.) for review, and channel their comments back to TETRA TECH for our response. It is also assumed that the City will, at the 90% level of completion, submit two sets of the drawings and structural calculations to the City Building Department for plancheck. It is further assumed that all plancheck and/or permit fees will be paid by the City.

Perform internal QA/QC of structural design. This includes review and input on the initial concept; monitoring of the structural design during the course of the project to ensure compliance with the established design concept; and final review prior to project completion to ensure a constructible, code compliant design, that effectively satisfies the intent of the project.

G. Project Administration and Supervision

Perform oversight of the project team, which includes client contact, project administration, and supervision of in-house Tetra Tech project staff as well as oversight of our subconsultant.

III. Bid Phase

A. Attend Pre-Bid Conference
B. Provide Input on Bid Addenda and Clarifications
C. Attendance at bid opening is not included in the scope of this proposal
D. Bid Review, Report & Recommendation for Award

IV. Construction Phase Services

A. Shop Drawing Reviews

Review contractor-prepared shop drawings to verify conformity with the design intent (see “Structural Manhour/Fee Estimate” spreadsheet for list of shop drawings included under this item). Our fee estimate assumes one initial review and a maximum of one follow-up review for each submittal. Additional reviews may be billed as additional services.

In order to expedite the review process and facilitate distribution of shop drawings to the City, Tetra Tech, the general contractor and subcontractors will utilize electronic submittals of the shop drawings in PDF format, which will be specified as a requirement in the project specifications.

**Shop Drawing Review Deliverables:**

Reviewed Shop Drawing Submittals (1-marked up set of each)

B. Structural Observations

Perform structural observations at the project site to verify conformity with the approved structural drawings. A total of three (3) site visits has been assumed. These observations are to occur at the discretion of the Engineer. Also included under this workscope item is a written follow-up report of our observations.

**Structural Observation Deliverables:**

Structural Observation Reports- Three (3) reports total, one for each of 3 site visits.

V. Project Closeout

A. Final Jobwalk and Develop Punchlist are not included in the scope of this proposal
B. Produce Record Drawings

Prepare “Record Drawings” based upon contractor’s clearly marked-up plans of authorized field changes, plus drawing revisions due to change orders and clarifications.

Record Drawing Deliverables:

One (1) set of record drawings, on 22”x34” mylar

Those services not considered in our scope of services include, but are not limited to, the following:

1. Geotechnical investigation or investigative report.

2. Material sampling or laboratory testing.

These services can be provided as additional services if so requested in writing.

The fee for our services will be a not-to-exceed amount of $63,625 (refer to Exhibit “D” for fee breakdown). Charges for our services, as defined in our scope of services, and for any additional services, authorized in writing, will be based upon our 2009 Hourly Charge Rate and Expense Reimbursement Schedule, Exhibit “A” (enclosed). These fees will remain in effect for sixty days from the date of our proposal after which they will be subject to re-evaluation.

Our work will be performed in accordance with our current agreement, except as otherwise noted in this proposal.

If this is agreeable, please sign and return one signed copy of this proposal. This document will then serve as our agreement to provide our services.

Thank you for allowing us the opportunity to again serve you. If you should have any questions, please do not hesitate to call.
Mr. Daniel Garcia  
May 21, 2009  
Page 7

Sincerely,

Dale E. Wah, SE 2582  
Chief Structural Engineer  
Divisional Vice President

DEW/sz

Enclosures

Proposal for Structural Engineering Services for Seismic Retrofit of 3.1 Million Gallon Reservoir

CLIENT AUTHORIZATION

Authorized Signature ________________________  Date __________

Name (Print) _______________________________  P.O. or Billing Reference Number __________________

Title _______________________________
EXHIBIT "A"
2009

HOURLY CHARGE RATE AND
EXPENSE REIMBURSEMENT SCHEDULE

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All other direct costs, such as reproduction, special photography, postage, delivery services, overnight mail, out-of-area telephone calls, printing and any other services performed by subcontractor, will be billed at cost plus 15%.

NOTE: All costs and rates are effective January 1, 2009, and subject to annual increase.
City of El Segundo  
Seismic Retrofit of 3.1 MG Reservoir  
Structural Manhour/Fee Estimate  

Date: 05/20/2009  
W/WW ppn no. 09095  
Estimate by: VMR  
Reviewed: DEW  
Estimate for Daniel Garcia  

Project Description:
Final Design Phase and Construction Phase services for the retrofit option selected by the City from the Seismic Vulnerability Report (dated November 2008), prepared by Tetra Tech. The retrofit option which was selected by the City is the $1.6 million dollar option described in the Summary of Cost Estimates in the Seismic Vulnerability Report as, "Replace existing roof sheathing, strengthen walls with reinforced concrete, add steel shear transfer frames'.

Assumed:
- One initial site visit prior to design, to verify existing conditions.
- Front end of specifications will be provided by City.
- City of El Segundo or LA County plan check will be required (one or the other but not both)
- Three site visits during construction

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<th>Task Description</th>
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C:\Documents and Settings\Shanna.Zakas.TT\Desktop/prp09025WW09095 Fee estimate  
Page 1 of 5
City of El Segundo  
Seismic Retrofit of 3.1 MG Reservoir  
Structural Manhour/Fee Estimate

<table>
<thead>
<tr>
<th>Photo</th>
<th>Task Description</th>
<th>Labor Hours by Staff Classification</th>
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</table>
# City of El Segundo

## Seismic Retrofit of 3.1 MG Reservoir

### Structural Manhour/Fee Estimate

<table>
<thead>
<tr>
<th>Phase</th>
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<tr>
<td></td>
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<td>Design Review Meetings</td>
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<td>b. Meeting</td>
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<td>c. Compose Meeting Minutes &amp; Distribute</td>
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<td>2.0</td>
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<td>Approvals and Reviews</td>
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<td>b. Address QA-Q/C Review Comments</td>
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<tr>
<td>G</td>
<td>Project Administration and Supervision</td>
<td>2.0</td>
<td>1.0</td>
</tr>
</tbody>
</table>

|        | Subtotals                                 | 25.5   | 66.5 | 0       | 79.0   | 63.5 | 21.0  | 256.0 | $37,960| $71  | $0   | $38,030|
|        |                                         |        |      |         |        |      |       |       |        |      |      |        |
| III     | Bid Phase                                 |        |      |         |        |      |       |       |        |      |      |        |
| A       | Attend Pre-Bid Conference                 | 4.0    | 4.0  |         | 4.0    |     |       |       | $780  | $35  |      | $815   |
| B       | Provide Input on Bid Addenda and Clarifications | 1.0    | 2.0  | 1.0     | 4.0    |     |       |       | $760  |      |      | $760   |
| C       | Attend Bid Opening                         |        |      |         |        |      |       |       | $688  |      |      | $688   |
| D       | Bid Review, Report & Recommendation for Award | 1.0    | 2.0  |         | 2.0    |     |       |       | $688  |      |      | $688   |

|        | Subtotals                                 | 2.0    | 4.0  |        | 1.0    | 4.0  | 5.0   | 11.5  | $2,225 | $35  | $0   | $2,260 |
|        |                                         |        |      |         |        |      |       |       |        |      |      |        |
| IV      | Construction Phase Services               |        |      |         |        |      |       |       |        |      |      |        |
| A       | Shop Drawing Reviews                      | 0.5    | 2.0  | 5.0     | 3.0    |     |       | 5.0   | $370  |      |      | $370   |
| 1       | Concrete Mix Designs                      |        |      |         |        |      |       |       |        |      |      |        |
| 2       | Reinforcing for Concrete                  | 1.0    | 3.0  |         | 3.0    |     |       | 5.0   | $783  |      |      | $783   |

---

Date: 05/20/2009  
WWW prp no. 09095  
Estimate by: VMR  
Reviewed: DEW  
Estimate for Daniel Garcia
# City of El Segundo
## Seismic Retrofit of 3.1 MG Reservoir
### Structural Manhour/Fee Estimate

<table>
<thead>
<tr>
<th>Phase</th>
<th>Task</th>
<th>Task Description</th>
<th>Labor Hours by Staff Classification</th>
<th>Fees (Std. Rates, U.N.O.)</th>
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<td>Hourly Charge Rate</td>
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<td>E.A.</td>
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<td>3.</td>
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<td>4.</td>
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<td>5.</td>
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<td>Adhesive Anchors</td>
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<td>6.</td>
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<td>Roofing</td>
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<tr>
<td>B.</td>
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<td>Structural Observations (Site Visit + Written Report)</td>
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<td>2.</td>
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<td>C.</td>
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<td>8.0</td>
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<td>D.</td>
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## Subtotal
18.5 | 30.0 | 31.0 | 0 | 5.0 | 66.5 | $14,758 | $105 | $0 | $14,863

### Project Closeout
A. Final Jobwalk and Develop Punchlist
B. Produce Record Drawings

## Subtotal
2.0 | 4.0 | 4.0 | 0 | 10.0 | $1,750 | $0 | $0 | $1,750

Continued on next page
### City of El Segundo
Seismic Retrofit of 3.1 MG Reservoir
Structural Manhour/Fee Estimate

<table>
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<th>Phase</th>
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**VI. Reproduction**

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<th>Labor</th>
<th>Reimb</th>
<th>Totals</th>
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<td>$320</td>
<td>$390</td>
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**Subtotals**

| | | | | | | | | | |

**TOTAL HOURS (LABOR + REPRO) | 37.0 | 12.5 | 15.0 | 15.0 | 76.0 | 34.5 | 393.0 |

**TOTAL DOLLARS (LABOR + REPRO) | $11,850 | $3,599 | $1,500 | $13,615 | $8,750 | $2,333 | $60,032 | $928 | $8,136 | $68,252 |
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT
MEETING DATE: June 2, 2009
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:
Consideration and possible action regarding authorizing the City Manager to enter into a lease of office space located at 333 Main Street for the purpose of relocating the Residential Sound Insulation (RSI) program offices. (Fiscal Impact: $7,000 for the remainder of FY 2008-2009 and annual cost of $40,000)

RECOMMENDED COUNCIL ACTION:
(1) Authorize the City Manager to enter into a lease agreement; (2) alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Air Photo/Map
2. Photographs of 333 Main Street

FISCAL IMPACT:
Amount Budgeted: $111,450
Additional Appropriation: $N/A for FY 2008-2009
approximately $40,000 per year in future fiscal years.
Account Number(s): 001-400-2901-6244

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

BACKGROUND AND DISCUSSION:
Employees in City Hall are currently being impacted by the lack of office, meeting and storage space. This is largely due to the age of the building (the last significant addition was made in 1977) and the addition of programs since that time such as Information Services and Residential Sound Insulation. The RSI offices are currently housed in the basement level of City Hall and share space with two other Departments. This location is relatively inaccessible to customers and lacks visibility and ease of access that a program office of this significance should offer the public.

The options to address the location and overcrowding issues involve either construction of additional office space or leasing private office space nearby. It is expected that the RSI program will cease upon either the completion of construction or the stoppage of funding from the Federal Aviation Administration (FAA). Given the immediate need for space, the favorable rental market and the fact that the RSI program will eventually cease, staff recommends that private office space be leased rather than the addition of new office space at City Hall.

In reviewing potential sites, staff decided to focus on locations in the Downtown in order to be convenient for residents and close to City Hall. Staff has spent the last several months inspecting
various locations in the Downtown and recommends the lease of the office space at 333 Main Street. This location offers the best overall combination of:

- Price - $1.85 per square foot/month gross rent
- Location – directly across the street from City Hall with good visibility to the public
- Parking – the location is within walking distance of the City/Cooke’s Parking structure
- Availability – the space should be available in August
- Size/configuration – the space is approximately 1,600 square feet, located on the ground floor and is well laid out to provide a lobby/reception area, meeting space, office space and storage.

The terms of the proposed lease are as follows:

- Price - $1.85 per square foot/month gross rent (meaning there are no added property taxes, common area maintenance or building insurance charges). The rate may increase annually based upon the current Consumer Price Index (CPI) but not to exceed an annual increase of 5%)
- Term – 3 years with 3 1-year options with the City provided the right to terminate the lease after the first year (with 90-day notice to the property owner)
- The owner will waive the typical security deposit requirement
- The owner will construct the walls necessary to create a conference/meeting room

In addition to the lease costs, an estimated $400.00 per month will be necessary for utility and miscellaneous costs. Staff has contacted the FAA regarding the possibility of their funding the lease of office space. Unfortunately, based on the response received, it is impractical to use FAA funds for this purpose. As Los Angeles World Airport (LAWA) funds for the RSI program are subject to the same use restrictions as FAA funds, the use of LAWA funds is also impractical.

With the leasing of this office space, the vacated RSI offices in the basement level of City Hall will be used by the Information Services Division and Finance Departments. Based on the current need for space, and the improvements that will result in working conditions and customer access, staff recommends that the City Council authorize the City Manager to enter into a lease agreement.
333 Main Street

View from City parking at REAR of building.
AGENDA DESCRIPTION:

Consideration and possible action to amend the base salary of a police officer trainee is paid. (Fiscal Impact: $27,000)

RECOMMENDED COUNCIL ACTION:

1. Amend the base salary of police officer trainees from 80% of Step A of the Police Salary Table to 100% of Step A of the Police Salary Table.
2. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

None.

FISCAL IMPACT: Included in Adopted Budget

Amount Budgeted: $7,164,360
Additional Appropriation: N/A
Account Number(s): 001-400-3102-4101 (police patrol & safety salaries)

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

BACKGROUND AND DISCUSSION:

Following several years of increased recruiting and candidate processing efforts, the Police Department has finally seen a significant increase in police officer staffing levels. However, given the anticipated high turn over of personnel by the end of this year, maintaining those levels will be a challenge. Staff believes increasing the salary paid to police officers trainees while they are in the academy, will help.

Nearby cities (Gardena, Hawthorne, Hermosa Beach, Manhattan Beach, Redondo Beach, and Torrance) pay academy trainees an average of $4248 per month. The lowest amount paid is $3650 and the highest, $4863. El Segundo pays $3923 which ranks fifth of seven.

Currently, academy trainees are paid 80 percent of “Step A” of the police salary table. Paying “Step A” ($4904) would make us the highest in the area. The approximate, estimated cost to the city for doing so, would be $27,000 per year (5 trainees x 5.5 months x $981 per month = $26,977.50). Since all positions in the budget are already funded at “step A” or more, no additional appropriation will be required by this change.
AGENDA DESCRIPTION:

Consideration and possible action to waive the formal bidding process pursuant to the El Segundo Municipal Code §1-7-10 and authorize the Fire Department to purchase twenty-five (25) self-contained breathing apparatus units under a sole source purchase through Allstar Fire Equipment. The City will be reimbursed for these expenditures through the Urban Area Security Initiative Fiscal Year 2006 grant funding. (Fiscal Impact: Not to exceed $140,725)

RECOMMENDED COUNCIL ACTION:

1) Pursuant to El Segundo Municipal Code §1-7-10, waive the bidding process and authorize the Fire Department to purchase twenty-five (25) self-contained breathing apparatus units under a sole source purchase from Allstar Fire Equipment;

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

ATTACHED SUPPORTING DOCUMENTS:

FY 2006 Homeland Security Grant Program Funding Request for Investment #5
State of California Sole Source Approval Letter

FISCAL IMPACT: Budget Adjustment Required

Amount Budgeted: $ not to exceed $140,725
Additional Appropriation: Yes
Account Number(s): 001-400-3202-8104

ORIGINATED BY: Kevin S. Smith, Fire Chief
REVIEWED BY: Kevin S. Smith, Fire Chief
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

The Los Angeles Area Fire Chiefs Association has established a goal of creating an area wide standard for self-contained breathing apparatus to ensure firefighter safety. The organization has acquired grant funding through the Urban Area Security Initiative and the State Homeland Security Grant Program to ensure that all firefighter positions in the region are issued a standardized breathing apparatus. The Southern California Area Personal Protective Equipment Consortium (SCAPPEC) was established to research and develop specifications for a standardized breathing apparatus. The El Segundo Fire Department has been offered the opportunity to purchase twenty-five units based on our nineteen suppression positions and six units being assigned to our Urban Search and Rescue unit under the terms of the grant. Staff is recommending the purchase of Scott breathing apparatus that meets the specifications established by the SCAPPEC. Scott breathing apparatus is the standard being adopted by the
other Area G fire departments. The El Segundo Fire Department is currently using an older version of Scott breathing apparatus that will be able to be retrofitted to meet the SCAPPEC standard. This upgrade will ensure that fire personnel are equipped with state of the art breathing apparatus that ensures interoperability with neighboring fire departments.
II.B: Explain how the State/Urban Area is organizing to implement this Investment over the identified geographic area(s). (Not to exceed 300 words)

The four primary activities under this investment include the following:

- The OGT-approved training focuses on two capabilities. The first is USAR/HazMat training for new personnel. This training will ensure that teams remain trained and certified to meet local/state/federal requirements in spite of normal staff turnover rates. An organization of County Fire Chiefs will track the status of team training level and implement required training. Similarly, law enforcement personnel must complete the First Responder Operations Course as required by the State.

- The procurement of safety equipment (PPE) will standardize Self Contained Breathing Apparatus (SCBA) equipment for all fire personnel and other first responders, including law enforcement personnel. A regional coordinating committee has defined the equipment specifications and will oversee the procurement to receive volume pricing and efficient distribution.

- The procurement and deployment of CBRNE detection equipment is being coordinated on behalf of the Region by LAPD and LA County Sheriff, in consultation with port and airport security personnel and the County Department of Health Services. These capabilities are being coordinated Regionally to ensure adequate coverage and coordinated deployment.

- The LAPD is overseeing the continued development of the COP Program, including its expansion to include additional jurisdictions. The COP Program is standardized to ensure seamless operation and coordinated deployment during incidents.

II.C: Discuss the collaboration process you have, or will establish, with other regions and jurisdictions (Inter- and Intra-State) within or beyond the geographic/demographic area of this investment. Discuss when and how you will engage stakeholders from those regions in specific support of this investment. (Not to exceed 500 words)

This investment was developed collaboratively through a series of Regional meetings involving nearly 400 stakeholders from approximately 100 jurisdictions and agencies in LA County and Ventura County. Capabilities and needs were discussed from the Regional perspective so that the most effective Regional Investments could be defined, structured, and implemented. Over a 5-week period the stakeholders met in a series of structured workshops to identify and evaluate projects that support the investment objectives. Through this process a common understanding was developed of the goals and outcomes for this investment.

With this in-depth regional assessment as a foundation, the four programs under this investment will be implemented collaboratively throughout the Region, including coordinating related efforts funded under UASI, LETPP, and SHSP. This collaborative approach within the Region will continue the implementation of these programs.

Representation from all fire departments in LA County was instrumental in defining the USAR/HazMat training requirements as well as the upgraded CBRNE-rated SCBAs as the most critical safety equipment needed today. Law enforcement agencies agreed to participate in this standardization of the SCBAs to maximize the resulting regional impact of the effort.

The COP Program, led by LAPD, involves close coordination with LA County Sheriff. To expand the program, a Regional working group will be used to identify the preferred geographic distribution of the COP assets to maximize effectiveness throughout the Region.

III.A: Discuss anticipated impacts of this investment and how the requested funding will help attain/achieve expected impacts. Consider the population and areas affected, and other entities (jurisdictions, disciplines) that could leverage the outcomes and impacts of the solution presented by this investment. (Not to exceed 500 words)

This investment both maintains and enhances existing capabilities.

- The USAR/HazMat training will ensure that the Region's USAR/HazMat teams remain trained and certified, enabling effective response to all-hazard emergencies. The training will ensure that newly assigned staff are ready for deployment. Sustaining and enhancing this capability is critical to ensure teams maintain the highest level of qualified training.

- The First Responder Operations (FRO) training for law enforcement enhances the ability of these personnel to recognize and respond to CBRNE incidents. This capability will enable improved response to incidents, ensuring enhanced protection of first responders, the public, and property.

- The procurement of safety equipment focuses on standardized CBRNE-rated SCBAs that will provide uniform and enhanced protection for all response personnel. The standardization of equipment is the first step toward improved resource sharing and improved coordination of large incidents throughout the Region.

- The CBRNE monitoring and detection equipment will significantly enhance first responders' ability to identify hazards quickly and accurately in the field. These systems include communication capabilities to key subject matter experts who can be consulted in real time to help assess situations and inform decision making. This equipment fills a gap in current capabilities, and is needed to identify whether a CBRNE threat exists and make rapid determinations to ensure that no threat is present (thus reducing evacuation times or transportation system disruptions).

- The COP Program allows all responders to share intelligence and contribute to common decision-making. Through the use of this standardized platform and protocols, critical incident information is made available to field and command center personnel in real time. The continued support of the development of this Program enhances the regional capability to respond effectively to complex incidents, involving multiple disciplines and jurisdictions throughout the Region.
III.B: Discuss how the implementation of this investment will decrease or mitigate risk. (Not to exceed 500 words)

This investment decreases risk by enhancing first responders' ability to detect and respond to CBRNE incidents, or an all-hazard emergencies. The LA/SLA UA and LA County are a target rich environment for terrorists or other criminals attempting to negatively impact the viability of the West Coast in the U.S. Maintaining and enhancing these capabilities in this Region help to protect the Region and the greater U.S. from the adverse consequences of a terrorist attack.

With the proposed training, law enforcement personnel will be better able to recognize pre-incident indicators and take appropriate actions to mitigate or remove the threat. Additionally, these trainings will reduce risks during an incident by enabling responders to better recognize hazards and take appropriate response and protective action. The outcome is that through the CBRNE training, responders will be better equipped to protect life and property and reduce exposure to hazardous substances.

Similarly, maintaining the USAR/HazMat capabilities in the Region ensures effective response to CBRNE events. The standardized safety equipment (CBRNE-rated SCBAs) are critical to protecting first responders. The outcome is that the public will be better protected through the effective protection of first responders and enhanced capabilities of responders to enter and rescue in a hazardous environment.

The CBRNE detection equipment reduces first responder exposure to hazardous substances by utilizing the equipment to identify hazardous materials. The equipment will also enhance first responders' ability to test for CBRNE materials prior to an incident occurring, so that appropriate actions can be taken to prevent loss of life, exposure, and disruption to economic activity.

As discussed above, the CCP Program enhances first responders' ability to respond to complex incidents. Improved information collection, analysis, and dissemination during incidents will ensure that populations at risk are identified more quickly and strategic actions are taken to prevent loss of life, exposure, and disruption to economic activity.

III.C: Describe what the potential Homeland Security risks of not funding this investment are. (Not to exceed 500 words)

The risk of not funding this investment is that capabilities for CBRNE detection and response will not meet the current threat environment. Furthermore, without adequate capabilities, the risks to life, health, and property are increased. Given the significance of our ports, airports, transit systems, and other infrastructure to the nation's commerce and daily life, disruption in the Region will present tremendous national economic and psychological consequences.

The activities proposed under this investment fill specific gaps that exist in current capabilities. Without the law enforcement FRO training, the ability of law enforcement personnel to recognize and take appropriate action during a CBRNE incidents will be limited. Without the USAR/HazMat training, the USAR/HazMat team readiness state will decrease. Without the CBRNE-rated SCBAs, first responders will be at increased risk of exposure to hazardous materials and the ability to share these assets will be limited. Without the enhanced CBRNE detection equipment, CBRNE hazards will take longer to identify, and some hazards will go undetected, with significant adverse consequences resulting. Finally, without the enhancement of the CCP Program, the response to complex incidents will be hampered as the ability to share intelligence and coordinate actions will be limited.

IV.A: Investment Funding Plan

<table>
<thead>
<tr>
<th>FY 2006 Homeland Security Grant Program Request</th>
<th>FY 2006 HSOP Request</th>
<th>Other Funding Sources Applied</th>
<th>Grand Total</th>
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<tr>
<td>SHSP</td>
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<td>Total</td>
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*If you plan to purchase Interoperable Communications Equipment, your Investment Justification must include discussion on planning, governance, training, policies, procedures, and/or exercises related to the equipment.
IV.B: Identify potential challenges to the effective implementation of this investment (e.g., stakeholder buy-in, sustainability, aggressive timelines). (Not to exceed 300 words)

This investment encompasses a set of well defined and achievable activities with specific objectives and known benefits. Consequently, few challenges exist to implement this investment due to the following statements:

The OGT-approved training for USAR/HazMat teams is well defined and available. The number of personnel requiring training has been identified and each jurisdiction with these specialty teams has committed to completing this training upon receipt of grant funds.

The FRO training is also available. Those who require training have been identified.

The Region's Fire Chiefs have already overcome the primary hurdle in the CBRNE-rated SCBA procurement by adopting a Region-wide specification for the equipment.

The CBRNE detection equipment has already been identified for purchase if awarded the grant funds. The participating jurisdictions have agreed and planned for the distribution of this equipment, training and sharing of resources, and anticipated the procurement structure to purchase the resources using this grant funding.

The primary challenge to the COP Program is to rapidly roll out additional capabilities to additional jurisdictions.

IV.C: Explain how the identified challenges will be addressed and mitigated. (Not to exceed 300 words)

To ensure that the CBRNE-rated SCBAs meet law enforcement needs, the Sheriff and Region Police Chiefs are examining the equipment specification to ensure compatibility.

To ensure that the COP Program can be expanded effectively, a working group is being formed to identify how best to determine the best geographic distribution of the COP assets to maximize deployment throughout the Region. This working group will help ensure buy-in from area departments and help facilitate continued rapid roll out of the Program.

IV.D: Describe the management team, including roles and responsibilities, that will be accountable for the oversight and implementation of this investment, and the overall management approach they will apply for the implementation of this investment. (Not to exceed 300 words)

As the overall grant administrator, the City of Los Angeles will oversee the disbursement of all funds expended under this investment, and will track progress toward its completion. The responsibility for managing specific projects will fall on the participating agencies that have agreed to participate.

The County's Fire Chiefs have agreed to consolidate efforts to procure and field CBRNE-rated SCBAs. Similarly, the Sheriff and area Police Chiefs are expected to consolidate their requests into a single large procurement for this equipment.

The USAR/HazMat training will be scheduled by individual departments to ensure accountability for training and certification.

LAPD and LA County Sheriff are collaborating on the specification and procurement of the CBRNE detection and decontamination equipment. Each jurisdiction will be responsible for the oversight of their equipment procurements.

LAPD is leading the COP Program, and is creating a working group of area law enforcement and fire departments to collaborate on the expansion of the Program to additional jurisdictions.

LAPD is also leading the coordination of the FRO training for law enforcement personnel. LAPD will arrange for instructors, training facilities, and scheduling on behalf of the Region.
IV.E: Discuss funding resources beyond FY 2006 HSGP that have been identified and will be leveraged to support the implementation and sustainment of this investment. (Not to exceed 300 words)

Because this investment was developed with a Regional perspective that includes the entire UA and County, funding to support these programs will be leveraged from UASI, SHSP, and LETPP 2008 grant awards. This investment will also build on previous grant funding, which includes funding to create and equip the USAR/HazMat teams and to develop the COP Program concept and purchase equipment.

IV.F: Provide a high-level timeline, including milestones and dates, for the implementation of this investment. Possible areas for inclusion are: stakeholder engagement, planning, major acquisitions/purchases, training, exercises, and process/policy updates. Space is provided for up to 10 milestones, but not all 10 spaces may be necessary for the response. (“Milestone” not to exceed 125 characters / approximately 25 words and “Related Activities” not to exceed 500 characters / approximately 100 words)

<table>
<thead>
<tr>
<th>Milestone #1</th>
<th>OGT-Approved USAR/HazMat Training</th>
<th>Start Date: 6/2/06</th>
<th>End Date: 6/2/06</th>
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</thead>
<tbody>
<tr>
<td>Related Activities</td>
<td>USAR and HazMat teams will attend training to ensure that they remain trained and certified (the training and certification requirements have already been defined).</td>
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<tr>
<th>Milestone #2</th>
<th>OGT-Approved First Responder Operational Training</th>
<th>Start Date: 6/2/06</th>
<th>End Date: 6/2/06</th>
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<tbody>
<tr>
<td>Related Activities</td>
<td>Law enforcement personnel will complete the FRO Training on an ongoing basis throughout the grant performance period. The number of personnel have been identified. The instructors will be scheduled and the training will be provided on a periodic basis.</td>
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<table>
<thead>
<tr>
<th>Milestone #3</th>
<th>Finalize CBRNE-rated SCBA Specifications</th>
<th>Start Date: 6/2/06</th>
<th>End Date: 1/1/06</th>
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</thead>
<tbody>
<tr>
<td>Related Activities</td>
<td>The specification of the CBRNE-rated SCBAs has been developed for all fire departments. The law enforcement departments will review the specification and make final decisions regarding whether and how to participate in this Region-wide procurement of this equipment. The final number for the pieces of equipment in each department will be defined.</td>
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<th>Milestone #4</th>
<th>Procure CBRNE-rated SCBAs</th>
<th>Start Date: 1/1/06</th>
<th>End Date: 3/1/06</th>
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<tbody>
<tr>
<td>Related Activities</td>
<td>The combined procurement of the CBRNE-rated SCBAs will be executed. The delivery of the equipment will be spread out over time in conjunction with the suppliers’ scheduling.</td>
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<tr>
<th>Milestone #5</th>
<th>Procure CBRNE Detection and Decontamination Equipment</th>
<th>Start Date: 6/2/06</th>
<th>End Date: 3/1/06</th>
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</thead>
<tbody>
<tr>
<td>Related Activities</td>
<td>The final specifications for the CBRNE detection and decontamination equipment will be developed collaboratively among the jurisdictions. Each jurisdiction will undertake its procurement for the agreed-upon equipment.</td>
<td></td>
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</table>
Milestone #6
Complete COP Program Build Out (existing capability)
Start Date: 6/2/06
End Date: 12/1/06
Related Activities
The COP Program build-out started under the 2005 homeland security grants. The program will be completed with the final installation of equipment into the existing COP platforms.

Milestone #7
Expand COP Program to Additional Jurisdictions: Selection of Jurisdictions
Start Date: 6/2/06
End Date: 10/1/06
Related Activities
The working group will be assembled to finalize the identification of the jurisdictions that will host installation of the COP Program equipment. This process has been initiated, and is expected to be completed shortly after grant award.

Milestone #8
Expand COP Program to Additional Jurisdictions: Procure and Install Equipment
Start Date: 10/1/06
End Date: 3/1/08
Related Activities
Federal Homeland Security Operations Center Communication Interconnectivity

Milestone #9
Federal Homeland Security Operations Center Communication Interconnectivity
Start Date: 6/2/06
End Date: 3/1/08
Related Activities
As a key component to support response capabilities, procure and install equipment to establish communication interconnectivity between the County EOC and the Federal Homeland Security Operations Center (HSOC) to enhance the Common Operational Picture capability across the operational area. The specification of the technology required has been initiated. Following completion of the specification, procure and install the equipment.

Milestone #10
Start Date: 
End Date: 
Related Activities

IV.G: Describe the planned duration for this overall investment. Discuss your long-term sustainability plans for the investment after your FY 2006 HSGP funds have been expended, if applicable. (not to exceed 300 words)

The Region has committed to maintaining the capabilities developed under this investment for the foreseeable future. The USAR/hazmat teams continue to receive support from their respective jurisdictions, as maintaining this capability is not optional. The training of current law enforcement personnel will be completed during this grant cycle. The training of new personnel will be incorporated into standard training procedures.

The departments that receive CBRNE-rated SCBAs have committed to maintaining the equipment so that this capability will persist in the long-run.

The enhanced CBRNE detection and decontamination equipment will become a CBRNE response regional asset and will receive staff, training, maintenance and other support to maintain the effective capability.

LAPD has assumed responsibility for the maintenance and operation of the COP Program. The expansion to include additional jurisdictions will result in those jurisdictions also taking on this responsibility for the COP Program assets assigned to their departments. The LA County Sheriff will be responsible for the maintenance and operation of its components of the COP Program, including the link to the Federal HSOC.

May 14, 2009

Ms. Laura Shin
Office of the Mayor
City of Los Angeles
200 N. Spring Street Room M175C
Los Angeles, CA 90012

Dear Ms. Shin:

SUBJECT: APPROVAL OF SOLE SOURCE CONTRACT REQUEST
FY2006 HOMELAND SECURITY GRANT PROGRAM
Urban Area Security Initiative (UASI) Grant #2006-0071, OES ID #037-95050

The California Emergency Management Agency (CalEMA) has received, reviewed, and
approved the Los Angeles-Long Beach UASI’s Sole Source contract request dated May
13, 2009, based on the information the City of El Segundo provided regarding their
proposed CBRNE upgrade purchase from Allstar Fire Equipment.

If you have any questions about this letter, please contact your Program Representative,
Leo LaMattina, at 916-324-6347 or leo.lamattina@ohs.ca.gov.

Thank you for your work in protecting California. We look forward to your continued
collaboration towards our homeland security strategy and appreciate your cooperation
and support.

Sincerely,

Ursula Hareson
Program Manager, HSGP Unit

GOVERNOR ARNOLD SCHWARZENEGGER • SECRETARY MATTHEW BETTENHAUSEN
STATE CAPITOL, SACRAMENTO, CALIFORNIA 95814
(916) 845-8510 • FAX (916) 324-5902
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

MEETING DATE: June 2, 2009
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:

Consideration and possible action regarding awarding a contract to Professional Building Contractors, Inc. for construction related to Group 32 (24 homes) of the City’s Residential Sound Insulation Program (Project Nos. RSI 09-09).
(Estimated construction costs and retention: $909,013)

RECOMMENDED COUNCIL ACTION:

1. Reject Bid from Harry H. Joh Construction, Inc.;
2. Award a contract to Professional Building Contractors, Inc.;
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 7 - 12 of Bid submitted by Harry H. Joh Construction, Inc.
3. Emails from S&L Specialty Contracting, Inc. (S&L) regarding Bids lower than that of S&L
4. Pages 9 and 12 of Bid submitted by Professional Building Contractors, Inc.

FISCAL IMPACT: Included in Adopted Budget

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<th>Amount Budgeted:</th>
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<td>Account Number(s):</td>
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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 26, 2009 the City Clerk’s office opened sealed bids for Group 32 (RSI 09-09) and Group 33 (RSI 09-03) of the City’s Residential Sound Insulation (RSI) Program. The results of the bid openings were as follows:

Group 32 (RSI 09-09)
1. Harry H. Joh Construction, Inc. .................................. $719,625.00
2. Professional Building Contractors, Inc. ..................... $826,375.00
3. S&L Specialty Contracting, Inc. ............................... $832,100.00
4. G&G Specialty Contractors, Inc. ............................... $842,974.00
5. Sam Boo Construction Company, Inc. ......................... $857,000.00
By comparison, the Bids received in response to the original Notice Inviting Sealed Bids on March 30, 2009 were:

1. California Averland Construction, Inc...........................$830,619.08
2. G&G Specialty Contractors, Inc..................................$861,974.00
3. Tron Construction, Inc............................................$869,995.00
4. Karabuild Development, Inc....................................$922,000.00
5. S&L Specialty Contracting, Inc..................................$926,600.00
6. NSA Construction Group, Inc....................................$943,000.00
7. Professional Building Contractors, Inc..........................$972,743.00

Staff reviewed the bids received and found the following:

The lowest Bid, submitted by Harry H. Hoh Construction, Inc., is non-responsive because the value of the proposed subcontracts and the pricing for the materials were not included in the Bid.

The second lowest Bid, submitted by Professional Building Contractors, Inc. (PBC), appears to be responsive, and thus the remaining Bids were not reviewed for responsiveness.

S&L Specialty Contracting, Inc. (S&L) has questioned the responsiveness of the Bid from PBC on the basis that S&L is not qualified to perform air balance testing for installed mechanical systems and a discrepancy in the pricing of Heating, Ventilation and Air Conditioning (HVAC) work. Staff has verified that the HVAC subcontractor listed as part of PBC’s Bid is certified by the National Balancing Institute to perform such work. Additionally, as there are many potential explanations for the difference in the supplier value and subcontractor values questioned by S&L, such as installation of products not manufactured by Carrier, staff finds that there is insufficient justification for considering the Bid submitted by PBC as non-responsive.

As the City Council is aware, PBC has successfully completed construction for Groups 3, 20 and 28 of the Residential Sound Insulation Program and City Council recently awarded contracts to PBC for Groups 31, 34 and 35 at the City Council meeting on May 20, 2009.

The amounts requested for the contracts are $909,013 which represents the Total Bid amount and an additional 10% for potential change orders related to unforeseen conditions.

City Council is reminded that 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.
# Designation of Manufacturers and Suppliers

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<thead>
<tr>
<th>Manufacturer</th>
<th>Supplier</th>
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<tbody>
<tr>
<td><strong>Aluminum Windows</strong></td>
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<td><strong>Marilyn Burtod</strong></td>
<td><strong>Bob Davis</strong></td>
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</tr>
<tr>
<td>203 5th Street, NW</td>
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<tr>
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</tr>
<tr>
<td>Puyallup, WA 98371</td>
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</tr>
<tr>
<td>City / State / Zip Code</td>
<td>253-845-9581</td>
<td></td>
</tr>
<tr>
<td>Phone Number</td>
<td>253-845-3364</td>
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</tr>
<tr>
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<tr>
<td>Van Nuuver Door</td>
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<tr>
<td>203 5th Street, NW</td>
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<tr>
<td>Address</td>
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<td></td>
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<tr>
<td>Puyallup, WA 98371</td>
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<tr>
<td>City / State / Zip Code</td>
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<td>Phone Number</td>
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<table>
<thead>
<tr>
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<tr>
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</tr>
<tr>
<td>Torrance Aluminum</td>
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<td>Discount Exteriors</td>
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<tr>
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<tr>
<td>22850 Perry Street</td>
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<td>19612 Beach Blvd, #13B</td>
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<td>Address</td>
<td></td>
<td>Huntington Beach, CA 92544</td>
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<tr>
<td>City / State / Zip Code</td>
<td>619-292-9106</td>
<td>714-596-6766</td>
</tr>
<tr>
<td>Phone Number</td>
<td>760-438-3100</td>
<td>714-596-6746</td>
</tr>
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<td>Secondary Sliding Glass Doors</td>
<td>Brian Kiesling</td>
<td>Bob Davis</td>
</tr>
<tr>
<td>------------------------------</td>
<td>----------------</td>
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<td>Phone Number</td>
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<th>JayLee</th>
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<td>Carrier</td>
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<td>100 Carver Pkwy</td>
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<td>Address</td>
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<tr>
<td>800-229-7439</td>
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<td>Phone Number</td>
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<thead>
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<tr>
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<td>Sales Dept</td>
<td>Contact Person</td>
</tr>
<tr>
<td>Company</td>
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<td>Company</td>
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<tr>
<td>1101 Glenoaks Blvd, #11</td>
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</tr>
<tr>
<td>Address</td>
<td>Pico Rivera, CA 91331</td>
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</tr>
<tr>
<td>718-890-0899</td>
<td>Phone Number</td>
<td>Phone Number</td>
</tr>
<tr>
<td>Phone Number</td>
<td>818-890-4073</td>
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Designation of Manufacturers and Suppliers

RSI 09-09 (Group 32) re-Bld
<table>
<thead>
<tr>
<th>Dampers</th>
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<th>Company</th>
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<th>Fax Number</th>
<th>Email Address</th>
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<tr>
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<td>818-890-0899</td>
<td>818-890-4071</td>
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<table>
<thead>
<tr>
<th></th>
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<th>Company</th>
<th>Address</th>
<th>City / State / Zip Code</th>
<th>Phone Number</th>
<th>Fax Number</th>
<th>Email Address</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Frank Steward</td>
<td>Steward Construction Inc.</td>
<td>269 S. Tustin Avenue</td>
<td>Orange, CA 92867</td>
<td>914-664-3093</td>
<td>914-633-9216</td>
<td></td>
</tr>
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</table>
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 Enterprice 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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</thead>
<tbody>
<tr>
<td>Window Install</td>
<td></td>
<td>DISCOUNT EXTERIORS 17812 Beach Ave, NBE Huntington Beach, CA 92649</td>
<td></td>
<td>946146</td>
<td>Y/N (Circle one)</td>
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<tr>
<td>HVAC Installation</td>
<td></td>
<td>THE BEST HORTLTY, INC 72-25 E. Racovans Ave, $500 Paramount, CA 90723</td>
<td></td>
<td>464309</td>
<td>N/Y (Circle one)</td>
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<tr>
<td>Electrical</td>
<td></td>
<td>H.K. Electrical Inc 19428 Lomboy Street Granada Hills, CA 91344</td>
<td></td>
<td>78145</td>
<td>N/Y (Circle one)</td>
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Designation of Subcontractors

RSI 09-09 (Group 32) re-Bid
| Insulation        | MD Insulation Co.  
|                  | 1934 Florandale  
|                  | S. El Monte, CA 91733 |
|                  | 623689 |
|                  | ☑/N   |
|                  | (Circle one) |
| Doors Installation | Allied Builders Group, Inc  
|                  | 74252 Culver Dr.  
|                  | A-842  
|                  | Irvine, CA 92664 |
|                  | 650903 |
|                  | ☑/N   |
|                  | (Circle one) |
| Fireplace        | Steward Construction Inc  
|                  | 269 N. Tustin Avenue  
|                  | Orange, CA 92867 |
|                  | 798113 |
|                  | ☑/N   |
|                  | (Circle one) |
| Cleaning         | TLC Cleaning, Inc  
|                  | P.O. Box 6945  
|                  | Huntington Beach, CA 92645 |
|                  | N/A   |
|                  | ☑/N   |
|                  | (Circle one) |
| Hazmat Abatement | Metro Insulation Co.  
|                  | 1818 E. Residency Ave.  
|                  | Fullerton, CA 92831 |
|                  | 270742 |
|                  | ☑/N   |
|                  | (Circle one) |

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)
BIDDER’S PROPOSAL AND STATEMENT

Project Number RSI 09-09
“Residential Sound Insulation Program – Group 32”

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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<tbody>
<tr>
<td>32.01</td>
<td>509 E. Walnut Ave</td>
<td>RSI Improvements</td>
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<td>$19,583</td>
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<tr>
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<td>$2944</td>
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<tr>
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<td>Electrical Upgrade</td>
<td>$1,400</td>
<td>$1015</td>
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<tr>
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<td>$100</td>
<td>$304</td>
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<td></td>
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<td>Sill &amp; Frame damage Upgrade</td>
<td>$600</td>
<td>$537</td>
<td>$24,383</td>
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<tr>
<td>32.02</td>
<td>511 E. Walnut Ave.</td>
<td>RSI Improvements</td>
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Bidder’s Proposal and Statement  1  RSI 09-09 (Group 32) re-Bid
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<th>32.04</th>
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<td></td>
<td>Door B Upgrade</td>
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<td>Skylight glass Upgrade</td>
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<td>Grid Upgrade</td>
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| 32.05 | DELETED |

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<td>Window 20 Upgrade</td>
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<td>Door A Upgrade</td>
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<td>Tint Upgrade</td>
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Bidder's Proposal and Statement

RSI 09-09 (Group 32) re-Bid
| 32.16 | 732 W. Acacia Ave. | RSI Improvements | $28,121 | $27,348 |
|       |                  | Air Conditioning Upgrade | $3,000 | $3147 |
|       |                  | Electrical Upgrade | $1,500 | $1015 |
|       |                  |                       | $31,510 |
| 32.17 | 732 Hillcrest St. | RSI Improvements | $36,982 | $34,462 |
|       |                  | Air Conditioning Upgrade | $3,000 | $3248 |
|       |                  | Electrical Upgrade | $1,500 | $1015 |
|       |                  |                       | $38,925 |
| 32.18 | 711 W. Sycamore Ave. | RSI Improvements | $42,647 | $31,702 |
| 32.19 | 733 Hillcrest St | RSI Improvements | $34,833 | $29,472 |
|       |                  | Air Conditioning Upgrade | $3,000 | $3248 |
|       |                  | Electrical Upgrade | $1,500 | $1015 |
|       |                  | Windows 8 & 9 Upgrade | $1,000 | $439 |
|       |                  | Kitchen exhaust Upgrade | $200 | $187 |
|       |                  |                       | $34,3161 |
| 32.20 | 537 W. Maple Ave | RSI Improvements | $42,475 | $42,904 |
|       |                  | Window 36 Upgrade | $500 | $414 |
|       |                  | Door sills Upgrade | $100 | $152 |
|       |                  | Air Conditioning Upgrade | $3,000 | $3147 |
|       |                  |                       | $46,617 |
| 32.21 | 130 E. Maple Ave. | RSI Improvements | $27,957 | $33,989 |
|       |                  | Windows 24 & 25 Upgrade | $1,200 | $828 |
|       |                  | Door C Upgrade | $300 | $1640 |
|       |                  | Window sill Upgrade | $100 | $120 |
|       |                  |                       | $36,567 |
| 32.22 | 741 Hillcrest St. | RSI Improvements | $84,959 | $25,170 |
|       |                  | Air Conditioning Upgrade | $3,000 | $2248 |
|       |                  | Electrical Upgrade | $1,500 | $1015 |
|       |                  |                       | $29,433 |
| 32.23 | 859 Virginia Ave. | RSI Improvements | $32,221 | $24,887 |
|       |                  | Door A Upgrade | $300 | $780 |
|       |                  |                       | $30,147 |
| 32.24 | 431 W. Oak Ave. | RSI Improvements | $42,008 | $51,053 |
| 32.25 | 431 W. Oak Ave, Back Unit | RSI Improvements | $5,588 | $7,533 |
City of El Segundo
Residential Sound Insulation Program

Total Bid (Contract Sum)

Eight-Hundred Twenty-Six Thousand Three Hundred Seventy-Five.

$826,375.00

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 SHealdon 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

Type of Entity: □ Sole Proprietorship □ Partnership □ Corporation □ Other
City of El Segundo
Residential Sound Insulation Program

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

Contractor Representative: Richard J. Williams

Title: President

Signature: [Signature]

Dated this 26th day of May, 2009.

If Corporation, please attach evidence of authority to sign.
O'Neill, James

From: Joe Romeo [jromeo@slcontracting.com]
Sent: Wednesday, May 27, 2009 5:24 AM
To: O'Neill, James
Subject: ELS 32 Bid
Importance: High

Hi James,

I'm sure you have already noticed but I just want to bring the following to your attention:

#1. Harry H. Joh bid—they don't have contract values or percentages listed for either the suppliers or subcontractors, and their roofer doesn't have the proper license requirements.

#2. PBC—does not have a NEEB certified air balancer listed as required by the contract documents which would indicate they intend to self perform the task but they are not NEEB certified.

Thank You,
Joe
Hi James,

One more thing about PBC's bid that is very unusual to the other bids the have historically submitted, the HVAC subcontract value is listed as 130K which doesn't match the supplier listed value of 96K; there is a conflict in the pricing for materials and labor on the HVAC portion of the contract.

PBC's other bids have always matched.

I apologize if this information is redundant to your self examination of the bids.

Thank You,
Joe
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<thead>
<tr>
<th>Secondary Sliding Glass Doors</th>
<th>HVAC Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contact Person</strong></td>
<td><strong>$9,600 incl. install</strong></td>
</tr>
<tr>
<td><strong>Company</strong></td>
<td><strong>$5,250</strong></td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td><strong>$5,250</strong></td>
</tr>
<tr>
<td><strong>City/State/Zip Code</strong></td>
<td><strong>Phone Number</strong></td>
</tr>
<tr>
<td><strong>Phone Number</strong></td>
<td><strong>Fax Number</strong></td>
</tr>
<tr>
<td><strong>Fax Number</strong></td>
<td><strong>Address</strong></td>
</tr>
<tr>
<td><strong>Email Address</strong></td>
<td><strong>City/State/Zip Code</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Brian Kiesling</th>
<th>Brian Kiesling</th>
</tr>
</thead>
<tbody>
<tr>
<td>22850 Perry St</td>
<td>22850 Perry St</td>
</tr>
<tr>
<td>Perris, CA 92570</td>
<td>Perris, CA 92570</td>
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<tr>
<td>714-247-9106</td>
<td>714-247-9100</td>
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<tr>
<td>166-438-3000</td>
<td>166-438-3100</td>
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<td>N/A</td>
<td>N/A</td>
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<td>N/A</td>
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<table>
<thead>
<tr>
<th>Vic Balazan</th>
<th>Zodiac Heating &amp; Air</th>
</tr>
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<tbody>
<tr>
<td>Corner Corp.</td>
<td>14411 Gilmare St</td>
</tr>
<tr>
<td>205 S. Brea Ave</td>
<td>Van Nuns, CA 91401</td>
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<tr>
<td>Brea, CA 92821</td>
<td>818-735-3299</td>
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<tr>
<td>714-518-5200</td>
<td>818-735-1905</td>
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<table>
<thead>
<tr>
<th>Joe Hagen</th>
<th>Thermite</th>
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<td>108th Calle Lee</td>
<td>145 Hacienda, CA 90720</td>
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<tr>
<td>14-824-6800</td>
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# City of El Segundo
## Residential Sound Insulation Program

<table>
<thead>
<tr>
<th>Service</th>
<th>Percentage</th>
<th>Vendor Details</th>
<th>Quantity</th>
<th>Fee</th>
<th>Y/N</th>
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</thead>
<tbody>
<tr>
<td>Final Cleaning</td>
<td>0.7%</td>
<td>TLC Cleaning</td>
<td>4</td>
<td>5,940</td>
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<td>HVAC</td>
<td>15.6%</td>
<td>Zodiac Heating &amp; Air</td>
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<td>722,952</td>
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<td>Duct Cleaning</td>
<td>0.4%</td>
<td>Rapid Duct Testing</td>
<td>3</td>
<td>3,650</td>
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<tr>
<td>Roof Patching</td>
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<td>J.E. Roofing</td>
<td>7</td>
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<tr>
<td>Fireplace Modifications</td>
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<td>Boston Brick &amp; Stone</td>
<td>45</td>
<td>183,578</td>
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</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)
AGENDA DESCRIPTION:
Consideration and possible action regarding awarding a contract to Professional Building Contractors, Inc. for construction related to Group 33 (30 homes) of the City's Residential Sound Insulation Program (Project Nos. RSI 09-10).
(Estimated construction costs and retention: $633,996)

RECOMMENDED COUNCIL ACTION:
1. Reject Bid submitted by S&L Specialty Contracting, Inc.;
2. Award a contract to Professional Building Contractors, Inc.;
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. Bidder’s Assurance of Compliance with Title 49 CFR Part 26 relating to Disadvantaged Business Enterprise Participation submitted as part of the Bid by S&L Specialty Contracting, Inc.
2. Pages 9 - 10 of Bid submitted by S&L Specialty Contracting, Inc.

FISCAL IMPACT: Included in Adopted Budget

<table>
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<tr>
<th>Amount Budgeted:</th>
<th>$10,570,900</th>
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<td>Additional Appropriation:</td>
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<td>Account Number(s):</td>
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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 26, 2009 the City Clerk’s office opened sealed bids for Group 33 (RSI 09-03) of the City’s Residential Sound Insulation (RSI) Program. The results were as follows:

Group 33 (RSI 09-10)
1. S&L Specialty Contracting, Inc...............................$533,900.00
2. Professional Building Contractors, Inc. ......................$576,360.00
3. G&G Specialty Contractors, Inc. ..........................$581,974.00
4. Big West Construction Corporation ............................$583,361.00
5. Tron Construction, Inc. .......................................$606,060.00
6. Sam Boo Construction Company, Inc. .........................$636,000.00
By comparison, the Bids received in response to the original Notice Inviting Sealed Bids on March 30, 2009 were:

1. California Averland Construction, Inc. $591,117.29
2. G&G Specialty Contractors, Inc. $600,974.00
3. Tron Construction, Inc. $609,265.00
4. S&L Specialty Contracting, Inc. $615,900.00
5. Professional Building Contractors, Inc. $653,721.00
6. NSA Construction Group, Inc. $678,000.00
7. Karabuild Development, Inc. $684,900.00

Staff reviewed the bids received and found the following:

The lowest Bid, submitted by S&L Specialty Contracting, Inc. (S&L), is non-responsive because S&L is assuring a Disadvantage Business Enterprise (DBE) participation of five percent (5%), and yet, according to the subcontractor listing submitted with their Bid, only two and four tenths percent (2.4%) of the Work has been identified to be subcontracted to DBE Certified subcontractors. (See attached “Bidder’s Assurance of Compliance with Title 49 CFR Part 26 relating to Disadvantaged Business Enterprise Participation”)

The second lowest Bid, submitted by Professional Building Contractors, Inc. (PBC), appears to be responsive, and thus the remaining Bids were not reviewed for responsiveness.

As the City Council is aware, PBC has successfully completed construction for Groups 3, 20 and 28 of the Residential Sound Insulation Program and City Council recently awarded contracts to PBC for Groups 31, 34 and 35 at the City Council meeting on May 20, 2009.

The amounts requested for the contracts are $633,996 which represents the Total Bid amount and an additional 10% for potential change orders related to unforeseen conditions.

City Council is reminded that 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.
City of El Segundo
Residential Sound Insulation Program

Bidder’s Assurance of Compliance with Title 49 CFR Part 26 relating to Disadvantaged Business Enterprise Participation

The Bidder hereby gives assurance pursuant to the requirements of Title 49 CFR part 26 that Bidder has made a reasonable effort to meet goals for Disadvantaged Business Enterprise participation specified for the Contract for which this proposal is submitted and that the Bidder, if the contract is awarded to Bidder, will have a DBE participation of

FIVE percent (5 %) of the amount of this Bid.

Bidder further gives assurance that Bidder will submit the documentation required by said regulations and the Contract Documents, including the Listing of Disadvantaged Business Enterprises with which the Bidder will subcontract if the Contract is awarded and if Bidder is unable to meet the contract goals for DBE participation, of the steps Bidder has taken to obtain DBE participation.

Name of Firm: S&L Specialty Contracting, Inc.
Address: 315 South Franklin Street
          Syracuse, NY 13202
Telephone Number: 315 478 9746
Contractor Representative: JAMES W. LEANA
Title: PRESIDENT

Signature:

Dated this 20th day of May, 2009.
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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</thead>
<tbody>
<tr>
<td>Insulation</td>
<td>4%</td>
<td>MSD Insulation 1434 Franklin Ave El Segundo CA 90245</td>
<td>28</td>
<td>623669</td>
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<td>$2,035</td>
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<tr>
<td>HAZ. Matt.</td>
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<td>Pacific Development Group 1966 Via Rancho San Rafael Road El Segundo CA 90245</td>
<td>50</td>
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<td>$28,000</td>
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<tr>
<td>Electrical</td>
<td>29%</td>
<td>McCluskey Electric 943 S. Drives El Segundo CA 90245</td>
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<td>$12,465</td>
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### Residential Sound Insulation Program

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<tr>
<th>Item</th>
<th>Percent</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total</th>
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<td>Duct Cleaning</td>
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<td>16</td>
<td>576,611</td>
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<td>Air Balancing</td>
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<td>Fireplace Install</td>
<td>.09%</td>
<td>45</td>
<td>783,578</td>
<td>2,500</td>
<td>Y/N</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)
BIDDERS’S PROPOSAL AND STATEMENT

Project Number RSI 09-10
“Residential Sound Insulation Program – Group 33”

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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<tbody>
<tr>
<td>33.01</td>
<td>640 W. Imperial Ave, Unit 1</td>
<td>RSI Improvements</td>
<td>$14,893</td>
<td>$14,446</td>
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<td>640 W. Imperial Ave, Unit 7</td>
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## Residential Sound Insulation Program

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<td>33.25</td>
<td>935 Main St, Unit 302</td>
<td>RSI Improvements</td>
<td>$20,900</td>
<td>$23,404</td>
</tr>
<tr>
<td>33.26</td>
<td>935 Main St, Unit 303</td>
<td>RSI Improvements</td>
<td>$20,900</td>
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<td>33.27</td>
<td>935 Main St, Unit 305</td>
<td>RSI Improvements</td>
<td>$20,900</td>
<td>$23,404</td>
</tr>
<tr>
<td>33.28</td>
<td>935 Main St, Unit 305</td>
<td>RSI Improvements</td>
<td>$20,900</td>
<td>$23,404</td>
</tr>
<tr>
<td>33.29</td>
<td>935 Main St, Unit 301</td>
<td>Door A Upgrade</td>
<td>$1,000</td>
<td>$18,100</td>
</tr>
<tr>
<td>33.30</td>
<td>935 Main St, Unit 304</td>
<td>Door A Upgrade</td>
<td>$800</td>
<td>$14,280</td>
</tr>
</tbody>
</table>

**Total Bid (Contract Sum)**

Five Hundred Seventy-Six Thousand Three Hundred Sixty

$576,360.00

*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.
City of El Segundo
Residential Sound Insulation Program

Name of Firm: Professional Building Contractors, Inc.
Address: 125 Sheldon St, El Segundo, CA 90245
Telephone Number: 310-524-0580
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.

Contractor Representative: Dave deGroot
Title: General Manager
Signature:

Dated this 26th day of May, 2009.

If Corporation, please attach evidence of authority to sign.
AGENDA DESCRIPTION:

Consideration and possible action regarding awarding a contract to Professional Building Contractors, Inc. for construction related to Group 36 (30 homes) of the City's Residential Sound Insulation Program (Project Nos. RSI 09-11).

(Estimated construction costs and retention: $751,188)

RECOMMENDED COUNCIL ACTION:

1. Award a contract to Professional Building Contractors, Inc.;
2. Authorize the City Manager to execute a contract in a form approved by the City Attorney; and/or
3. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:


FISCAL IMPACT: Included in Adopted Budget

<table>
<thead>
<tr>
<th>Amount Budgeted:</th>
<th>$10,570,900</th>
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<tr>
<td>Additional Appropriation:</td>
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<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 26, 2009 the City Clerk’s office opened sealed bids for Group 36 (RSI 09-11) of the City’s Residential Sound Insulation (RSI) Program. The results were as follows:

1. Professional Building Contractors, Inc. .......................$682,898.00
2. Harry H. Joh Construction, Inc. .............................$699,640.00
3. S&L Specialty Contracting, Inc. .............................$726,500.00
4. Tron Construction, Inc. ........................................$732,355.00
5. G&G Specialty Contractors, Inc. ..............................$824,974.00
6. Sam Boo Construction Company, Inc. .........................$845,000.00
7. New Creation Builders, Inc. ..................................$845,100.00
8. Big West Construction Corporation .........................$1,181,161.00

The lowest Bid, submitted by Professional Building Contractors, Inc. (PBC), was reviewed by City staff and found to be responsive, and thus the remaining Bids were not reviewed for responsiveness.
As the City Council is aware, PBC has successfully completed construction for Groups 3, 20 and 28 of the Residential Sound Insulation Program and City Council recently awarded contracts to PBC for Groups 31, 34 and 35 at the City Council meeting on May 20, 2009.

The amounts requested for the contracts are $751,188 which represents the Total Bid amount and an additional 10% for potential change orders related to unforeseen conditions.

City Council is reminded that 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.
City of El Segundo  
Residential Sound Insulation Program  

**BIDDERS’S PROPOSAL AND STATEMENT**  

**Project Number RSI 09-11**  
“Residential Sound Insulation Program – Group 36”  

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>
<tbody>
<tr>
<td>36.01</td>
<td>416 W. Walnut Ave.</td>
<td>RSI Improvements</td>
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<td>$34,314</td>
<td>$34,314</td>
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<td>36.02</td>
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<td>36.04</td>
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<td>$34,832</td>
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<td>$28,181</td>
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<td>36.06</td>
<td>214 E. Walnut Ave.</td>
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<td>36.07</td>
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<td>Door A Upgrade</td>
<td>$300</td>
<td>$303</td>
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<td>Window 14 Upgrade</td>
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<td>36.10</td>
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<td>Air Conditioning Upgrade</td>
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<td></td>
<td></td>
<td>Electrical Upgrade</td>
<td>$1,400</td>
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<td></td>
<td>Electrical Upgrade</td>
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<td>$100</td>
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<td>$712</td>
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<td>36.14</td>
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<td>$5,732</td>
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<td>RSI Improvements</td>
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<td>$5,933</td>
<td>$22,432</td>
</tr>
</tbody>
</table>

**Total Bid (Contract Sum)**

Six Hundred Eighty-Two Thousand Eight Hundred Ninety-

$482,898.00

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.

**Bidder’s Proposal and Statement**

RSI 09-11 (Group 36)

151
City of El Segundo
Residential Sound Insulation Program

<table>
<thead>
<tr>
<th>Name of Firm:</th>
<th>PBC, Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>125 Sheldon St., BS, CA  90245</td>
</tr>
<tr>
<td>Telephone Number:</td>
<td>310-524-0580</td>
</tr>
<tr>
<td>Contractor's License Number:</td>
<td>765663</td>
</tr>
<tr>
<td>Type of License:</td>
<td>Class B</td>
</tr>
<tr>
<td>License Expiration Date:</td>
<td>7-31-09</td>
</tr>
</tbody>
</table>

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

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

Contractor Representative: Richard J. Williams

Title: President

Signature: [Signature]

Dated this 26th day of May, 2009.

If Corporation, please attach evidence of authority to sign.
AGENDA DESCRIPTION:

Consideration and possible action to waive the formal bidding process per the El Segundo Municipal Code Section 1-7-10 and authorize the Fire Department to issue a purchase order enabling Valley Fire Service to perform a major engine overhaul for Engine 32. (Fiscal Impact: $27,760)

RECOMMENDED COUNCIL ACTION:

1) Recommend that the City Council waive the formal bidding process per the El Segundo Municipal Code Section 1-7-10, and authorize the Fire Department to issue a purchase order to Valley Fire Service to perform a major engine overhaul on Engine 32; 2) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Work estimate provided by Valley Power Systems, Inc.

FISCAL IMPACT: Included in Adopted Budget

<table>
<thead>
<tr>
<th>Amount Budgeted:</th>
<th>$200,000</th>
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</thead>
<tbody>
<tr>
<td>Additional Appropriation:</td>
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</tr>
<tr>
<td>Account Number(s):</td>
<td>001-400-4601-6224</td>
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</tbody>
</table>

ORIGINATED BY: Kevin S. Smith, Fire Chief
REVIEWED BY: Kevin S. Smith, Fire Chief
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

The Fire Department’s Engine 32 experienced a catastrophic engine failure. During an initial inspection of the damage conducted by Valley Fire Service, the engine was found to be seized. A major in-frame engine replacement was recommended to repair the damage. The City Manager authorized an emergency purchase per Municipal Code Section 1-7-12 to allow this repair to be made expeditiously. These repairs are underway at the time this staff report was drafted and were estimated to be completed within two weeks of the receipt of the purchase order.
Work Estimate

Date May 7, 2009, 2009

Prepared for: EL SEGUNDO FIRE
Estimate Number: 102339

Thank you for the opportunity to quote Valley's services to you. Per your request, please find Valley's quotation for services and repairs for the equipment described. Valley's quotation is for performing the work described in the Scope of Work and for the supply of parts and materials described in the Scope of Supply. If you have any questions, please contact us. Thank you.

Equipment Information:

Engine Serial Number(s): 8VF155042

Engine Model Number(s): 8087-7B45

Estimated Hours of Operation: 83,700
Equipment Description: TRUCK/FIRE

Scope of Work:
Remove all necessary items to replace complete engine pipes, brackets, hoses, exhaust pipes. Air intake, fuel & oil lines, swap all items to new engine. Remove radiator & inspt. Then reinstall back & finished reassemble all items that were removed. Start dyno & road test.

Scope of Supply:
Miscellaneous items, hoses, clamps, lines, coolant.
8V92 reliablilt engine (warranty one year or 100,000 miles
New air compressor, belts, radiator.

Estimated completion date: 5-7-9 (This is an estimate only based upon information known to Valley as of the date of this Work Estimate. This estimate is subject to change due to unforeseen delays in executing the work or procuring parts and other materials.)
In this event, Valley will make every effort to keep you updated on the time to completion.

**Estimated Price:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor as described in the Scope of Work 75hrs&amp;$93.00</td>
<td>$6,975.00</td>
</tr>
<tr>
<td>Parts and materials as described in the Scope of Supply</td>
<td>$20,385.11</td>
</tr>
<tr>
<td>Hazardous materials disposal charge</td>
<td>$50.00</td>
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<tr>
<td>Area and other charges</td>
<td>$350.00</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>$27,760.11</strong></td>
</tr>
</tbody>
</table>

-----------------------------

Total Estimated Price does not include any applicable sales tax, or core charges for unacceptable cores. This estimate is good for thirty (30) days from the date shown above. Terms of sale are COD unless other arrangements have been made with Valley's credit department prior to the start of work. Valley's Standard Terms and Conditions of Sale and Limited Warranty apply to all work and materials supplied under this quote, any other terms and conditions provided in the Customer's purchase order or any other document are expressly rejected by Valley.

Customer Signature ___________________________ Date ________________

Printed Name ___________________________ Purchase Order Number ___________________________
Limited Warranty on Workmanship

Valley Power Systems, Inc. (hereinafter referred to as “Valley”) warrants that any services performed in the rebuilding or reconditioning of the foregoing engine/transmission/equipment or other product rebuilt or reconditioned by Valley (or any of its affiliates) shall be free from defects in workmanship for a period of six (6) months from the date of such service, subject to the following limitations and exclusions.

Any new parts, components or assemblies used in the rebuilding or reconditioning operation are warranted only to the extent of the warranty furnished by the manufacturer of such parts. Without limitation of the foregoing, any engines, parts or other equipment sold to the owner by Valley Power Systems, Inc., an affiliate of Valley, are warranted only to the extent of the manufacturer’s warranty applicable to such products. Parts which are not replaced or those which are reused in the rebuilding and reconditioning of the engine or other products, and any workmanship of the manufacturer not affected by the rebuilding or reconditioning operation are warranted only to the extent of any previously existing warranties furnished by the manufacturer thereof.

In the event of any failure on which a warranty claim may be presented hereunder, the owner must notify Valley within three (3) business days after the claimed failure is discovered and follow Valley’s suggestions relative to the inspection or disposition of the defective part, component or assembly and to the repairing and/or replacement thereof.

This warranty is contingent on the proper application of the engines and products by the owner in accordance with the recommendations of the manufacturer thereof and Valley.

This warranty shall not apply to any engine, transmission, equipment or other product which has been repaired or altered subsequently by anyone other than Valley in any way so as in the judgment of Valley to affect adversely its performance and reliability for which has been subject to misuse, negligence or accident.

Valley’s sole obligation under this warranty is to correct any defects as provided herein. The liability of Valley arising out of such defects shall not in any case exceed the cost of correcting such defects in accordance with this limited warranty and shall not include any transportation charges, owner’s labor or materials (except as authorized in writing in advance).

In no event shall Valley (or any of its affiliates) be liable to the owner under any equity, common law, contract, estoppels, negligence, tort, strict liability or any other theory for any consequential, incidental, indirect, punitive or special damages (including lost profits or loss of goodwill) arising out of, resulting from, or relating to any services performed by Valley (or any of its affiliates) on behalf of owner.

THE ENTIRE LIABILITY AND OBLIGATION OF VALLEY WITH RESPECT TO THE REBUILDING OR RECONDITIONING OF THE ABOVE ENGINE/TRANSMISSION/EQUIPMENT OR OTHER PRODUCT UNIT IS DEFINED BY THIS WARRANTY. THIS WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. NO ORAL OR WRITTEN STATEMENTS OR REPRESENTATIONS WITH RESPECT TO THE SUBJECT MATTER HEREOF SHALL BE BINDING UPON VALLEY UNLESS ENDORSED HEREOF. UPON THE EXPIRATION OF THIS WARRANTY, ALL LIABILITY ON THE PART OF VALLEY IN CONNECTION THEREWITH SHALL TERMINATE.

Customer acknowledges that this Limited Warranty shall supersede any other conflicting documents.

Signature ___________________________ Date ___________________________

Print Name ___________________________ Title ___________________________

Rev 2-17-09
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

AGENDA DESCRIPTION:
Consideration and possible action regarding the annual Resolution updating the employer's contribution under the Public Employees' Medical and Hospital Care Act. for El Segundo Fire Fighters' Association, El Segundo Police Officers' Association, El Segundo Police Management Association, and the El Segundo Management / Confidential Group. (Fiscal Impact: Included in adopted budget)

RECOMMENDED COUNCIL ACTION:
1) Adopt the required Resolutions
2) Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Proposed Resolutions

FISCAL IMPACT: Included in Adopted Budget

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

ORIGINATED BY: Marcia Marion

REVIEWED BY: Deborah Cullen, Director of Finance
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

As required, the City files with the Public Employees Retirement System (PERS) the annual Resolutions reflecting changes in the City’s contribution for employees and annuitants under the Public Employees Medical and Hospital Care Act.

The current Memorandum of Understanding contract provisions with the El Segundo Firefighters' Association and the El Segundo Police Officers Association provide that the City’s contribution is based on the average dollar cost of the premium for an employee and two (2) or more dependents for the HMOs available to employees under the Public Employees’ Medical and Hospital Care Program in the Los Angeles area, as that term is defined by CalPERS (Los Angeles, San Bernadino and Ventura County). In the 2009 calendar year the maximum City contribution based on this calculation for medical coverage will be $1009.54 per month per employee.

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RESOLUTION NO. ______

A RESOLUTION FIXING THE EMPLOYER’S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES’ MEDICAL AND HOSPITAL CARE ACT FOR THE CITY OF EL SEGUNDO’S MANAGEMENT / CONFIDENTIAL GROUP

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

SECTION 1: The City Council finds as follows:

A. Government Code § 22892(a) provides that a local agency contracting under the Public Employees’ Medical and Hospital Care Act must fix the amount of the employer's contribution at an amount not less than the amount required under § 22892(b) of the Act, and

B. Government Code § 22892(c) provides that a contracting agency may fix the amount of the employer's contribution for employees and the employer's contribution for annuitants at different amounts provided that the monthly contribution for annuitants be annually increased by an amount not less than 5 percent of the monthly contribution for employees, until such time as the amounts are equal; and

C. The City of El Segundo ("employer") is a local agency contracting under the Act for participation by members of the El Segundo Supervisory and Professional Employees’ Association.

SECTION 2: The employer's contribution for each employee is the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members, in a health benefits plan up to a maximum of $1200.00 per month effective January 1, 2009.

SECTION 3: The employer's contribution for each annuitant is the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members, in a health benefits plan up to a maximum of $1200.00 per month effective January 1, 2009.

SECTION 4: The City Clerk is directed to certify the passage and adoption of this Resolution; enter same in the book of original Resolutions; and make a Minute of its adoption in the City’s records and in the Minutes of the meeting when it was adopted.

SECTION 5: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED, APPROVED AND ADOPTED this 2nd day of June 2009

Kelly McDowell, Mayor of the City of El Segundo

1.
ATTEST:

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 2nd day of June, 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
RESOLUTION NO. ______

A RESOLUTION FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT FOR THE EL SEGUNDO POLICE MANAGERS' ASSOCIATION.

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

SECTION 1: The City Council finds as follows:

A. Government Code § 22825.6 provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act must fix the amount of the employer's contribution at an amount not less than the amount required under § 22892(b) of the Act, and

B. Government Code § 22857 provides that a contracting agency may fix the amount of the employer's contribution for employees and the employer's contribution for annuitants at different amounts provided that the monthly contribution for annuitants be annually increased by an amount not less than 5 percent of the monthly contribution for employees, until such time as the amounts are equal; and

C. The City of El Segundo ("employer") is a local agency contracting under the Act for participation by members of the El Segundo Police Managers' Association.

SECTION 2: The employer's contribution for each employee is the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members, in a health benefits plan up to a maximum of $1200.00 per month effective January 1, 2009.

SECTION 3: The employer's contribution for each annuitant is the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members, in a health benefits plan up to a maximum of $1200.00 per month effective January 1, 2009.

SECTION 4: The City Clerk is directed to certify the passage and adoption of this Resolution; enter same in the book of original Resolutions; and make a Minute of its adoption in the City's records and in the Minutes of the meeting when it was adopted.

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Kelly McDowell, Mayor of the City of El Segundo

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AYES:

NOES:

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ABSTAIN:

Cindy Mortesen, City Clerk

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

By: _______________________
   Karl H. Berger,
   Assistant City Attorney
RESOLUTION NO. ______

A RESOLUTION FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT FOR THE EL SEGUNDO POLICE OFFICERS' ASSOCIATION.

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

SECTION 1: The City Council finds as follows:

A. Government Code § 22892(a) provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act must fix the amount of the employer's contribution at an amount not less than the amount required under § 22892(b) of the Act, and

B. Government Code § 22892(c) provides that a contracting agency may fix the amount of the employer's contribution for employees and the employer's contribution for annuitants at different amounts provided that the monthly contribution for annuitants be annually increased by an amount not less than 5 percent of the monthly contribution for employees, until such time as the amounts are equal; and

C. The City of El Segundo ("employer") is a local agency contracting under the Act for participation by members of the El Segundo Police Officers' Association.

SECTION 2: The employer's contribution for each employee is the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members, in a health benefits plan up to a maximum of $1009.54 per month effective January 1, 2009.

SECTION 3: The employer's contribution for each annuitant is the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members, in a health benefits plan up to a maximum of $1009.54 per month effective January 1, 2009.

SECTION 4: The City Clerk is directed to certify the passage and adoption of this Resolution; enter same in the book of original Resolutions; and make a Minute of its adoption in the City's records and in the Minutes of the meeting when it was adopted.

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NOES:
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ABSTAIN:

Cindy Mortesen, City Clerk

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

By:_____________________
   Karl H. Berger,
   Assistant City Attorney
RESOLUTION NO. _______

A RESOLUTION FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT FOR THE EL SEGUNDO FIREFIGHTERS' ASSOCIATION.

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

SECTION 1: The City Council finds as follows:

A. Government Code § 22892(a) provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act must fix the amount of the employer's contribution at an amount not less than the amount required under § 22892(b) of the Act, and

B. Government Code § 22892(c) provides that a contracting agency may fix the amount of the employer's contribution for employees and the employer's contribution for annuitants at different amounts provided that the monthly contribution for annuitants be annually increased by an amount not less than 5 percent of the monthly contribution for employees, until such time as the amounts are equal; and

C. The City of El Segundo ("employer") is a local agency contracting under the Act for participation by members of the El Segundo Fire Fighters' Association.

SECTION 2: The employer's contribution for each employee is the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members, in a health benefits plan up to a maximum of $1009.54 per month effective January 1, 2009.

SECTION 3: The employer's contribution for each annuitant is the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members, in a health benefits plan up to a maximum of $1209.54 per month effective January 1, 2009.

SECTION 4: The City Clerk is directed to certify the passage and adoption of this Resolution; enter same in the book of original Resolutions; and make a Minute of its adoption in the City's records and in the Minutes of the meeting when it was adopted.

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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 to receive and file in accordance with the independent auditor’s opinion on the City’s Comprehensive Annual Financial Report, and its various fund financial statements, schedules, and agreements. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
(1) Receive and file; (2) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Statement of Auditing Standard (SAS) 114 Communication Letter

FISCAL IMPACT: Included in Adopted Budget

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

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

BACKGROUND AND DISCUSSION:
Effective for audits of financial statements for periods beginning on or after December 15, 2006, and pursuant to United States Generally Accepted Auditing Standards and Office of Management and Budget Circular A-133, Mayer Hoffman McCann P.C. (MHM) is required to provide documented communication to those charged with governance certain matters related to its audit of the Comprehensive Annual Financial Report (CAFR), fund financial statements, schedules, and agreements of the City of El Segundo.

The following is to be reported to the City Council:

- The Auditor’s responsibility under U.S. Generally Accepted Auditing Standards and OMB Circular A-133
- Overview of the Planned Scope and Timing of the Audit
- Difficulties Encountered in Performing the Audit
- Corrected and Uncorrected Misstatements
- Disagreements with Management
- Management Consultations with Other Independent Accountants
- Other Audit Findings or Issues
Mayer Hoffman McCann P.C., an independent accounting firm, conducted the annual audit of the City of El Segundo’s financial statements, schedules and agreements for September 30, 2008, and has issued its reports thereon. Mayer Hoffman McCann P.C., as required by United States Generally Accepted Auditing Standards and Office of Management and Budget Circular A-133, has herewith issued its Auditor’s Communication with Those Charged with Governance.
Honorable Mayor and City Council  
City of El Segundo  
El Segundo, California

We have audited the financial statements of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information of the City of El Segundo, California (City) for the year ended September 30, 2008, and have issued our report thereon dated May 1, 2009. Professional standards require that we provide you with the following information related to our audit.

Our Responsibility under U.S. Generally Accepted Auditing Standards and OMB Circular A-133

Our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

Our responsibility is to plan and perform the audit to obtain reasonable, but not absolute, assurance that the financial statements are free of material misstatement. In planning and performing our audit, we considered the City's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide assurance on the internal control over financial reporting. We also considered internal control over compliance with requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with the U.S. Office of Management and Budget (OMB) Circular A-133.

As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit. Also, in accordance with OMB Circular A-133, we examined, on a test basis, evidence about the City's compliance with the types of compliance requirements described in the OMB Circular A-133 Compliance Supplement applicable to its major federal program for the purpose of expressing an opinion on the City's compliance with those requirements. While our audit provides a reasonable basis for our opinion, it does not provide a legal determination on the City's compliance with those requirements.
Honororable Mayor and City Council  
City of El Segundo  
El Segundo, California  

We are responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures specifically to identify such matters.

**Planned Scope and Timing of the Audit**

Audit fieldwork was substantially completed by March 13, 2009. We performed the audit according to the planned scope and timing previously communicated to you in a separate letter dated January 8, 2009. As communicated to you in that letter, potential significant risks of material misstatement that were reviewed by our auditing procedures included:

- Risk of material fraud or misstatement associated with the City's cash receipts and cash disbursements;
- Risk of improper revenue recognition;
- Risk of improper classification of expenditures;
- Risk associated with identifying capital assets additions and deletions;
- Risk of unallowable interfund transfers; and
- Risk of non-compliance with grant program requirements

**Qualitative Aspects of Accounting Practices**

Management is responsible for the selection and use of appropriate accounting policies. We will advise management about the appropriateness of accounting policies and their application. The significant accounting policies used by the City are described in Note 1 to the financial statements. As described in Note 10 to the financial statements, the City changed its accounting policies related to other postemployment benefits by adopting Governmental Accounting Standards Board (GASB) Statement No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*, for the fiscal year ended September 30, 2008. We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. As described in Note 16 to the financial statements, the City restated beginning net assets in both its governmental and business-type activities to correct errors recorded in prior fiscal years related to: recording of capital assets; recording of the outstanding liability on the City's facility lease; and correcting prior year revenue accruals.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. Examples of significant judgments and estimates reflected in the City's financial statements include:
Honorable Mayor and City Council  
City of El Segundo  
El Segundo, California

- Judgments involving the useful lives and depreciation methodology to use for capital assets, including infrastructure;

- Judgments concerning which capital project expenditures should be capitalized and depreciated versus expensed in the government-wide financial statements;

- Judgments concerning whether an accrual for incurred but not reported claims for workers’ compensation and general liability should be estimated and recorded at year end;

- Estimates concerning the annual required contribution for the City’s other postretirement benefits; and

- Estimates in the utility receivables at year end.

**Difficulties Encountered in Performing the Audit**

The timing of the audit was impacted by additional time required by Finance Department personnel to post all of the necessary year-end supporting entries and to prepare all of the necessary year-end supporting schedules and/or reconciliations.

**Corrected and Uncorrected Misstatements**

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. Two adjustments were identified during the audit which were not corrected. The first consisted of an offset of $56,439 in amounts due from FEMA and deferred revenue based on expenditures incurred as of September 30, 2008. The second consisted of an adjustment to recognize sales tax revenue received in December relating to the proper year, $312,148 for 2007 and $201,871 for 2008.

**Disagreements with Management**

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor’s report. We are pleased to report that no such disagreements arose during the course of our audit.
Honorable Mayor and City Council  
City of El Segundo  
El Segundo, California  

Management Representations  

We have requested certain representations from management that are included in the management representation letter dated May 1, 2009.

Management Consultations with Other Independent Accountants  

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the City's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues  

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to, retention as the City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

This information is intended solely for the use of the City Council, management of the City, and others within the organization and is not intended to be and should not be used by anyone other than these specified parties.

Irvine, California  
May 1, 2009