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.
SPECIAL ORDER OF BUSINESS:

1. Appointment of Real Property Negotiators for City–Owned Property (2161 El Segundo Boulevard).

Recommendation: (1) Appoint Jack Wayt, City Manager, and Bill Crowe, as Real Property Negotiators regarding the potential sale or lease of City-owned property (2161 El Segundo Boulevard) to PFK Enterprises, Inc. for use as a point of sale for petroleum products, including on-site sale of petroleum products; (2) Alternatively, take other action related to this item.

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov’t Code §54956.9(a) -0- matter

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

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

CONFERENCE WITH CITY’S LABOR NEGOTIATOR (Gov’t Code §54957.6): -0-matters

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov’t Code §54956.8): - 1- matter
Property: 2161 El Segundo Blvd., El Segundo
Agency Negotiator: Jack Wayt (City Manager), Bill Crowe, (Assistant City Manager)
Negotiating Party: PFK Enterprises, Inc.
Under Negotiation: Proposal to lease or purchase City-owned property

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

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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JULY 21, 2009 - 7:00 P.M.

Next Resolution # 4605
Next Ordinance # 1431

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Pastor SeHee Han, United Methodist Church

PLEDGE OF ALLEGIANCE – Council Member Don Brann
PRESENTATIONS

a. Presentation from the Muscular Dystrophy Association to the El Segundo Fire Department for their participation in the “Fill the Boot” event
b. Proclamation announcing July as Relay for Life month

ROLL CALL

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

A. PROCEDURAL MOTIONS

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

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

C. UNFINISHED BUSINESS

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

1. Consideration and possible action to receive and file the Annual Report of the Capital Improvement Program Advisory Committee (CIPAC). Oral presentation will be made by CIPAC Chairman Crista Binder. (Fiscal Impact: None)
Recommendation – (1) Receive and file the Annual Report of CIPAC; (2) Receive the oral presentation; (3) Alternatively, discuss and take other action related to this item.
E. CONSENT AGENDA
All items listed are to be adopted by one motion without discussion and passed unanimously. If a call for discussion of an item is made, the item(s) will be considered individually under the next heading of business.

2. Warrant Numbers 2572230 to 2572558 on Register No. 18 in the total amount of $1,634,577.59 and Wire Transfers from 06/05/2009 through 06/25/2009 in the total amount of $2,351,018.74 and Warrant Numbers 2572559 to 2572790 on Register No. 19 in the total amount of $846,056.60 and Wire Transfers from 06/25/2009 through 07/09/2009 in the total amount of $1,067,702.81.
Recommendation – Approve Warrant Demand Register and authorize staff to release. Ratify: Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.

Recommendation – Approval.

4. Consideration and possible action authorizing the City Manager to issue a letter of concurrence to the South Bay Regional Public Communication Authority to modify a radio frequency co-licensed with one assigned to the City. (Fiscal Impact: None.)
Recommendation – (1) Authorize the City Manager to issue a letter of concurrence to the South Bay Regional Public Communication Authority to modify a radio frequency co-licensed with one assigned to the City; (2) Alternatively, discuss and take other action related to this item.

5. Consideration and possible action regarding the upgrade of the Millennium hardware and software system supplied by Innovative Interfaces, Inc., for the operational functions of cataloging, circulation of materials, and public access to the El Segundo City Library’s online catalog. (Fiscal Impact: $29,443)
Recommendation – (1) Approve an upgrade to the hardware and software system of existing Agreement #2235 with Innovative Interfaces, Inc. in a form approved by the City Attorney. The amount of the upgrade is over $25,000.; (2) Alternatively, discuss and take other action related to these items.
6. Consideration and possible action to award a standard Public Works Contract to the lowest responsible bidder, Vido Samarzich, Inc., for the replacement of a water main on Lairport Street. Project No. PW 09-04 (Fiscal Impact: $192,870)

Recommendation – (1) Authorize the City Manager to execute a standard Public Works Contract in a form as approved by the City Attorney with Vido Samarzich, Inc., in the amount of $192,870; (2) Alternatively, discuss and take other action related to this item.

7. Consideration and possible action regarding the award of a Standard Public Works Contract to Belaire-West Landscape, Inc. for the installation of an irrigation system and decomposed granite path at Washington Park located on Washington Street between Palm and Maple Avenues – Project No. PW 09-06 (Fiscal Impact: $49,000)

Recommendation – (1) Authorize the City Manager to execute a Standard Public Works Contract in a form approved by the City Attorney with Belaire-West Landscape, Inc. in the amount of $49,000; (2) Alternatively, discuss and take other action related to this item.

8. Consideration and possible action regarding the award of a Standard Public Works Contract to Vido Samarzich, Inc. for the fabrication and installation of the light pole banners on Sepulveda Boulevard. – Project No. PW 09-05 (Fiscal Impact: $48,290)

Recommendation – (1) Authorize the City Manager to execute a Standard Public Works Contract in a form approved by the City Attorney with Vido Samarzich, Inc. in the amount of $48,290; (2) Alternatively, discuss and take other action related to this item.

9. Consideration and possible action regarding adoption of plans and specifications for the 2008-2009 annual contract for curb, gutter, handicap ramps, sidewalk and other minor improvements at various locations citywide. Approved Capital Improvement Program. Project No.: PW 09-08, CDBG Project No. 601209-09 (Fiscal Impact: $260,000 - $150,000 CDBG funds, $110,000 Gas Tax funds)

Recommendation – (1) Adopt plans and specifications; (2) Authorize staff to advertise the project for receipt of construction bids; (3) Alternatively, discuss and take other action related to this item.
10. Consideration and possible action regarding adoption of plans and specifications for the slurry sealing of the streets in the area bounded by Sheldon Street, Mariposa and Imperial Avenues and Sepulveda Boulevard. Project No.: PW 09-10 (Fiscal Impact: $225,000)

Recommendation – (1) Adopt plans and specifications; (2) Authorize staff to advertise the project for receipt of construction bids; (3) Alternatively, discuss and take other action related to this item.

11. Consideration and possible action regarding a new Alcoholic Beverage Control (ABC) license for on-site sale and off-site consumption of alcohol (Type 21 - Off-Sale General) at an existing market located at 601 Virginia Street (Village Wine and Cigar Shop), EA No. 832 and AUP No. 09-02. Applicant: Abdo Diab Barakat (Fiscal Impact: N/A)

Recommendation – (1) Receive and file this report without objecting to a new Type 21 ABC license at 601 Virginia Street; (2) Alternatively, discuss and take other possible action related to this item.

12. 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 321 Main Street, EA No. 835 and AUP No. 09-03. Applicant: George Andrews (Fiscal Impact: N/A)

Recommendation – (1) Receive and file this report without objecting to a new Type 41 ABC license at 321 Main Street; (2) Alternatively, discuss and take other possible action related to this item.

13. Consideration and possible action to negotiate pricing with The Jones Payne Group for Design and Testing Services related to the Residential Sound Insulation (RSI) Program. (Fiscal impact: None)

Recommendation – (1) Authorize staff to negotiate pricing with The Jones Payne Group for Design and Testing Services; (2) Alternatively discuss and take other action related to this item.
14. Consideration and possible action to adopt Ordinance No. 1430 approving Development Agreement No. 09-01 (Third Amendment to Development Agreement No. 03-01 with Rosecrans-Sepulveda Partners 2, LLC and PES Partners, LLC for EA 631) for the Plaza El Segundo project located at 710-850 South Sepulveda Boulevard, 700-740 Allied Way, and 2005-2015 East Park Place. Such action would allow the following uses: 1) Fast food restaurants south of the current locations of the Union Pacific Railroad or the Burlington Northern Santa Fe Railroad lines (southwest portion of the site); 2) banks and similar institutions up to a total of 10,000 square feet of floor area; 3) day spas up to a total of 10,000 square feet of floor area; 4) health clubs and fitness centers up to a total of 10,000 square feet of floor area; 5) indoor sale of motorcycles, motor scooters and the sale of related parts and accessories only as an ancillary use; and 6) dance and music instruction studios up to 6,000 square feet of floor area. (Fiscal Impact: None)

Recommendation – (1) Waive second reading and adopt Ordinance No. 1430 for Development Agreement No. 09-01; (2) Alternatively, discuss and take other possible action related to this item.

15. Consideration and possible action regarding authorizing the City Manager to purchase two new alternative fuel (hybrid) vehicles at a cost not to exceed $63,000 for use by the Planning and Building Safety Department. (Fiscal Impact: $63,000. Air Pollution Reduction Fund)

Recommendation – (1) Authorize the City Manager to approve the purchase of two alternative fuel (hybrid) vehicles for use by the Planning and Building Safety Department; (2) Alternatively, discuss and take other action related to this item.

16. Consideration and possible action to amend the City Manager’s contract for purposes of increasing his salary and benefits. (Potential fiscal impact approximately $30,000 plus a potential additional $12,000 depending on whether the City Manager participates in the City’s Deferred Compensation Plan.)

Recommendation – (1) Approve Amendment No. 1 to the City Manager’s Contract; (2) Alternatively, discuss and take other action related to this item.

CALL ITEMS FROM CONSENT AGENDA
F. NEW BUSINESS

17. Consideration and possible action regarding 1) Introduction of an Ordinance and Adoption of a Resolution of Intention to approve an Amendment to the contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the El Segundo City Council providing Section 20903 (Two Years Additional Service Credit) for the City's Local Miscellaneous (Non-Safety) Members, with the exception of Department Directors, Assistant City Manager and City Manager and 2) Approval of a $5,000 payment to eligible employees entering into a Date-Certain Retirement Separation Agreement with the City. (Fiscal Impact: 1) Estimated increase in the City's PERS miscellaneous employer rate of 0.327% and an annual cost increase in FY 2011-2012 of $50,235; 2) Salary savings based on the number of employees retiring during the designated retirement period, less the $5,000 payment for entering into a Date-Certain Retirement Separation Agreement.)

Recommendation – (1) Introduce and waive the First Reading of the Ordinance; (2) Adopt the Resolution of Intention; (3) Approve a $5,000 payment to eligible employees entering into a Date-Certain Retirement Separation Agreement with the City; (4) Authorize the City Manager to execute the Retirement Separation Agreement, in a form approved by the City Attorney; (5) 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: July 15, 2009
TIME: 4:00 p.m.
NAME: [Signature]
PRESENTATIONS

a. Presentation from the Muscular Dystrophy Association to the El Segundo Fire Department for their participation in the “Fill the Boot” event
Proclamation

City of El Segundo, California

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 21st day of July, 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. 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 Ereko H. Busch
Council Member Bill Fischer
Council Member Carl Jacobson
Council Member Don Brann
EL SEGUNDO CITY COUNCIL

AGENDA STATEMENT/AGENDA HEADING: Reports of Committees, Commissions and Boards

MEETING DATE: July 21, 2009

AGENDA DESCRIPTION:

Consideration and possible action to receive and file the Annual Report of the Capital Improvement Program Advisory Committee (CIPAC). Oral presentation will be made by CIPAC Chairman Crista Binder (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

(1) Receive and file the Annual Report of CIPAC; (2) Receive the oral presentation; and (3) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

CIPAC Recommendations for FY 2009-2010 (Annual Report)

FISCAL IMPACT: None

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<td>Account Number(s):</td>
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ORIGINATED BY: Dan Garcia, Assistant City Engineer

REVIEWED BY: Dana Greenwood, Public Works Director

APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

CIPAC is a 5-member committee appointed by City Council to evaluate and recommend projects to be funded under the City’s FY 2009/10 Capital Improvement Program. Over the last three months, CIPAC reviewed 16 proposed projects totaling $4,389,000, solicited input and completed project evaluations. The attached annual report presents the final recommendations of the Committee to fully or partially fund all 14 projects based on the assumption that roughly $2,679,000 will be available from various funding sources. Partial funding for several projects has been recommended due to limited funding availability and/or multi-phased projects that can be funded over several years.
CAPITAL IMPROVEMENT PROGRAM
ADVISORY COMMITTEE

RECOMMENDATIONS FOR

FISCAL YEAR 2009-2010

CITY OF
EL SEGUNDO

CITY OF
EL SEGUNDO

CIPAC
2009/2010

014
CAPITAL IMPROVEMENT PROGRAM
ADVISORY COMMITTEE

RECOMMENDATIONS FOR
FISCAL YEAR 2009-2010

CAPITAL IMPROVEMENT PROGRAM
ADVISORY COMMITTEE

Chairman: Crista Binder
Vice-Chairman: Chris Powell
Committee Member: A.J. Paz
Committee Member: David Atkinson
Committee Member: Scott Houston
CAPITAL IMPROVEMENT PROGRAM ADVISORY COMMITTEE
RECOMMENDATIONS FOR FISCAL YEAR 2009-2010

Table of Contents

Capital Improvement Project Recommendations for FY 2009-2010

APPENDIX I - Summary List of Projects
1. By Ranking
2. By Funding

APPENDIX II - Project Detail Sheets
DATE: July 21, 2009

TO: Honorable Mayor and City Council Members

FROM: The Capital Improvement Program Advisory Committee (CIPAC)

SUBJECT: Capital Improvement Project Recommendations for FY 2009-2010

The City of El Segundo is a charming, 5.46 square mile beach community with a dynamic mix of residential and business districts. With a daytime population exceeding 70,000 and a nighttime residential population of approximately 17,000, the City is committed to maintaining the vital infrastructure needed to support this world-class community.

In order to maintain and grow economic development in our region as well as to continue to provide outstanding public services, it is critical that we continue to invest in our streets, sewers, street lighting, and emergency services. Such investment also directly benefits the quality of life of our residents through beautiful parks, youth and senior community activities, downtown revitalization and high property values. In order to continue providing exceptional services, it is projected that nearly $87 million will be needed over the next decade to adequately maintain current facilities, provide new infrastructure where needed, implement new technologies for the health and welfare of our citizens, and prepare for a major disaster. Annually, these goals will be achieved through administration of the capital projects identified/recommended by staff and the Capital Improvement Program Advisory Committee (CIPAC) and approved by City Council.
2009/10 CIPAC

Sixteen (16) projects, worth a total of $4,389,000, were submitted to CIPAC for funding consideration and evaluation for the upcoming 2009/10 fiscal year. However, it is estimated that only $2,679,000 will be available from various funding sources for these programs, representing about 61% of the total amount requested. For this reason, CIPAC had to evaluate each project individually using well-developed criteria that was re-adopted this season and considered a myriad of complex issues to determine which projects should be recommended for funding. CIPAC ultimately discussed, scored and made funding recommendations for fourteen (14) of the sixteen (16) projects introduced this year. These 14 scored projects are being recommended for partial, full or no funding in FY 2009-2010. CIPAC recommends that four (4) projects be fully funded, six (6) projects receive partial funding, two (2) projects receive no funding and two (2) street projects be funded for more than requested due to the availability of dedicated funds for that purpose.

FUNDING SOURCES

Funding levels for the FY 2009-2010 Capital Improvement Program (CIP) include funds derived from the General Fund, Water Fund, Sewer Fund Proposition 1B, Proposition C, Gas Tax, Community Development Block Grant (CDBG), Surface Transportation Program – Local (STPL), Transportation Development Act Article 3 (TDA – 3), Proposition 42 and Measure R. Combined, they are expected to total $2,679,000. This is less than the $3,227,000 total funding level of last year’s FY2008-2009 CIPAC season. Less money from the General, Water and Sewer Funds were budgeted this year and more "street" money was identified. There are scheduled increases for both the Water and Sewer Fund allotments on October 1, 2009, but they were not factored into this year’s allocation. A breakdown of the estimated funding available for the FY2008-2009 CIP is as follows:

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<td>Sewer Fund</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$2,679,000</strong></td>
</tr>
</tbody>
</table>

General Fund
The availability of General Fund dollars is pertinent to a majority of projects submitted. By spreading this resource over 4 of the 14 projects, CIPAC believes that the recommended projects truly represent the most significant community,
residential, business and municipal capital improvement needs of El Segundo.

**Water and Sewer Fund**
Water and Sewer rates are scheduled to increase again on October 1, 2009. The rate increases are consistent with the 2004 recommendations of the Water and Wastewater Rate Study Task Force as verified through a Proposition 218 protest ballot process conducted in December 2006. Five (5) of the fourteen (14) projects is recommended to use these enterprise funds for implementation.

**Proposition 1B**
This November 2006 act makes safety improvements and repairs to state highways, upgrades freeways to reduce congestion, repairs local streets and roads, upgrades highways along major transportation corridors, improves seismic safety of local bridges, expands public transit, helps complete the state's network of car pool lanes, reduces air pollution, and improves anti-terrorism security at shipping ports by providing for a bond issue not to exceed nineteen billion nine hundred twenty-five million dollars ($19,925,000,000 for the state). This fund is distributed to the jurisdictions of the state based on population with a minimum of $400,000 going to each city. This allotment of funds is being directed to El Segundo's local street improvements this CIPAC season.

**Proposition C**
Proposition C Funds can be spent only on transit related improvements for roadways carrying fixed transit routes. The November 6, 1990 Los Angeles County Transportation Commission measure increased the sales tax in the county by one half cents to fund transit and buses. 20% of the fund is being returned to local jurisdictions for eligible transit, para-transit and related services. These funds (Prop C Local Return) are distributed on a per capita basis to each jurisdiction. This fund is being directed to El Segundo's arterial street improvements this CIPAC season.

**Gas Tax**
The gas tax has traditionally been used for residential street maintenance in El Segundo. This tax is collected at the pump when you buy a gallon of gas. Currently in California, we pay 63.9 cents per gallon on gasoline and 72 cents per gallon on diesel. Those rates include federal excise taxes. Gas tax revenues have traditionally paid for capacity expansions, maintenance and rehabilitation on highways and roads. This allotment of funds is being directed to El Segundo's local street improvements this CIPAC season.

**Community Development Block Grant (CDBG)**
This program provides annual grants on a formula basis to entitled cities and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. In El Segundo, we have been using these funds for curb ramps and handicap accessibility which is allowed under this legislation. This allotment of funds is being directed to El Segundo's curb
and sidewalk replacement projects citywide this CIPAC season.

**Surface Transportation Program Local (STPL)**
The Surface Transportation Program-Local (STPL) provides flexible funding that may be used by states or local jurisdiction for any federal-aid highway, bridge, public road or other transit capital, or intracity or intercity bus terminals and facilities. MTA allocates federal STP-L funds to local jurisdictions annually based on a population formula. Eligible uses for STP-L funds are construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways (including interstate and bridges), capital costs for transit projects eligible for assistance under the Federal Transit Act and publicly owned intracity or intercity bus terminals and facilities, carpool projects, fringe and corridor parking facilities, bicycle and pedestrian walkways, highway and transit safety improvement and programs. This fund is being directed to El Segundo's arterial street improvements this CIPAC season.

**Transportation Development Act (TDA-3)**
Transportation Development Act Article 3 funds are used by cities within Los Angeles County for the planning and construction of bicycle and pedestrian facilities. This allotment of funds is being directed to El Segundo's curb and sidewalk replacement projects citywide this CIPAC season.

**Proposition 42**
Proposition 42 permanently dedicates revenues from the state's share of the sales tax on gasoline to transportation projects. 20% of this money can be spent on local city street repairs. This allotment of funds is being directed to El Segundo's local street improvements this CIPAC season.

**Measure R**
IN November 2008, Measure R passed by a two thirds vote and will be implemented beginning July 1, 2009. It is an additional half cent sales tax increase. A portion of this money can be spent for community traffic relief. This allotment of funds is being directed to El Segundo's local street improvements this CIPAC season.

Actual CIP funding levels will depend on final budget allocations adopted by the City Council for FY 2009-2010.

**PROJECT EVALUATIONS and SCORING CRITERIA**

CIPAC met on six (6) occasions in 2009 to discuss and evaluate projects. Included this year is the revision of the scoring criteria. Regular meetings were held on April 14, April 28, June 9, June 23 and July 8. Additionally, a Public Workshop was conducted on May 12, 2008. Staff from four City Departments (Fire, Public Works, Information Services and Recreation and Parks) presented 11 projects for consideration and evaluation, while one was introduced by a member of the public during the Public Workshop. That project was presented at the June 9th Regular Meeting but was not
scored. There was also a presentation made by representatives from Northrop Grumman during the review of three projects on June 23rd. The Chamber of Commerce presented one project on June 23rd as well but it was not scored.

Given the total $4,389,000 in project requests and the anticipated amount of $2,679,000 available, it was clear that not all projects could be funded this year. Thus, projects were evaluated and scored based on new criteria that were developed in this CIPAC session. The scoring criteria was discussed throughout the CIPAC session and was adopted at the June 23rd Regular Meeting. All projects evaluated previous to this meeting were evaluated at this meeting using the new adopted criteria. The new adopted criterion is as follows:

➢ **Health and Safety** (0-10 points): Degree to which the improvement would mitigate harm to the community (catastrophic, personal injury, property).

➢ **System Condition** (0-5 points): Degree to which improvement maintains the useful life of the system (sidewalks, streets, sewer, water, storm drain, and communications).

➢ **Return on Investment** (0-5 points): Degree to which improvement results in savings, efficiencies or mitigates significant future costs.

➢ **Joint Agreement/Legal Requirement** (0-5 points): Degree to which the City is required to implement the project by law.

➢ **Coordination Opportunity** (0-5 points): Degree to which improvement can be completed with another project to generate savings or efficiencies in the use of time, labor and materials.

➢ **Community Interest** (Range): This score is used when the project is given special consideration based upon substantial community interest where the other project categories do not apply. The project will include a community impact statement to justify the project score. This score was not implemented on any project in FY 2009/2010.

**10-YEAR PLAN PURPOSE**

The extent of current infrastructure needs indicated in the CIPAC 2007/2008 10-year plan and the escalating cost of sewage treatment is cause for the City to consider non-traditional methods in an effort to reduce costs. Additionally, and perhaps most importantly, environmental impacts of the City’s infrastructure should be considered as we make decisions regarding our future infrastructure and municipal operations. As the City’s infrastructure ages, operational costs will increase as efforts are diverted to repairing system failures. Significant additional capital investment in our infrastructure is needed to maintain the system in serviceable condition and to avoid system breakdown. It is in the public’s best interest that we do this.
The FY 2007/2008 CIPAC Committee recommended and the City Council adopted a 10-Year Infrastructure and Maintenance Program. This guide was useful in benchmarking the infrastructure needs of El Segundo and was used as an initial framework for the FY 2008/2009 CIPAC selection process. It was somewhat referred to in FY 2009/2010. Noting that approximately $87 million is needed over the next ten years just to maintain existing infrastructure, long term financial planning is critical if we are to meet that objective. Methods such as bond issues, user fees, direct borrowing, pay as you go, etc. can be considered.

Management of our infrastructure can be improved by setting policies and incorporating private sector and non-profit organizations. An example of a Public-Private partnership experienced this season was the proposed 118th and 120th Street Improvement Project, Hornet Way Slurry-Seal Project and the Douglas Street at Maple Avenue Crosswalk Projects where Northrop-Grumman, BNSF Railways, the Metropolitan Transportation Authority and the County of Los Angeles are now working together with the City towards improving the badly needed street repairs.

The 10-Year Plan is a first step in managing El Segundo’s infrastructure needs. Even if funds are not available currently to meet the demands of our aging infrastructure, the 10-Year Plan can indicate quantitatively how much we should be spending annually to keep up with replacement and maintenance of our streets, sewers, storm drains, signals, water, and building facilities.

PUBLIC INPUT

In an effort to solicit public input, CIPAC conducted a Public Workshop on May 12, 2009 in the City Council Chambers. During the Workshop, CIPAC presented a summary of the project submittals, a brief explanation of the scoring process, on-going projects previously submitted in FY 2008-09 that are now being executed, and then evaluated a project to demonstrate the evaluation process. Four persons attended the workshop and one person requested that CIPAC consider one additional project for funding this season, and that was to provide a shade structure above the benches for the mothers next to the new upper playground next to the George E. Gordon Clubhouse. The project was ultimately reviewed at the June 9th Regular Meeting but was not scored. Alternate recommendations by Park staff were considered and the discussion would continue outside of the CIPAC forum.

As mentioned above, representatives of Northrop Grumman Corporation provided community input for the 118th and 120th Street Rehabilitation Project, Hornet Way Resurfacing Project and the Douglas Street at Maple Avenue Crosswalk Project at the June 23 Regular CIPAC Meeting. These projects represent a partnership between Northrop Grumman, BNSF Railway, Los Angeles County and the City to improve street infrastructure to better accommodate public safety and eliminate pedestrian hazards. Funding is recommended for all three projects to move them forward.

The Chamber of Commerce recommended a Civic Plaza Enhancement Study at the June 23, 2009 Regular Meeting. This project has a history in El Segundo from past
efforts and the discussion eventually revealed that more grassroots efforts should be accomplished before bringing the issue back to CIPAC.

The Fire Department and the Information Technology Division jointly recommended two projects and CIPAC recommends not funding one of those projects and partially funding the other. Recreation and Parks introduced one project. The project was to replace the trees and fix the sidewalks on Richmond Street. CIPAC recommends full funding of this project.

PROJECT RECOMMENDATIONS

CIPAC recommends the following:

1. **3.1 MG Reservoir Seismic Retrofit**
   This project is necessary to strengthen the walls and replace the roof of the existing facility in order to better prepare the City for a significant seismic event.

2. **Fire Station No. 2 Fiber Installation**
   This project installs a 4" conduit from Grand Avenue to El Segundo Blvd. and includes pull boxes and sweeps.

3. **Fire Station No. 2 Information Technology Upgrades**
   In coordination with the new Fire Station No. 2 on Mariposa Avenue, these upgrades were a separate consideration in the implementation of this new facility and were requested in conjunction with this construction to take advantage of the cost savings in implementing this coordination effort.

4. **Pump Station No. 5 Upgrades**
   This project installs a “Dri-Prime” backup pump system that would be activated if the primary pump system should fail. This effort is in conjunction with the guidelines of the new California Waste Discharge Requirements (WDR) enacted in 2006.

5. **Sewer Video Taping**
   This project performs a video inspection and condition assessment of 25 miles of the City’s sewer lines.

6. **Pump Station No. 13 Upgrades**
   This project installs a “Dri-Prime” backup pump system that would be activated if the primary pump system should fail. This effort is in conjunction with the guidelines of the new California Waste Discharge Requirements (WDR) enacted in 2006.

7. **118th and 120th Street Improvements**
   This project will repair degraded pavement and improve street lighting focused on 120th Street west of Aviation Blvd. Partially funding this project provides match dollars to Northrop-Grumman’s contribution and allows the design to proceed.
8. **Arterial Streets Rehabilitation Program**
   This project is targeting Lairport Street (Mariposa to Maple) and Grand Avenue (Sepulveda to Nash). Since the Proposition C funds and STPL can only be used for these type streets, all of these available funds are being recommended for use on this project this CIPAC season. An additional $70,000 was available from these dedicated funds over the requested amount.

9. **Local Streets Rehabilitation Program**
   This project is targeting deteriorated local streets citywide. Since the Proposition 1B, Gas Tax, Proposition 42 and Measure R funds can only be used for these type streets, all of these available funds are being recommended for use on this project this CIPAC season. An additional $11,000 was available from these dedicated funds over the requested amount.

10. **Curb and Sidewalk Replacement Citywide**
   This project will replace sidewalks and curbs damaged by tree roots at various locations throughout the city. There was a shortfall in the dedicated funds so $46,000 of the general fund allotment is recommended to be used.

11. **Richmond Street Trees and Sidewalk Replacement**
   This project will replace sidewalks and curbs damaged by tree roots on Richmond Street.

12. **Douglas Street at Maple Avenue Crosswalk Upgrade**
   This project will allow pedestrians to cross directly from Northrop Grumman to the commercial facilities on the west side of Douglas Street.

13. **Hornet Way Slurry Seal**
   This project will slurry seal Hornet Way. Northrop Grumman will contribute for striping.

14. **Elevated Reservoir Painting**
   This project will provide for recoating and maintenance of the City's elevated reservoir to extend its useful life. CIPAC recommends not funding this project this year. This project can be deferred one more year without any significant impact to the elevated reservoir.

**CONCLUSION**

CIPAC has completed its evaluation of capital improvement projects and respectfully submits its list of recommended for projects to be included in the FY 2009-2010 Capital Improvement Program (CIP).

It is recommended that City Council adopt the FY 2009-2010 CIP including the projects...
identified in this report to be funded with General Fund, Proposition 1B, Gas Tax, Proposition C, CDBG, STPL, TDA-3, Proposition 42, Measure R and Sewer and Water enterprise funds. It is further recommended that projects using General Funds be included in the CIP as funding permits according to the priorities established in this report.

The following tables provide CIPAC’s recommendations for FY 2009-2010.
APPENDIX I

Project Summary Sheets
1. By Rank
2. By Fund
## CIPAC Recommendations for FY 2009-10

<table>
<thead>
<tr>
<th>CIPAC Priority &amp; Page No.</th>
<th>Project Description</th>
<th>Requested Amount</th>
<th>CIPAC Score</th>
<th>General Fund</th>
<th>Sewer</th>
<th>Water</th>
<th>Prop 1B, Gas Tax, Prop 42, Mass R</th>
<th>Prop C/STPL</th>
<th>CDBG/TDA-3</th>
<th>Funds Allocated to Date</th>
<th>Recommended Amount</th>
<th>Shortfall for FY 09/10</th>
</tr>
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<td>$134,000</td>
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<td>$100,000</td>
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<td>7</td>
<td>118th and 120th Street Improvements</td>
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<td>12</td>
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<td>8</td>
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<td></td>
<td>$575,000</td>
<td>$25,000</td>
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</tr>
</tbody>
</table>

CIPAC recommends this project for partial funding. This project will replace the roof sheathing and strengthen the concrete wall on this facility. The project was initiated based on the November 2008 Tetra Tech Seismic Evaluation. The $100,000 funded for the roof replacement in FY 09/09 is being combined with this project. The $534,000 recommended amount will contribute towards the design of the project and the remainder will go towards the construction.

CIPAC recommends this project for partial funding. This project will install 4 inch fiber conduit from Grand Avenue to El Segundo Blvd. This new fiber link will allow faster data transmission and will improve efficiency. There are still sufficient funds in this account from past CIPAC's to accomplish these fiber efforts.

CIPAC recommends not to fund this project but to use funds from other sources. This project will provide networking equipment necessary to connect data, telephone, video, alarm, access control and other services to other City network facilities. It is being coordinated with the current new construction project.

CIPAC recommends this project for partial funding. This project will upgrade Pump Station No. 5 by installing a "Dri-Prime" backup pumping system that will be activated in the event of a failure of the primary pumps.

CIPAC recommends this project for full funding. This project will perform a video inspection and condition assessment of the 25 miles of City sewer lines.

CIPAC recommends partially funding this project. This project will upgrade Pump Station No. 13 by installing a "Dri-Prime" backup pumping system that will be activated in the event of a failure of the primary pumps.

CIPAC recommends this project for partial FY 2009/2010 funding to allow for design and to match the contribution from Northrop-Grumman. After coordination with BNSF, further appropriations can be considered for construction once this amount is known.

CIPAC recommends fully funding and allotting the maximum dedicated funds toward this project. Funding is recommended for this project using Proposition C ($220,000) and STPL ($400,000) funding. The requested amount for this project is much less than the recommended $800,000 from the proposed 10-Year Infrastructure Replacement and Maintenance Program to address the deteriorating condition of the City's 25 miles of arterial and collector streets. The money allotted for this project will provide the pavement overlay of Laipurp Street and Grand Avenue to increase pavement condition to a standard pavement rating of 65.
<table>
<thead>
<tr>
<th>CIPAC Priority &amp; Page No.</th>
<th>Project</th>
<th>Requested Amount</th>
<th>CIPAC Score</th>
<th>General Fund</th>
<th>Sewer</th>
<th>Water</th>
<th>Prop 1B, Gas Tax, Prop 42, Measure R</th>
<th>Prop C/STPL</th>
<th>CDBG/TDA-3</th>
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**Total Project Requests:** $4,389,000

**Available Funding by Source of Funds:**
- $500,000
- $500,000
- $500,000
- $485,000
- $620,000
- $74,000

**Balance of available funding:**
- $0
- $0
- $0
- $0
- $0
- $0
# CIPAC Recommendations for FY 2009-10 By Fund Source

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<tr>
<th>CIPAC Priority Page No.</th>
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<td>5</td>
<td>Pump Station No. 13 Upgrades</td>
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<td>12</td>
<td>$100,000</td>
</tr>
<tr>
<td>6</td>
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<td>Proposition 1B, Gas Tax, Proposition 42 and Measure R Funds</td>
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<td>Local Streets Rehabilitation Program</td>
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<td>$411,000</td>
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<td>13</td>
<td>Homer Way Slurry Seal</td>
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<td>Douglas Street at Maple Avenue Crosswalk Reconfiguration</td>
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<td>CDBG and TDA-3 Funds</td>
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<tr>
<td>10</td>
<td>Curb and Sidewalk Replacement Citywide</td>
<td>$120,000</td>
<td>11</td>
<td>$74,000</td>
</tr>
</tbody>
</table>

CIPAC recommends full funding. This project will upgrade Pump Station No. 5 by installing a "Dri-Prime" backup pumping system that will be activated in the event of a failure of the primary pumps.

CIPAC recommends full funding. This project will upgrade Pump Station No. 13 by installing a "Dri-Prime" backup pumping system that will be activated in the event of a failure of the primary pumps.

CIPAC recommends this project for full funding. This project will upgrade Pump Station No. 13 by installing a "Dri-Prime" backup pumping system that will be activated in the event of a failure of the primary pumps.

CIPAC recommends this project for full funding with all of the available funds for water in FY 2009-10 and $134,000 in general funds.

CIPAC recommends not funding this project this year. The project can be deferred one more year without any significant impact to the elevated reservoir.

CIPAC recommends this project for partial funding with all of the available funds for water in FY 2009-10 and $134,000 in general funds.

CIPAC recommends the project for partial FY 2009/2010 funding to allow for design and to match the contribution from Northrup-Grumman. Further coordination with BNSF, further appropriations can be considered for construction once this amount is known. $50,000 is proposed to be taken from Measure R.

CIPAC acknowledges that it is a priority to address the rehabilitation of our local streets.

CIPAC recommends full funding this project. $11,000 is proposed to be taken from Measure R.

CIPAC recommends fully funding and allotting the maximum dedicated funds toward this project. Funding for this project using Proposition 1B ($300,000), Gas Tax ($50,000), Proposition 42 ($150,000) and Measure R ($11,000) is recommended. CIPAC acknowledges this project for partial funding this year. The project can be deferred one more year without any significant impact to the elevated reservoir.

CIPAC recommends full funding this project. $11,000 is proposed to be taken from Measure R.

CIPAC recommends fully funding and allotting the maximum dedicated funds toward this project. Funding is recommended for this project using Proposition C ($175,000) and STPL ($400,000) funding. The requested amount for this project is less than the recommended $575,000. The money allotted for this project will provide the pavement overlay of Laitport Street and Grand Avenue to increase pavement condition to a standard pavement rating of 65.

CIPAC recommends full funding for this project to be in line with the proposed 10-Year Infrastructure Replacement and Maintenance Program. This project will address the displacement of curbs and sidewalks caused by the roots of City and private trees.
<table>
<thead>
<tr>
<th>General Fund</th>
<th>Project Description</th>
<th>Cost</th>
<th>Notes</th>
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<tr>
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<td>3.1 M9 Reservoir Seismic Retrofit</td>
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<td>$134,000</td>
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<tr>
<td>3</td>
<td>Fire Station No. 2 Information Technology Upgrades</td>
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<td>16</td>
</tr>
<tr>
<td></td>
<td>CIPAC recommends not to fund this project but to use funds from other sources. This project will provide networking equipment necessary to connect data, telephone, video, alarm, access control and other services to other City network facilities. It is being coordinated with the current new construction project.</td>
<td></td>
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<td>2</td>
<td>Fire Station No. 2 Fiber Installation</td>
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<td>CIPAC recommends this project for partial funding. This project will install 4 inch fiber conduit from Grand Avenue to El Segundo Blvd. This new fiber link will allow faster data transmission and will improve efficiency. There are still sufficient funds in this account from past CIPAC’s to accomplish these fiber efforts.</td>
<td></td>
<td>$40,000</td>
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<td>10</td>
<td>Curb and Sidewalk Replacement Citywide</td>
<td>$120,000</td>
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<td></td>
<td>CIPAC recommends fully funding this project to be in line with the proposed 10-Year Infrastructure Replacement and Maintenance Program. This project will address the displacement of curbs and sidewalks caused by the roots of City and private trees. $46k GF &amp; $74k CDBG &amp; TDIA.</td>
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<td>$46,000</td>
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<td>11</td>
<td>Richmond Street Tree and Sidewalk Replacement</td>
<td>$280,000</td>
<td>11</td>
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<tr>
<td></td>
<td>CIPAC recommends fully funding this project with general funds. This project will remove trees and repair related curb and sidewalk during this process.</td>
<td></td>
<td>$280,000</td>
</tr>
</tbody>
</table>

Cost of Total Projects Recommended for Funding in FY 2009-10: $2,679,000.
APPENDIX II

Project Detail Sheets
CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 2009/2010

PROJECT TITLE | Water 3.1 MG Reservoir Seismic Retrofit Including Roof Repairs

REQUESTING DEPARTMENT | Public Works – Water Division

DESCRIPTION
Replacement of roof sheathing and strengthen concrete wall retrofit of the 3.1 MG circular reservoir ($450k).

JUSTIFICATION
The 3.1 Million Gallon (MG) Circular reservoir seismic vulnerability evaluation identified a project to replace existing roof sheathing, strengthening walls of the reservoir with reinforced concrete and adding steel shear transfer frames. The cost for the design and construction is estimated at $1,600,000. CIPAC approved $100,000 toward the funding of the roof replacement project in fiscal year 2008-09. This request is for design, preparation of the engineering plans and specifications and $250,000 toward the construction cost. The balance necessary to implement the project will be requested for consideration next fiscal year once the design is completed and a more accurate construction cost is established.

GENERAL PLAN REFERENCE
LU7

CIPAC COMMENTS
CIPAC recommends this project for partial funding. This project will replace the roof sheathing and strengthen the concrete wall on this facility. The project was initiated based on the November 2008 Tetra Tech Seismic Evaluation. The $100,000 funded for the roof replacement in FY 08/09 is being combined with this project. The $634,000 recommended amount will contribute towards the design of the project and the remainder will go towards the construction.

<table>
<thead>
<tr>
<th>ESTIMATED COST</th>
<th>FUNDS ALLOCATED</th>
<th>EXPENSES TO 9/30/09</th>
<th>FY 2009/10</th>
<th>FY 2010/11</th>
<th>FY 2011/12</th>
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Old Criteria
Score

New Criteria
Score

Adopted Criteria
Score

FUNDING SOURCES

<table>
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<tr>
<th>DESCRIPTION</th>
<th>COST - BREAKDOWN</th>
<th>ESTIMATED COST</th>
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TOTAL $1,600,000.00 W

All costs shown in current dollars

CIPAC FORM 2009 – 2010
CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 2009/2010

PROJECT TITLE
FS#2 to FS#2 Fiber Conduit

REQUESTING DEPARTMENT
Information Systems

DESCRIPTION
Installation of 4" fiber conduit from Grand Avenue to El Segundo Blvd along Nash St. or Continental Blvd, including pull boxes. This will allow interconnection from the existing fiber conduit in Grand Avenue to the new Fire Station #2 by use of the conduit Equinix will allow us to use. For connection to Equinix conduit, Equinix requires that we use their vendor.

JUSTIFICATION
To allow very high speed data connections between the new Fire Station #2 and City Hall.

GENERAL PLAN REFERENCE
LU4, LU7

CIPAC COMMENTS
CIPAC recommends this project for partial funding. This project will install 4 inch fiber conduit from Grand Avenue to El Segundo Blvd. This new fiber link will allow faster data transmittal and will improve efficiency. There are still sufficient funds in this account from past CIPAC's to accomplish these fiber efforts.

<table>
<thead>
<tr>
<th>ESTIMATED COST</th>
<th>FUNDS ALLOCATED TO DATE</th>
<th>EXPENSES TO 9/30/09</th>
<th>FY 2009/10</th>
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New Criteria Mod.

Score SC HS ROI AL CO GO TOT
3 3 3 0 5 0 14

Adopted Criteria

Score HS SC RI JL CO CI
3 3 3 0 5

14

FUNDING SOURCES

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</table>

All costs shown in current dollars

CIPAC FORM 2009 – 2010

033
CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 2009/2010

PROJECT TITLE
Fire Station #2 Network Equipment

REQUESTING DEPARTMENT
Fire

DESCRIPTION
Provide the networking equipment necessary to connect data, telephone, video, alarm, video, access control and other services to other City network facilities. This is the core equipment that will allow easy expansion to VoIP phone systems and very high speed data access.

JUSTIFICATION
Necessary to support fully support the new fire station.

GENERAL PLAN REFERENCE
LU4, LU7

CIPAC COMMENTS
CIPAC recommends not to fund this project but to use funds from other sources. This project will provide networking equipment necessary to connect data, telephone, video, alarm, access control and other services to other City network facilities. It is being coordinated with the current new construction project.

ESTIMATED COST	FUNDS ALLOCATED TO DATE	EXPENSES 9/30/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
$115,000	0	0	$115,000

New Criteria Mod. Score
SC	5
HS	5
ROI	1
AL	0
CO	5
GO	0
Tot	16

Adopted Criteria Score
HS	3
SC	3
RI	1
JL	0
CO	5
CI	
Tot	12

FUNDING SOURCES

| G. General/Capital Improvement Fund |
| W. Water Fund |
| GT. Gasoline Tax Fund |
| D. Developer Contributions |
| C. C.D.B.G. |
| A. Asset Forfeiture Fund |
| GR. Grant/Other Agencies |
| IR. Infrastructure Replacement |

| DESCRIPTION |
| COST - BREAKDOWN |
| ESTIMATED COST |

1. DESIGN

2. CONSTRUCTION $113,000

3. MANAGEMENT/INSPECTION

4. CONTINGENCIES 2,000

5. OTHER (LIST) Soils Engineer Rep.

Survey

TOTAL $115,000

All costs shown in current dollars

CIPAC FORM 2009 – 2010
CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 2009/2010

PROJECT TITLE
Pump Station No. 5 Upgrade – Emergency Backup Pumping System

REQUESTING DEPARTMENT
Public Works Department – Wastewater Division

DESCRIPTION
Upgrade Pump Station No. 5 by installing a "Dri-Prime" type backup pump system.

JUSTIFICATION
Pump Station 5 was last upgraded in 2002 and is set up to be powered by a trailer mounted generator in the event of an emergency. However, the emergency generator only provides for protection in the event of a loss of power by Edison. Any other type of station failure, such as the loss of a pump or control panel, requires that the station be manually bypassed with emergency pumps. Bypassing is a difficult and time consuming process, often requiring the help of several employees. This station also has limited storage capacity, increasing the risk of an overflow during an outage. In an effort to minimize station downtimes in an emergency, Cities and other agencies have now begun replacing their traditional backup generators with permanently mounted "Dri-Prime" type backup pumping systems. The advantages are a fully automatic and fully independent system which provides protection for any type of pump station failure with the exception of the force main. Because the system operates independently of the station, the station itself can also be shut down for long periods of maintenance and repair. In addition, these units are packaged in critically silenced enclosures for operation in residential areas. Finally these new systems are less complicated and less expensive than comparable diesel generators and automatic transfer switches.

GENERAL PLAN REFERENCE
LU7

CIPAC COMMENTS
CIPAC recommends this project for partial funding. This project will upgrade Pump Station No. 5 by installing a "Dri-Prime" backup pumping system that will be activated in the event of a failure of the primary pumps.

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<tr>
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<th>EXPENSES TO 9/30/09</th>
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**New Criteria**

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**Adopted Criteria**

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**FUNDING SOURCES**

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<td>5. OTHER (LIST)</td>
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</table>

TOTAL 110,000 SS

All costs shown in current dollars

CIPAC FORM 2009–2010
CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 2009/2010

PROJECT TITLE
CCTV Video Inspection of Sewer Lines

REQUESTING DEPARTMENT
Public Works Department – Wastewater Division

DESCRIPTION
Perform a video inspection and condition assessment of 25 miles of sewer lines in the City.

JUSTIFICATION
The City's wastewater system consists of approximately 50 miles of pipe and 1,050 manholes. The majority of these pipes are constructed of vitrified clay and range in size from 6-inch to 24-inch in diameter. The system was constructed over the years based on the development needs of the City and approximately 60% of the lines are now over 50 years old.

The City last performed a video inspection of all sewers west of Sepulveda Boulevard in 2000. The results were incorporated into the city's 2002 Sewer Master Plan and have been used to prioritize repairs. However, due to the amount of time that has elapsed since our last inspection a new assessment has become necessary. This project will inspect and assess the condition of half of the City's sewer lines including lift station force mains.

GENERAL PLAN REFERENCE
LU7

CIPAC COMMENTS
CIPAC recommends this project for full funding. This project will perform a video inspection and condition assessment of the 25 miles of City sewer lines.

<table>
<thead>
<tr>
<th>ESTIMATED COST</th>
<th>FUNDS ALLOCATED TO DATE</th>
<th>EXPENSES TO 9/30/09</th>
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New Criteria
Score: PC HS PM AL CO GO EE TOT 0 3 5 5 0 3 5 21

Adopted Criteria
Score: HS SC RI JL CO CI TOT 3 3 3 3 0 12

FUNDING SOURCES
G. General/Capital Improvement Fund
W. Water Fund
GT. Gasoline Tax Fund
D. Developer Contributions
C. C.D.B.G.
A. Asset Forfeiture Fund
GR. Grant/Other Agencies
IR. Infrastructure Replacement
SS. Sewer Fund

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<th>BREAKDOWN</th>
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</table>

All costs shown in current dollars

CIPAC FORM 2009–2010
CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 2009/2010

PROJECT TITLE | Pump Station No. 13 Upgrade – Emergency Backup Pumping System

REQUESTING DEPARTMENT | Public Works Department – Wastewater Division

DESCRIPTION
Upgrade Pump Station No. 13 by installing a "Dri-Prime" type backup pump system.

JUSTIFICATION
Pump Station 13 was last upgraded in 2002 and uses a standby generator for emergency power. However, the standby generator only provides for protection in the event of a loss of power by Edison. Any other station failures, such as the loss of a pump or control panel, requires that the station be manually bypassed with emergency pumps. Due to the location of this station next to the intersection of Sepulveda and Grand, bypassing is a difficult and time consuming process requiring the closure of several traffic lanes. In an effort to minimize station downtimes in an emergency, Cities and other agencies have now begun replacing their traditional backup generators with "Dri-Prime" type backup pumping systems. The advantages are a fully automatic and fully independent system which provides protection for any type of pump station failure with the exception of the force main. Because the system operates independently of the station, the station itself can also be shut down for long periods of maintenance and repair. In addition, these units are packaged in critically silenced enclosures for operation in residential areas. Finally these new systems are less complicated and less expensive than comparable diesel generators and automatic transfer switches.

GENERAL PLAN REFERENCE
LU7

CIPAC COMMENTS
CIPAC recommends partially funding this project. This project will upgrade Pump Station No. 13 by installing a "Dri-Prime" backup pumping system that will be activated in the event of a failure of the primary pumps.

<table>
<thead>
<tr>
<th>ESTIMATED COST</th>
<th>FUNDS ALLOCATED TO DATE</th>
<th>EXPENSES TO 9/30/09</th>
<th>FY 2009/10</th>
<th>FY 2010/11</th>
<th>FY 2011/12</th>
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New Criteria Score
PC: 5
HS: 5
PM: 5
AL: 5
CO: 0
GO: 0
EE: 5
TOT: 21

Adopted Criteria Score
HS: 5
SC: 3
RI: 1
JL: 3
CO: 0
CI: 0
TOT: 12

FUNDING SOURCES

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<thead>
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<th>DESCRIPTION</th>
<th>COST - BREAKDOWN</th>
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<td>GT. Gasoline Tax Fund</td>
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<td>D. Developer Contributions</td>
<td>4. CONTINGENCIES</td>
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<td>C. C.D.B.G.</td>
<td>5. OTHER (LIST)</td>
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<tr>
<td>A. Asset Forfeiture Fund</td>
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<td>GR. Grant/Other Agencies</td>
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<td>IR. Infrastructure Replacement</td>
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<td>SS. Sewer Fund</td>
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</table>

All costs shown in current dollars
CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 2009/2010

PROJECT TITLE
118th & 120th Street Improvements

REQUESTING DEPARTMENT
Public Works

DESCRIPTION
This is a continuation of a multi-agency project to improve two major railroad crossings and public streets in order to increase vehicular and pedestrian safety at 118th Street and 120th Street. The remaining project includes 1) BNSF track (concrete panels) replacement, 2) street lighting by LA County, 3) street grinding and overlay; 4) sidewalks, and 5) BNSF Cross-Arm relocation. In 2008 the 118th St crossing was partially upgraded with new surfaces, lighting, and a stop sign (sidewalks have not been completed).

JUSTIFICATION
118th Street and 120th Street (and the embedded BNSF rail crossings) are used by an employee population of approximately 4,500. Many of them have early morning start times (before dawn). The poor lighting, uneven surfaces, and lack of a physical separation between pedestrians and vehicular traffic create a safety risk. During inclement weather the water pounding and decreased visibility add a higher level of risk. The railway crossings compound the safety issues. The crossings have not been maintained for more than 30 years.

The remaining effort is expected to cost $350,000.00 in FY 09/10. Re-used concrete panels are not readily available this year to reduce our costs. In addition there are 3 tracks on 120th Street instead of two that were replaced on 118th Street. A railroad crossing arm will need to be relocated per PUC standards as well.

GENERAL PLAN REFERENCE
LU4, LU7

CIPAC COMMENTS
CIPAC recommends this project for partial FY 2009/2010 funding to allow for design and to match the contribution from Northrop-Grumman. After coordination with BNSF, further appropriations can be considered for construction once this amount is known.

<table>
<thead>
<tr>
<th>ESTIMATED COST</th>
<th>FUNDS ALLOCATED TO DATE</th>
<th>EXPENSES TO 9/30/09</th>
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FUNDING SOURCES

G. General/Capital Improvement Fund
W. Water Fund
GT. Gasoline Tax Fund
D. Developer Contributions
C. C.D.B.G.
A. Asset Forfeiture Fund
GR. Grant/Other Agencies
IR. Infrastructure Replacement

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All costs shown in current dollars

CIPAC FORM 2009 – 2010
CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 2009/2010

PROJECT TITLE
Arterial Streets Rehabilitation Program

REQUESTING DEPARTMENT
Public Works

DESCRIPTION
Proposed street rehabilitation projects:

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<th>SF</th>
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<td>2</td>
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JUSTIFICATION
The Arterial Streets Rehabilitation Program will rehabilitate arterial and collector streets citywide. On a biennial basis, Public Works inspects and rates pavements on arterials and collectors. A Pavement Condition Index (PCI, 0-100, 100 being best) is assigned to each street based on pavement condition. Agencies typically attempt to keep their average PCI above 65, which is considered a minimum standard. The City’s current average PCI rating is 56 which is “fair to good”. The goal of the program is to increase the condition of streets to a rating of 65. To do so, a minimum investment in pavement overlay projects in the amount of $550,000 per year is necessary. Once this PCI rating is reached, the Arterial and Collector system can be maintained through simple lower-cost measures such as slurry sealing. If this level of investment is not made, the quantity of deferred maintenance will increase and these streets will no longer be candidates for lower cost rehabilitation strategies.

GENERAL PLAN REFERENCE: LU7

CIPAC COMMENTS
CIPAC recommends fully funding and allotting the maximum dedicated funds toward this project. Funding is recommended for this project using Proposition C ($220,000) and STPL ($400,000) funding. The requested amount for this project is much less than the recommended $800,000 from the proposed 10-Year Infrastructure Replacement and Maintenance Program to address the deteriorating condition of the City’s 25 miles of arterial and collector streets. The money allotted for this project will provide the pavement overlay of Lairport Street and Grand Avenue to increase pavement condition to a standard pavement rating of 65.

ESTIMATED COST
<table>
<thead>
<tr>
<th>EXPENSES TO</th>
<th>FY 2009/10</th>
<th>FY 2010/11</th>
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New Criteria Mod.

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FUNDING SOURCES

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All costs shown in current dollars

CIPAC FORM 2009 – 2010

039
CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 2009/2010

PROJECT TITLE | Local Streets Rehabilitation Program

REQUESTING DEPARTMENT | Public Works

DESCRIPTION
Pavement overlay of 1.2 miles of local streets per year.

JUSTIFICATION
Asphalt pavements are designed to be flexible. Most of them last twenty-five to thirty years. They are constantly exposed to various elements which cause them to lose their flexibility. In some cases the surface may begin to erode. As the pavement becomes less pliable various types of cracks will form. They will become worse as the pavement ages. Water may enter these areas causing more damage. The damage is mitigated by patching potholes and replacing affected areas and sealing around the repairs. However, if one section of a road is suffering the affects of aging many more are or will soon follow. The application of an asphalt slurry is a useful tool that has been used in the past and should continue to be used. It will prolong the life of a road. However, some of our roads require other measures to bring them up to an acceptable level. Some of them have begun to settle causing the road to become uneven. There are also those that lack the proper slope for drainage. There is standing water on a few streets, close proximity to a school. We must face the fact that some of our residential streets need to be resurfaced or reconstructed.

GENERAL PLAN REFERENCE: LU7

CIPAC COMMENTS
CIPAC recommends fully funding and allotting the maximum dedicated funds toward this project. Funding for this project using Proposition 1B ($200,000), Gas Tax ($50,000), Proposition 42 ($150,000) and Measure R ($11,000) is recommended. CIPAC acknowledges that it is a priority to address the rehabilitation of our local streets.

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All costs shown in current dollars

CIPAC FORM 2009 – 2010
CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 2009/2010

PROJECT TITLE
Curb and Sidewalk Replacement Citywide

REQUESTING DEPARTMENT
Public Works

DESCRIPTION
Curb and Sidewalk Repair Citywide.

JUSTIFICATION
Tree roots are the leading cause of curb and sidewalk displacement in the City of El Segundo. The locations of displaced sidewalks and curbs, which have become hazardous, are collected by field surveys and request from residents. They are temporarily addressed by grinding or applying asphalt to the affected area. It is estimated that every twenty years 10% of a city's concrete curbs and sidewalks must be replaced. This results in approximately $100,000 to $120,000 of concrete work needed annually.

GENERAL PLAN REFERENCE
LU7

CIPAC COMMENTS
CIPAC recommends fully funding for this project to be in line with the proposed 10-Year Infrastructure Replacement and Maintenance Program. This project will address the displacement of curbs and sidewalks caused by the roots of City and private trees.

ESTIMATED COST | FUNDS ALLOCATED TO DATE | EXPENSES TO 9/30/09 | FY 2008/09 | FY 2010/11 | FY 2011/12 | FY 2012/13 | FY 2013/14
---|---|---|---|---|---|---|---
$120,000 | 0 | $120,000 | $120,000 | $120,000 | $120,000 | $120,000 | $120,000

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All costs shown in current dollars

CIPAC FORM 2009 – 2010
**CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 2009/2014**

**PROJECT TITLE**  
100 – 300 Richmond Street Tree and Sidewalk Replacement

**REQUESTING DEPARTMENT**  
Recreation and Parks

**DESCRIPTION**

The Richmond Street District is the "entertainment center" of El Segundo and is comprised of an eclectic mix of antique stores, bars, restaurants, and the Old Towne Music Hall. This street has a separate and distinct identity from Main Street. The oldest commercial buildings in the City, developed in the 1900's and 1920's, are located along this street as it was the original historic Downtown. This project is for the removal of the Ficus trees and replacement of the damaged sidewalks in the 100-300 blocks and planting of appropriate street tree species.

**JUSTIFICATION**

Richmond Street was part of the Downtown Specific Plan which was adopted in 2000. Main Street and Grand Avenue went through a revitalization where the Ficus trees were removed and the sidewalks were replaced because of the problems they were causing by lifting the sidewalks with their root system. Although Richmond Street was also identified for the revitalization, the project never came about. The Ficus trees have overgrown their growing space and are lifting the concrete and breaking the curbs causing tripping hazards and generating numerous complaints and request from property owners for the trees to be removed and concrete replaced.

**GENERAL PLAN REFERENCE**

LU1, LU2, LU4, LU7

**CIPAC COMMENTS**

CIPAC recommends fully funding this project. This project will remove trees and repair related curb and sidewalk during this process.

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<tr>
<td>Gasoline Tax Fund</td>
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<tr>
<td>Developer Contributions</td>
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<td>C.D.B.G.</td>
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<td>Asset Forfeiture Fund</td>
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<td>Grant/Other Agencies</td>
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<td>6. Replacement Trees</td>
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**TOTAL** $280,000 (G)

All costs shown in current dollars

CIPAC FORM 2009–2014

11
CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 2009/2010

PROJECT TITLE
Douglas Street at Maple Avenue Crosswalk

REQUESTING DEPARTMENT
Northrop Grumman

DESCRIPTION
This project is a request from Northrop Grumman (NG) to install a crosswalk on the northerly side of the intersection of Douglas Street at Maple Avenue. It will allow NG employees to cross one street to the commercial facilities at the new TPG development rather than three streets.

JUSTIFICATION
On April 9, 2009, the Traffic Committee met and reviewed this request and determined that it was unsafe to cross at the northerly side of this intersection due to the left turn configuration. Northrop Grumman advocated that their request was similar to the adjacent intersection at Douglas St. and Mariposa Ave. and the County determined that the cost to reconfigure the intersection would cost approximately $50,000 to adjust the phasing, reconfigure the signal timing and modify the ADA ramps and install pedestrian signal displays. Before this project can move forward, the Traffic Committee's April 9 decision would need to be overruled by the City Council.

GENERAL PLAN REFERENCE
LU7

CIPAC COMMENTS
CIPAC recommends partially funding this project. This project will reconfigure the signals at this intersection to allow for a safe crossing on the north.

<table>
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<tr>
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<th>FUNDS ALLOCATED TO DATE</th>
<th>EXPENSES TO 9/30/09</th>
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FUNDING SOURCES

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All costs shown in current dollars

CIPAC FORM 2009 – 2010
CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 2009/2010

PROJECT TITLE
Hornet Way Slurry Seal

REQUESTING DEPARTMENT
Public Works

DESCRIPTION
Hornet Way has been in disrepair for some time and currently displays alligator cracks and potholes throughout its length. The street is due for maintenance. A type II slurry seal is suggested to address this public street. Northrop Grumman (NG) which is adjacent to much of this street may contribute funds for the re-striping of the street after the city slurry's this street. The City, NG and the Metropolitan Transportation Authority are currently in discussions about improving the rail crossing on this street as well.

JUSTIFICATION
The project will address the disrepair of Hornet Way that has many potholes and cracks. It will use Type II slurry that will fill in the cracks for a few years. It is expected that this application may last at least 10 years. Northrop Grumman would be interested in participating in implementing this project by performing the re-striping of the street after we repair the City infrastructure.

GENERAL PLAN REFERENCE
LU7

CIPAC COMMENTS
CIPAC recommends fully funding this project. This project will slurry Hornet Way.

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All costs shown in current dollars

CIPAC FORM 2009 – 2010
CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 2009/2010

PROJECT TITLE  Water Elevated Reservoir Painting

REQUESTING DEPARTMENT  Public Works – Water Division

DESCRIPTION
To repaint/recoat the elevated reservoir.

JUSTIFICATION
The elevated reservoir was identified as priority no. 2 for recoating and maintenance in the Water Master Plan. The $240,000 will pay for the painting of the elevated reservoir along with the required preparation and scaffolding to execute such a project. An inspection conducted in 2006 showed that the structure was in relatively good condition. However, the paint has chipped off in several areas and exposed the structure to the elements. Repainting was recommended to prevent deterioration and to extend the useful life of the reservoir.

GENERAL PLAN REFERENCE
LU7

CIPAC COMMENTS
CIPAC recommends not funding this project this year. This project can be deferred one more year without any significant impact to the elevated reservoir.

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FUNDING SOURCES

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W.  Water Fund
GT.  Gasoline Tax Fund
D.  Developer Contributions
C.  C.D.B.G.
A.  Asset Forfeiture Fund
GR.  Grant/Other Agencies
IR.  Infrastructure Replacement
SS.  Sewer Fund

All costs shown in current dollars

CIPAC FORM 2009 – 2010
## CITY OF EL SEGUNDO
### WARRANTS TOTALS BY FUND

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<td>302</td>
<td>INFRASTRUCTURE REPLACEMENT FUND</td>
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<td>405</td>
<td>FACILITIES MAINTENANCE</td>
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<td>501</td>
<td>WATER UTILITY FUND</td>
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<tr>
<td>703</td>
<td>EXPENDABLE TRUST FUND - OTHER</td>
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<td>708</td>
<td>OUTSIDE SERVICES TRUST</td>
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<tr>
<td></td>
<td><strong>TOTAL WARRANTS</strong></td>
<td><strong>$ 1,634,577.59</strong></td>
</tr>
</tbody>
</table>

### 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 therefor.

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

**CODES:**

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

For Ratinication:

- **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**

**CITY MANAGER**

**DATE:** 6/25/09

**DATE:** 7/3/09
# CITY OF EL SEGUNDO
## PAYMENTS BY WIRE TRANSFER
### 06/05/09 THROUGH 06/25/09

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<tr>
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<tbody>
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<td>6/11/2009</td>
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<td>349,545.73</td>
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<td>Federal Reserve</td>
<td>150.00</td>
<td>Employee Savings Bond</td>
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<td>6/12/2009</td>
<td>State of CA</td>
<td>1,153.24</td>
<td>Child support withholdings</td>
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<td>6/12/2009</td>
<td>Nationwide EFT</td>
<td>36,787.10</td>
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<td>6/12/2009</td>
<td>UBOC</td>
<td>4,644.02</td>
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<td>6/12/2009</td>
<td>Manufacturers &amp; Traders</td>
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<td></td>
<td><strong>2,351,018.74</strong></td>
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### DATE OF RATIFICATION: 7/07/09
### TOTAL PAYMENTS BY WIRE:

**2,351,018.74**

Certified as to the accuracy of the wire transfers by:

**Mayor M. Kobay**
**Deputy City Treasurer**

**Date: 6/25/09**

**Director of Finance**
**Date: 6/25/09**

**City Manager**
**Date: 6/25/09**

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.
### CITY OF EL SEGUNDO

**WARRANTS TOTALD BY FUND**

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<th>Code</th>
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<td>104</td>
<td>TRAFFIC SAFETY FUND</td>
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<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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<td>COMM. DEVEL. BLOCK GRANT</td>
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<td>112</td>
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<td>114</td>
<td>PROP <em>C</em> TRANSPORTATION</td>
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<td>115</td>
<td>AIR QUALITY INVESTMENT PROGRAM</td>
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<td>118</td>
<td>HOME SOUND INSTALLATION FUND</td>
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<td>HYPOXI MITIGATION FUND</td>
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<td>TDA ARTICLE 3 - SB 821 BREKWAY FUND</td>
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<td>119</td>
<td>MTA GRANT</td>
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<td>121</td>
<td>FEMA</td>
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<td>120</td>
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<td>122</td>
<td>L.A.W.A. FUND</td>
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<td>202</td>
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<td>WATER UTILITY FUND</td>
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<td>502</td>
<td>WASTEWATER FUND</td>
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<td>GOLF COURSE FUND</td>
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<td>EXPENDABLE TRUST FUND - OTHER</td>
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<td>708</td>
<td>OUTSIDE SERVICES TRUST</td>
<td>-</td>
</tr>
</tbody>
</table>

**TOTAL WARRANTS** | **$ 846,056.60**

---

**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/urgence 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**

**CITY MANAGER**

**DATE:** 7/9/09

---

**VOID CHECKS DUE TO ALIGNMENT:**
N/A

**VOID CHECKS DUE TO INCORRECT CHECK DATE:**

**VOID CHECKS DUE TO COMPUTER SOFTWARE ERRORS:**

**NOTES**

**CITY MANAGER:**

**DATE:** 7-13-09
# CITY OF EL SEGUNDO
## PAYMENTS BY WIRE TRANSFER
### 06/25/09 THROUGH 07/09/09

<table>
<thead>
<tr>
<th>Date</th>
<th>Payee</th>
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<tr>
<td>6/11/2009</td>
<td>IRS</td>
<td>(349,545.73)</td>
<td>Federal Taxes Correct Prior Memo</td>
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<td>6/11/2009</td>
<td>IRS</td>
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<td>Federal Taxes Correct Prior Memo</td>
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<td>6/25/2009</td>
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<td>State Taxes</td>
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<td>6/25/2009</td>
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<td>Employee Savings Bond</td>
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<td>State of CA</td>
<td>1,153.24</td>
<td>Child support withholdings</td>
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<td>6/26/2009</td>
<td>Nationwide EFT</td>
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<td>6/26/2009</td>
<td>UBOC</td>
<td>4,722.28</td>
<td>PARS payment</td>
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<td>6/26/2009</td>
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<td>6/30/2009</td>
<td>CalPERS</td>
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<td>6/30/2009</td>
<td>Lane Donovan Golf Ptr</td>
<td>21,388.33</td>
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<td>7/1/2009</td>
<td>Health Comp</td>
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<td>7/7/2009</td>
<td>UNUM</td>
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<td>6/26-7/09/09</td>
<td>Workers Comp Activity</td>
<td>30,711.54</td>
<td>SCRMA checks issued</td>
</tr>
</tbody>
</table>

### DATE OF RATIFICATION: 7/21/09
### TOTAL PAYMENTS BY WIRE: 1,067,702.81

Certified as to the accuracy of the wire transfers by:

**Deputy City Treasurer**

**Director of Finance**

**City Manager**

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JUNE 16, 2009 – 6:00 P.M.

6:00 P.M. SESSION

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

ROLL CALL

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

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

SPECIAL ORDER OF BUSINESS:

Mark Hensley, City Attorney, announced that Council would be meeting in closed session pursuant to the item listed on the agenda.

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov’t Code §54956.9(a) -0- matter

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

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

Council moved to open session at 6:15 p.m.

SPECIAL MATTERS: - 1- matter

1. Interview of candidates and potential appointee for Library Board of Trustees
   [Note: the interviews will commence at approximately 6:15 p.m. and take place in the West Conference Room in City Hall]

Council consensus to appoint Beth Marbois to the Library Board of Trustees for a full term to expire 6/30/12.

Council recessed at 6:40 p.m.
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JUNE 16, 2009 - 7:00 P.M.

7:00 P.M. SESSION

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

INVOCATION – Pastor Wesley Harding, El Segundo Foursquare Church

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Eric Busch

PRESENTATIONS

a. Proclamation announcing July 2009 as Parks & Recreation Month.

Council Member Jacobson presented a proclamation to Bob Cummings, Recreation and Parks Director, announcing July 2009 as Parks & Recreation Month.

ROLL CALL

<table>
<thead>
<tr>
<th>Mayor McDowell</th>
<th>Present</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor Pro Tem Busch</td>
<td>Present</td>
</tr>
<tr>
<td>Council Member Brann</td>
<td>Present</td>
</tr>
<tr>
<td>Council Member Fisher</td>
<td>Present</td>
</tr>
<tr>
<td>Council Member Jacobson</td>
<td>Present</td>
</tr>
</tbody>
</table>

Steve Bradford, Southern California Edison, made a brief presentation on the current state of Utility services. He also announced the improvements to be made in the City of El Segundo.

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.

Elyse Beardsley, spoke on behalf of the South Bay Workforce Investment Board (SBWIB), on services offered for persons displaced by downsizing.

Bill Watkins, resident & School Board Member, spoke regarding the filming permit ordinance, and is in favor of the proposed changes.
Laura Brown, resident & film location manager, spoke regarding the filming permit ordinance, and is in favor of the proposed changes. Robin Funk, resident & School Board Member, spoke regarding the filming permit ordinance, and is in favor of the proposed changes.

Jim Fitzpatrick, Commissioner for the Film Commission, was not fully supportive of the extension of 40 days, and suggested extending the time for the school area only and not extending the number of days in other areas of the City. He was also against the shortening of the allowed filming hours from 10 to 9 pm, which would preclude night shooting except in the months of November, December and January. He also expressed a concern about the proposed weekend restrictions. He was in favor of the extension but against the time changes.

A. PROCEDURAL MOTIONS

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

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

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

1. Consideration and possible action (Public Hearing) regarding the introduction and first reading of an Ordinance adopting Development Agreement No. 09-01 (Third Amendment to Development Agreement No.03-01 with Rosecrans-Sepulveda Partners, 2, LLC and PES Partners, LLC for EA 631) for the Plaza El Segundo development project located at 710-850 South Sepulveda Boulevard, 700-740 Allied Way, and 2005-2015 East Park Place to allow the following uses: 1) Fast food restaurants south of the current locations of the Union Pacific Railroad or the Burlington Northern Santa Fe Railroad lines (the southwest portion of the site), 2) banks and similar institutions up to a total of 10,000 square feet of floor area, 3) day spas up to a total of 10,000 square feet of floor area, 4) health clubs and fitness centers up to a total of 10,000 square feet of floor area, 5) indoor sale of motorcycles, motor scooters and the sale of related parts and accessories only as an ancillary use, and 6) dance and music instruction studios up to 6,000 square feet of floor area. Applicant: PES Partners, LLC. (Fiscal Impact: None).

Mayor McDowell stated this is the time and place hereto fixed for a Public Hearing regarding the introduction and first reading of an Ordinance adopting Development Agreement No. 09-01 (Third Amendment to Development Agreement No.03-01 with Rosecrans-Sepulveda Partners, 2, LLC and PES Partners, LLC for EA 631) for the Plaza El Segundo development project located at 710-850 South Sepulveda Boulevard, 700-740 Allied Way, and 2005-2015 East Park Place to allow the following uses: 1) Fast food restaurants south of the current locations of the Union Pacific Railroad or the Burlington Northern Santa Fe Railroad lines (the southwest portion of the site), 2) banks...
and similar institutions up to a total of 10,000 square feet of floor area, 3) day spas up to a total of 10,000 square feet of floor area, 4) health clubs and fitness centers up to a total of 10,000 square feet of floor area, 5) indoor sale of motorcycles, motor scooters and the sale of related parts and accessories only as an ancillary use, and 6) dance and music instruction studios up to 6,000 square feet of floor area. Applicant: PES Partners, LLC. Clerk Mortesen stated that proper notice was completed and no written communication had been received by City Clerk’s Office.

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

MOTION by Jacobson, SECONDED by Mayor ProTem Busch to close the public hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Mark Hensley, City Attorney, read by title only:

ORDINANCE NO. 1430

AN ORDINANCE AMENDING DEVELOPMENT AGREEMENT NO. 03-01 BETWEEN ROSECRANS-SEPULVEDA 2, LLC, AND ROSECRANS-SEPULVEDA 3, LLC (PES PARTNERS, LLC), AND THE CITY OF EL SEGUNDO AFFECTING THE PLAZA EL SEGUNDO DEVELOPMENT.

Mayor ProTem Busch introduced the ordinance.

Second reading and adoption is scheduled for July 21, 2009.

C. UNFINISHED BUSINESS

2. Consideration and possible action to amend the El Segundo Municipal Code film regulations within the City of El Segundo and direct staff to not allow any filming in Library Park. (Fiscal Impact: None)

Mayor Pro Tem Busch excused himself from the dais, due a possible conflict of interest on this item based upon his employment at Sony Pictures.

City Attorney Mark Hensley, made a brief presentation.

Council Member Jacobson would like to have a Council workshop to expand the dialog with the School, film industry, and residents.

MOTION by Council Member Fisher, SECONDED by Mayor McDowell to have a single workshop with all eligible Council Members, the film industry representative, school district representatives, and residents, to have a complete dialog on consideration of amending the Ordinance. MOTION PASSED BY THE FOLLOWING VOICE VOTE: AYES: MCDOWELL, JACOBSON, FISHER; NOES: BRANN; NOT PARTICIPATING: BUSCH. 3/1/1

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

MINUTES OF THE REGULAR CITY COUNCIL MEETING
JUNE 16, 2009
PAGE NO. 5
3. Consideration and possible action regarding the appointment of the candidate of the Library Board of Trustees. (Fiscal Impact: None)

Mayor McDowell announced the appointment of Beth Marbois to the Library Board of Trustees for a full three-year term ending 6/30/12.

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

4. Approved Warrant Numbers 2571991 to 2572229 on Register No. 17 in the total amount of $1,180,117.63 and Wire Transfers from 05/22/09 through 06/04/09 in the total amount of $766,153.67. 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.


6. Accepted the project for trenchless rehabilitation of the sanitary sewer main on Imperial Highway from east to west City limit. Project No. PW 08-10 as complete. (Fiscal Impact: $465,795.00) Authorized the City Clerk to file a Notice of Completion in the County Recorder’s Office.

7. PULLED FOR DISCUSSION BY MAYOR PROMETHEUS BUSCH

8. Awarded RFP # 09-07 (Police Uniforms and Accessories) to the three most responsive bidders, and authorized the City Manager to execute three (3) year agreements with a renewal option for each of an additional three (3) year period, for a maximum total contract length of six (6) years to Galls Uniforms, Contract No. 3955, Quartermaster Uniforms, Contract No. 3956, and Carmen’s Uniforms, Contract No. 3957. (Fiscal Impact: Included in adopted budget)

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

CALL ITEMS FROM CONSENT AGENDA

7. Consideration and possible action regarding the award of a Standard Public Works to Malibu Pacific Tennis Courts, Inc. for the installation of a retaining wall at the Softball Field at 339 Sheldon Street – Project No. PW 09-03 (Fiscal Impact: $184,750.00)
MOTION by Mayor Pro Tem Busch, SECONDED by Council Member Fisher to award Standard Public Works Contract No. 3958 to Malibu Pacific Tennis Courts, Inc. for the installation of a retaining wall at the Softball Field at 339 Sheldon Street – Project No. PW 09-03. Authorized the City Manager to execute a Standard Public Works Contract in a form approved by the City Attorney. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

F. NEW BUSINESS

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY

I. REPORTS – CITY CLERK

9. Consideration and possible action regarding Council consensus to cancel the July 7, 2009 City Council Meeting. (Fiscal Impact: None)

MOTION by Mayor McDowell, SECONDED by Mayor ProTem Busch to approve the cancellation of the July 7, 2009 City Council Meeting. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Brann – Spoke regarding his departmental tours.

Council Member Fisher – None

Council Member Jacobson – None

Mayor Pro Tem Busch – Announced the July 2nd Environmental Fair.

Mayor McDowell – None

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

Bill Watkins, resident, stated he appreciated Council participation on the filming ordinance.
MEMORIALS – NONE

CLOSED SESSION - NONE

ADJOURNMENT at 8:22 p.m.

Cindy Mortesen, City Clerk
SPECIAL MEETING OF THE EL SEGUNDO CITY COUNCIL
Wednesday July 8, 2009
El Segundo Public Library
111 W. Mariposa Avenue, El Segundo, CA 90245
8:00 a.m.

8:00 A.M. SESSION

CALL TO ORDER – Mayor McDowell at 8:00 a.m.

ROLL CALL

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

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves 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.

Bob Tolich, Lieutenant, West Covina Police Department, spoke regarding the Communication System and mis-information about their software and lack of support and back up. He stated that they are still functioning at full speed and have up-to-date software and service.

Michelle Blumenthal, spoke regarding the communication center and the possibility of outsourcing the 911 dispatch center. She spoke against the proposition.

Liz Garnholz, Resident; presented a letter from a friend. She read a letter from Gifford Rodrie, in which he commented about the city’s current budget shortfall.

George Hoops, Resident; spoke regarding the Beach Cities Transit and the poorly constructed map they published. He also spoke on the recent report on water quality sent to each home.

Robin Funk, Vice-President of the El Segundo School Board, thanked Council for their previous support and spoke regarding both the city and school budget shortfalls.

A. PROCEDURAL MOTIONS

Consideration of a motion to read all ordinances and resolutions on the Agenda by title only.
MOTION by Council Member Jacobson, SECONDED by Council Member Brann 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:

1. Consideration and possible action regarding a strategic planning session which will guide staff in the preparation of the Fiscal Year 2009-2010 Preliminary Budget. A brief overview of the estimated General Fund FY 2008-2009 year-end projections, projected General Fund FY 2009-2010 budget shortfall and options to balance the FY 2009-2010 General Fund, and a follow-up on open items from the prior Strategic Planning Session will be provided.

This planning session will guide staff in the preparation of the FY 2009-10 Preliminary Budget, which will be presented at the August 18, 2009 City Council Meeting. Council may raise other development, policy, capital project and potential budget reduction items for consideration as part of staff's preparation of the FY 2009-10 Preliminary Budget.

Focus For Planning Session

Estimated Year-end Revenues and Expenditures – Fiscal Year 2008/09

<table>
<thead>
<tr>
<th>GENERAL FUND</th>
<th>Budget 08/09</th>
<th>Projected Year-End 08/09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenues</td>
<td>$ 60,784,950</td>
<td>58,881,550</td>
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<tr>
<td>Expenditures</td>
<td>60,784,950</td>
<td>59,045,800</td>
</tr>
<tr>
<td>Surplus/ (Deficit)</td>
<td>$ -</td>
<td>$(164,250)</td>
</tr>
</tbody>
</table>

Changes in Year-end Revenue Estimates – Midyear v. 3rd Quarter

Net Increase: $667,200

Additional Revenues:
- Business License Tax - $286,700
- Property Tax - $316,700
- Franchise Tax - $73,800
Changes in Year-end Expenditure Estimates – Midyear v. 3rd Quarter

Net Increase: $761,350
Additional Costs:
- Various vacant positions filled subsequent to midyear;
- Overtime has not been reduced as much as anticipated;
Additional Savings:
- Allocation of salaries to other funds;
- Equipment Replacement Charges – Savings of $334,000 by not funding current year’s charge for Communications Center

Continuing efforts to minimize projected yearend deficit

- Staff is reviewing all expenditures for cost savings
- Possible salary savings from vacant positions
- Reduction of consultant contracts
- Possible overtime reductions
Preliminary Revenue and Expenditures – Fiscal Year 2009/10

<table>
<thead>
<tr>
<th>GENERAL FUND</th>
<th>Preliminary Budget 09/10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenues</td>
<td>$ 56,945,900</td>
</tr>
<tr>
<td>Expenditures</td>
<td>62,918,200</td>
</tr>
<tr>
<td>Surplus/ (Deficit)</td>
<td>$ (5,972,300)</td>
</tr>
</tbody>
</table>

Assumptions for 09/10 Preliminary Budget Expenditures:

- Salary Increases – 2% to 5% depending on bargaining units;
- Worker’s Compensation – 24.4% increase in rates
- Health Benefits – 3.67% increase in rates
- PERS Pension Contribution – 5.2% increase in rates
- Equipment Replacement Costs – Funded at 100% ($1,551,000)
- Annual OPEB Payment – Funded at 100% ($2,000,000)
- ESUSD Funding – $250,000 cash payment & continue funding crossing guard contract ($80,000) and in kind contributions ($1,000,000 estimated for FY 09/10)
- Capital Funding – $500,000
- ETRC – Fund $175,000
- Reclassifications – 3 positions proposed to move from Supervisory to Management; Fiscal Impact: $30,000
FY 09/10 Revenue Assumptions

The following are key contributors of the $3.8 million in revenue decreases from FY 08/09 Adopted Budget to FY 09/10 Preliminary Budget:

- Business License Tax - $650,000 decrease
- Transient Occupancy Tax (TOT) –$550,000 decrease
- Cogenerated Electric Tax - $850,000 decrease
- Interest Income - $950,000 decrease

Budget-Balancing Methodology in Prior Years:

- Since Fiscal Year 2004-2005, the Economic Uncertainty Fund has been used to balance the budget through the use of transfers:
  - Fiscal Year 04/05: $2,243,200
  - Fiscal Year 05/06: $2,556,603
  - Fiscal Year 06/07: $2,700,000
  - Fiscal Year 07/08: $2,700,000
  - Fiscal Year 08/09: $2,571,900

  Five-Year Total: $12,771,703
Fund Policy – Unreserved, Undesignated Amounts

- Fund Policy states that the unreserved/undesignated fund balance in the General Fund should be 20% of General Fund expenditures;
- As of September 30, 2008, unreserved/undesignated fund balance was at 22% of General Fund expenditures;
- Appropriate excess of 20% for General Fund operations - $260,000
Economic Uncertainty Fund

• Undesignate “Athletic Field Naming Rights” revenue from previous years and transfer to General Fund to fund current year operations - $1,341,000

• Undesignate Portion of Fire Station #2 Contingency - $500,000

Staffing & Overtime

• Miscellaneous Employee Overtime – Runs $160,000 annually.

• Public Safety – Total overtime projected $2.75 million
  – Police overtime - $750,000
    • Majority used for court appearances and investigations
  – Fire overtime – $2,000,000
Staffing & Overtime
- Fire Department

- Run Short Savings for up to 2 firefighter/paramedic positions
  - Run short 1 position - $400,000
  - Run short 2 positions - $661,750

- Run Short Savings for up to 5 positions –
  - Run short 1 position per shift - $446,300
  - Run short 2 positions per shift - $852,350
  - Run short 3 positions per shift - $1,135,000
  - Run short 4 positions per shift - $1,294,050
  - Run short 5 positions per shift - $1,340,197

Personnel – Fire Department
(continued)

- Staff Reductions
  - Eliminate 1 Firefighter position per shift; 3 total positions - $371,500
  - Eliminate 1 3-Person Engine Company per shift; 9 total positions $1,421,600

- Contract for Fire Protection Services
  - Contract with Los Angeles County Fire Department for Fire Protection Services –
    total savings - $7,000,000
Equipment Replacement Fund

- Transfer Unallocated Funds back to the General Fund - $730,500
- Transfer Accumulated Funds for Communication Center replacement back to the General Fund - $810,130
- Take the net amount of Accumulated Charges and transfer the excess funding based on a 90% confidence level - $1,094,620
- Fund FY 09/10 Replacement Charge at 90% confidence level - $155,000

TOTAL $2,790,350

Worker’s Compensation Fund

- Transfer amounts in excess of funding policy to General Fund - $500,000

- The City’s funding policy requires staff to fund the Worker’s Compensation Fund at a 70% level. Funds have accumulated through the recent years due to changes in estimates of outstanding claims.
General Liability Fund

- Transfer amounts in excess of funding policy to:
  - General Fund - $750,000
  - Capital Improvements Fund - $750,000

- The City’s funding policy requires staff to fund the General Liability Fund at a 70% level. Funds have accumulated through the recent years due to changes in estimates of outstanding claims. The transfer to the Capital Improvements Fund would also save the City it’s annual funding of CIP Water & Sewer projects.

Public Safety Communications Center

- History/Overview
  - South Bay Regional Communication Center “RCC”
  - El Segundo Public Safety Communication Center
  - South Bay Regional Public Communications Authority “SBRPCA”

- Impacts/Considerations
- Proposal/Request for Direction

Public Safety Communications Center - staff was directed to continue their assessment of costs and impact of contracting with the South Bay Regional Public Communications Authority. Nothing will be done this year.

RECESS 10:13 AM
RECONVENE: 10:25
ALL MEMBERS PRESENT
Additional Cost Saving Possibilities

- Retirement Options
- ESUSD Funding
- Scheduled Salary Increases
- OPEB Annual Payment

Options for Balancing Budget

- Revenue Generators
  - Sale of Fire Station #2
  - T.O.T. Increase – 8% to 10% - Fiscal Impact - $750,000 if adopted & ratified by the end of the calendar year.
  - Increase in Utility Users’ Tax
  - Trash Collection Fees - $670,000
  - PLF Developer Fee & Park Fee Study
CITY OF EL SEGUNDO
SUMMARY OF BUDGET BALANCING OPTIONS
FY 09/10
Shortfall: (5,972,342)$
1  3,075,120$ Transfers from ISF
Subtotal: (2,897,222)$
2  500,000$ Portion of Fire Station #2 Contingency Designation
Subtotal: (2,397,222)$
3  155,100$ Fund Equipment Replacement @ 90%
Subtotal: (2,242,122)$
5  260,000$ Appropriate excess of 20% - Currently have 22% in Unres., Undesig.
Subtotal: (1,982,122)$
4  400,000$ Run short 1 position
Subtotal: (1,582,122)$
6  1,200,000$ Athletic Field Naming Rights Designation
Adjusted Shortfall: (382,122)$

Options:

**Transfers in from Internal Service Funds**

Approved 1  500,000$ Transfer from Worker's Compensation Fund
Approved 1  750,000$ Transfer from General Liability Fund
Approved 1  730,500$ Transfer Unallocated Funds from Equipment Replacement
810,130$ Transfer Accumulated Funds - Comm Ctr. Equipment Replacement
Approved 1  1,094,620$ Adjust Funding Level to 90% and Transfer to the General Fund

**Undesignate Funds in Economic Uncertainty Fund**

Approved 6  1,200,000$ Athletic Field Naming Rights Designation
Approved 2  500,000$ Portion of Fire Station #2 Contingency Designation

**Increase Charges**

787,500$ T.O.T. Increase in Rate (prorated for 9 months)
670,000$ Trash Collection Fees - pass costs on to residents

**Reduce Current Non-Personnel Costs**

500,000$ CIP Transfer Savings
Approved 3  155,100$ Fund Equipment Replacement @ 90%

**Staffing Impacts - Fire Department**

Run Short Savings for up to 2 firefighter/paramedic positions

Approved 4  400,000$ Run short 1 position
661,700$ Run short 2 positions
Run Short Savings for up to 5 positions -
448,300$ Run short 1 position per shift
852,300$ Run short 2 positions per shift
1,135,000$ Run short 3 positions per shift
1,294,050$ Run short 4 positions per shift
1,340,200$ Run short 5 positions per shift

Staff Reductions
371,500$ Eliminate 1 Firefighter position per shift; 3 total positions -
1,421,600$ Eliminate 1 3-Person Engine Company per shift; 9 total positions

Contract for Fire Protection Services
7,000,000$ Contract with Los Angeles County Fire Department for
Fire Protection Services

**General Fund Unreserved, Undesignated**

Approved 5  260,000$ Appropriate excess of 20% - Currently have 22% in Unres., Undesig.

**Personnel Cost Reductions**

500,000$ Scheduled Salary Increases - 1% of Salaries & Benefits
? Reduce Staffing Levels through Attrition
Council consensus to direct staff to prepare a report removing and/or adjusting the Business License fee from the Business License Tax, at minimum from Home Occupation businesses.

Staff to ask City bargaining units if they would consider meeting and conferring with regard to potential salary and benefit cost reductions.

**Long-Term Projects**

- Water Well
- Lease Water Department

**Open Items from Last Strategic Planning Session**

- Beach Restroom
- Water Tower/Roof Replacement
- Aquatics Facility
Directed staff to prepare informational reports to update the status of long term projects and open items from the last Strategic Planning Session.

C. CONSENT AGENDA

2 Consideration and possible action to adopt a Resolution approving specifications for resurfacing Mariposa Avenue from Sepulveda Boulevard to Nash Street and Main Street from Mariposa Avenue to Imperial Highway; and Authorizing the City Manager to execute agreements accepting funds from Federal American Recovery and Reinvestment Act of 2009 (ARRA) Grant funding in the amount of $358,000. (Fiscal Impact: $358,000)

MOTION by Council Member Brann, SECONDED by Mayor Pro Tem Busch to adopt Resolution No. 4605 approving specifications and authorizing the City Manager to execute agreements, in a form approved by the City Attorney, related to the American Recovery and Reinvestment Act of 2009 (ARRA) Grant funding in the amount of $358,000. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

ADJOURNMENT 11:34 a.m.

Cindy Mortesen, City Clerk
AGENDA DESCRIPTION:

Consideration and possible action authorizing the City Manager to issue a letter of concurrence to the South Bay Regional Public Communication Authority to modify a radio frequency co-licensed with one assigned to the City. (Fiscal Impact: None.)

RECOMMENDED COUNCIL ACTION:

1. Authorize the City Manager to issue a letter of concurrence to the South Bay Regional Public Communication Authority to modify a radio frequency co-licensed with one assigned to the City.
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Draft Concurrence Letter

FISCAL IMPACT: None at this time.

Amount Budgeted: $0.00
Additional Appropriation: N/A
Account Number(s):

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

BACKGROUND AND DISCUSSION:

From time to time, the City receives requests from individuals, private companies and public agencies for concurrence to use radio frequencies adjacent to or co-channeled with frequencies assigned to the City. The City has received such a request from the South Bay Regional Public Communication Authority (Authority) for channel 470.6375/473.6375. The City and the Authority are currently co-licensed of this channel. During a recent survey the Authority determined that the coordinates for its site at the Manhattan Beach water tower were slightly off (by approximately 286 feet). It is the Authority’s desire to submit an application to the Federal Communications Commission to modify its license at the water tower to correctly identify the site’s coordinates. This license modification requires that the City concur with the amended coordinates.

This modification request is merely for an administrative change on the license; there will be no changes or modifications to the site itself. The City’s special counsel on frequency matters in Washington DC, Russell Fox, has reviewed the request from the Authority and its potential impact on El Segundo. It is his recommendation that the City issue a letter of concurrence to support the application by the Authority to the Federal Communications Commission.
Mr. Ralph Mailloux, Executive Director  
South Bay Regional Public Communications Authority  
4440 W. Broadway  
Hawthorne, CA 90250

Re: Proposed Use of the Frequency Assignments 470.6375 MHz

Dear Mr. Mailloux:

The purpose of this letter is to express the concurrence of the City of El Segundo, California ("El Segundo") to the proposed modification, by the South Bay Regional Public Communications Authority ("South Bay") of its license for station KDL483 ("License"), which permits the use of the frequency assignment 470.6375 MHz (the "Frequency") at the location described as the Manhattan Beach Water Tower. South Bay’s proposed use of the Frequency at the Manhattan Beach Water Tower is closer to El Segundo’s facilities that are authorized to use the Frequency than is otherwise permitted by the FCC’s rules.

In particular, South Bay proposes to modify the License to more correctly reflect the use of the Frequency at the geographic coordinates 33-53-00.4 N; 118-23-19.7 W. The elevation of that site is 57 meters, the overall height above ground of the antenna structure without appurtenances is 44.2 meters. The transmitter output power and effective radiated power ("ERP") will remain as currently authorized by the License for the Manhattan Beach Water Tower site.

If there any questions regarding this matter, please contact me.

Very truly yours,
AGENDA DESCRIPTION:
Consideration and possible action regarding the upgrade of the Millennium hardware and software system supplied by Innovative Interfaces, Inc., for the operational functions of cataloging, circulation of materials, and public access to the El Segundo City Library's online catalog. (Fiscal Impact: $29,443)

RECOMMENDED COUNCIL ACTION:
1. Approve an upgrade to the hardware and software system of existing Agreement #2235 with Innovative Interfaces, Inc. in a form approved by the City Attorney. The amount of the upgrade is over $25,000.
2. Alternatively, discuss and take other action related to these items.

ATTACHED SUPPORTING DOCUMENTS:
Attachment A --- Innovative Interfaces, Inc. Eleventh Amendment & Agreement #2235.

FISCAL IMPACT:

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<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Amount Budgeted</td>
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<tr>
<td>Additional Appropriation</td>
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<td>Account Number(s)</td>
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ORIGINATED BY: Debra Brighton, Library Services Director
REVIEWED BY: Debra Brighton, Library Services Director
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
Since 1993, Innovative Interfaces Inc. has provided the City Library’s main online network system with the functions of cataloging, circulation of materials, patron access to the Millennium online catalog and archival collections, and administration. Every five to eight years a major hardware and software upgrade is needed to accommodate the expanding and complex requirements of maintaining the system. Since our last upgrade was 2003, this new version is highly recommended by the Information Services Division so that continued maintenance can be performed in a timely manner. Funding is provided from the Equipment Replacement List.

This upgrade will replace a hardware server platform from an Alpha DS10 to an IBM Linux system, and allow an automatic system, Veritas/Symantec NetBackup/Client Interface API, to perform daily and weekly back-ups. Services include preparation and set-up of the existing system for conversion; software configured for the IBM Linux platform; migration of database, 46 user licenses and all product interfaces; and, an operating system license upgrade and onsite technician service for one day.
ELEVENTH AMENDMENT
TO THE AGREEMENT NO. 2235 BETWEEN INNOVATIVE INTERFACES, INC.,
AND THE CITY OF EL SEGUNDO

THIS ELEVENTH AMENDMENT ("Amendment") to Agreement No. 2235 is made and entered into this 1st day of October 2008, by and between the CITY OF EL SEGUNDO, a general law city and municipal corporation existing under the laws of California ("CITY"), and INNOVATIVE INTERFACES, a company incorporated under the laws of the State of California ("CONTRACTOR").

1. Pursuant to Agreement No. 2235 ("Agreement"), executed by the parties on or about April 6, 1993 and subsequently amended, the term of the agreement is extended until September 30, 2009.

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

3. Except as modified by this Amendment, all other terms and conditions of Agreement No. 2235 remain the same.

4. Attachment A is incorporated by reference.

CITY OF EL SEGUNDO

By: [Signature]
   Jack Wayt
   City Manager

INNOVATIVE INTERFACES, Inc.

By: [Signature]
   Arlene Debergue
   Customer Accounts

ATTTEST:

[Signature]
Cindy Morren, City Clerk

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

By: [Signature]
KarlH. Berger,
Assistant City Attorney
AGENDA DESCRIPTION:

Consideration and possible action to award a standard Public Works Contract to the lowest responsible bidder, Vido Samarzich, Inc., for the replacement of a water main on Lairport Street. Project No. PW 09-04 (Fiscal Impact: $192,870.00)

RECOMMENDED COUNCIL ACTION:

1. Authorize the City Manager to execute a standard Public Works Contract in a form as approved by the City Attorney with Vido Samarzich, Inc., in the amount of $192,870.00.

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

ATTACHED SUPPORTING DOCUMENTS:

FISCAL IMPACT: Included in Adopted Budget

Amount Requested: $212,157.00
Additional Appropriation: No
Account Number(s): 501-400-7103-8207

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

BACKGROUND AND DISCUSSION:

The Capital Improvement Program includes an annual project for the replacement of water mains at various locations. The purpose of the annual program is to replace deteriorated water distribution pipes and valves. The water main and valves on Lairport Street were constructed in 1953. Replacement of the deteriorated main will reduce the need for maintenance and prevent water main breaks.

On April 21, 2009, the City Council adopted plans and specifications and authorized staff to advertise the project for competitive bids.

On June 23, 2009, the City Clerk received and opened the following eleven (11) bids:

1. Vido Samakzich, Inc. $192,870.00
2. John T. Malloy, Inc. $195,855.00
3. Sully Miller Construction Co. $224,000.00
4. TTS Engineering $235,977.80
5. Atlas-Allied, Inc. $241,450.00
6. General Underground Fire $250,955.00
7. A.R. Sarmiento, Inc. $279,907.00
8. Majich Bros., Inc. $282,965.00
9. Bali Construction, Inc. $314,615.00
10. Valverde Construction, Inc. $365,050.00
11. Blois Construction, Inc. $366,580.00

Staff has contacted references of the lowest responsible bidder and has received favorable responses. Staff recommends awarding the contract to the lowest responsible bidder, Vido Samakzich, Inc., in the amount of $192,870.00.

This project is funded through the FY 2008-2009 Capital Improvement Program (Water Enterprise Fund). The total amount ($212,157.00) requested includes the contract amount of $192,870.00 and an additional 10% to cover any unforeseeable construction related contingencies.
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

MEETING DATE: July 21, 2009
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:
Consideration and possible action regarding the award of a Standard Public Works Contract to Belaire-West Landscape, Inc. for the installation of an irrigation system and decomposed granite path at Washington Park located on Washington Street between Palm and Maple Avenues – Project No. PW 09-06 (Fiscal Impact: $49,000.00)

RECOMMENDED COUNCIL ACTION:
(1) Authorize the City Manager to execute a Standard Public Works Contract in a form approved by the City Attorney with Belaire-West Landscape, Inc. in the amount of $49,000.00; (2) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None.

FISCAL IMPACT: Included in Adopted Budget

Amount Budgeted: $212,810.00
Additional Appropriation: N/A
Account Number(s): 301-400-8202-8990 and 118-400-8203-8604

ORIGINATED BY: Dan Garcia, Assistant City Engineer
REVIEWED BY: Dana Greenwood, Public Works Director
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
On May 20, 2009, City Council approved the plans and specifications and authorized staff to solicit bids for the installation of an irrigation system and decomposed granite path. On June 23, 2009, four bids were received. The bids varied from $49,000.00 to $74,000.00. Belaire-West Landscape, Inc. was the lowest responsible bidder at $49,000.00. This amount is within the project budget. Belaire-West Landscape, Inc. is a well qualified contractor with verified experience with similar projects.

This project was initially funded in CIPAC 07/08 for $210,000.00. On October 16, 2007, $37,000.00 was transferred to help fund the Stevenson Field Lighting project. There is currently $39,810 in the TDA fund, which is being used for this project. All of this totals to the project budget amount of $212,810.
AGENDA DESCRIPTION:

Consideration and possible action regarding the award of a Standard Public Works Contract to Vido Samarzich, Inc. for the fabrication and installation of the light pole banners. – Project No. PW 09-05 – (Fiscal Impact: $48,290)

RECOMMENDED COUNCIL ACTION:

Recommendation – (1) Authorize the City Manager to execute a Standard Public Works Contract in a form approved by the City Attorney with Vido Samarzich, Inc. in the amount of $48,290; (3) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

None

FISCAL IMPACT: Included in Adopted Budget

Amount Budgeted: $48,290.00 grant fund revenue
Additional Appropriation: No
Account Number(s): 501-300-0000-3703

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

BACKGROUND AND DISCUSSION:

On March 3, 2009, City Council approved the plans and specifications and authorized staff to solicit bids for the fabrication, installation and removal of water conservation light pole banners along Sepulveda Boulevard. On June 18, 2009, the City Clerk’s office opened bids that were submitted by 11:00 a.m. Of the four bids received, AAA Flag and Banner submitted a lower bid at $21,206.60 but did not include Addendum 1 and was therefore deemed non-responsive by staff. Vido Samarzich, Inc. submitted the next lowest responsive bid at $48,290. Bids ranged from $21,206.60 to $52,982.

This project will provide custom-designed double-sided light pole banners to be displayed on street light poles on Sepulveda Boulevard from Imperial to Rosecrans Avenue. Vido Samarzich, Inc. has worked for many local cities on these types of projects and is a reputable firm. Staff recommends awarding this contract to Vido Samarzich, Inc.
AGENDA DESCRIPTION:
Consideration and possible action regarding adoption of Plans and Specifications for the 2008-2009 annual contract for curb, gutter, handicap ramps, sidewalk and other minor improvements at various locations citywide. Approved Capital Improvement Program. Project No.: PW 09-08, CDBG Project No. 601209-09 (Fiscal Impact: $260,000 - $150,000 CDBG funds, $110,000 Gas Tax funds)

RECOMMENDED COUNCIL ACTION:
1. Adopt Plans and Specifications.
2. Authorize staff to advertise the project for receipt of construction bids.
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Location Map
List of addresses

FISCAL IMPACT: Included in Adopted Budget

| Amount Requested: | $260,000 |
| Additional Appropriation: | No |
| Account Number(s): | 111-400-2795-8441 $150,000 CDBG 106-400-8203-8603 $110,000 Gas Tax CIP |

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

BACKGROUND AND DISCUSSION:
On an annual basis, the City contracts for the repair of displaced sidewalks, curbs and driveways citywide. This year, funding in the amount of $110,000 is available for sidewalk, curb and driveway repair from Gas Tax. An additional $150,000 in Community Development Block Grant Funds is available for the construction of curb ramps to enhance handicapped access at corners. A list of locations to be improved under this project is attached.

Plans and Specifications are available for review at the Public Works counter and City Clerks Office.
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## CITY FUNDED WORK

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## CONCRETE SPANDREL

PER APWA STD. 122-1 & 123-1
(Thickness = 6", 3500 PSI)

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## CDBG Funded Work - Curb Ramps
### CDBG Project No. 601209-09

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|       |                          | **68**     | **Total**  |
AGENDA DESCRIPTION:

Consideration and possible action regarding adoption of Plans and Specifications for the slurry sealing of the streets in the area bounded by Sheldon Street, Mariposa and Imperial Avenues and Sepulveda Boulevard.: Project No.: PW 09-10 (Fiscal Impact: $225,000)

RECOMMENDED COUNCIL ACTION:

1. Adopt Plans and Specifications.
2. Authorize staff to advertise the project for receipt of construction bids.
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Location Map

FISCAL IMPACT: Included in Adopted Budget

Amount Requested: $225,000
Additional Appropriation: No
Account Number(s): 001-400-4202-6206

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

BACKGROUND AND DISCUSSION:

The Public Works Department administers a slurry sealing program as a preventive measure to extend the life of pavement Citywide. The slurry sealing process consists of the application of a thin asphalt slurry layer on existing asphalt pavement to prevent water intrusion.

The City is divided into five (5) areas for slurry; four quadrants west of Sepulveda Boulevard and one area east of Sepulveda. Conventional pavement management practice indicates that asphalt pavement should be slurry sealed at least every eight years. The City five-year cycle exceeds this standard.

Staff has prepared plans and specifications for the Fiscal Year 2008/09 Slurry Seal Program, which includes streets within the area bounded by Sheldon Street, Mariposa and Imperial Avenues and Sepulveda Boulevard. This area was last slurry sealed in 2001/2002.

Funding for this project is available from Gas Tax.
AGENDA DESCRIPTION:
Consideration and possible action regarding a new Alcoholic Beverage Control (ABC) license for on-site sale and off-site consumption of alcohol (Type 21 - Off-Sale General) at an existing market located at 601 Virginia Street (Village Wine and Cigar Shop), EA No. 832 and AUP No. 09-02. Applicant: Abdo Diab Barakat (Fiscal Impact: N/A)

RECOMMENDED COUNCIL ACTION:
1. Receive and file this report without objecting to a new Type 21 ABC license at 601 Virginia Street; and/or,
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Crime and Arrest Statistics by Reporting Districts (RD)
2. Police Reporting Districts Map
3. Planning Commission Staff Report dated June 25, 2009
4. Approval Letter to Applicant dated June 15, 2009
5. Correspondence received from the public

FISCAL IMPACT: None
- Amount Budgeted: N/A
- Additional Appropriation: N/A
- Account Number(s): N/A

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

BACKGROUND AND DISCUSSION:

I. Background

In 1995, the City Council directed staff to bring all future ABC licenses to it for review. For alcohol sales at restaurants, California regulations require a 30-day review and comment period after notifying local police and planning departments. The grounds of a protest, if any, should relate to public health, safety or welfare concerns. Based upon previous Council direction, staff is providing background information regarding this application.
II. Analysis

According to the most recent Crime and Arrest statistics report (January 2009 – June 2009, Exhibit 1) prepared by the Police Department, the proposed market is located in Reporting District (RD) 104. Based on 2009 reported data prepared by the Police Department, the district had a total of two Part I crimes (criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson) and two felony and misdemeanor arrests that are not Part I crimes for a total of four crimes. The Police Department and the Planning and Building Safety Department do not object to a new ABC license for the existing market.

This license request will allow the sale of distilled spirits in addition to the existing beer and wine sales at the existing market. A request for a new license is required, since the applicant currently holds a Type 20 license, and the new request is for a Type 21 license for this address location. The applicant’s proposed hours for alcohol sales will be the same as the hours the market is open. The market’s hours of operation are limited to: 8:00 a.m. to 10:00 p.m. on Monday through Friday; and 8:00 a.m. to 9 p.m. on Saturday and Sunday.

On June 10, 2009, the Director of Planning and Building Safety approved an Administrative Use Permit application (EA No. 832, AUP No. 09-02) for 601 Virginia Street. The Director's decision was forwarded to the Planning Commission on June 25, 2009. On June 25, 2009, the Planning Commission chose to Receive and File the item with the conditions of approval.

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 this report without objecting to a new Type 21 ABC license at 601 Virginia Street.
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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
CITY OF EL SEGUNDO

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: June 25, 2009

SUBJECT: Environmental Assessment No. EA-832
Administrative Use Permit No. 09-02

APPLICANT: Abdo Diab Barakat

PROPERTY OWNER: Al Marco

REQUEST: A Request for an Administrative Use Permit to allow the sale of beer, wine and distilled spirits at an existing market (Type 21 State of California Alcoholic Beverage Control License)

PROPERTY INVOLVED: 601 Virginia Street

I. INTRODUCTION

The Planning and Building Safety Department received an application for an Administrative Use Permit to allow sale of beer, wine and distilled spirits for off-site consumption (Type 21 Alcoholic Beverage Control license) at an existing market (Village Wine and Cigar Shop) at 601 Virginia Street. The project site is located in the Multi-Family Residential (R-3) Zone on the block bounded to the south by West Mariposa Avenue and to the north by West Palm Avenue. The existing market is approximately 3,500 square feet in area. The market currently has an Administrative Use Permit to allow the sale of beer and wine for off-site consumption (Type 20 Alcoholic Control Beverage License).

II. ANALYSIS

The zoning for the site is Multi-Family Residential (R-3) Zone and the General Plan land use designation is Multi-Family Residential. The property is developed with a 3,500 square-foot market, a one-bedroom dwelling unit, and a three-bedroom dwelling unit. The market was recently remodeled and includes a cigar humidor room and additional refrigeration equipment within the interior floor area. The business owner in the future plans to include a new service counter for a small delicatessen and sandwich preparation area in the future. The display and sale of alcohol will be limited to 50% of the total building area and occupy no more than
1,000 square feet of the interior shopping floor area. The market will have meat, poultry, cheese, produce, and other food products available for customers.

The proposed use is consistent and compatible with the purpose of the Zone in which the site is located. The proposed use (on-site sale and off-site consumption of beer, wine, and distilled spirits at an existing market) requires an Administrative Use Permit (AUP) in accordance with ESMC § 15-22-5. The use of the site as a market is legal nonconforming. An (AUP) was approved on February 1, 2000 which allowed the sale of beer and wine for off-site consumption (Type 20 ABC License). The current (Type 21 ABC) license request is for the on-site sale of beer, wine and distilled spirits for off-site consumption, which is a permitted accessory use for a market and is not considered an expansion of the nonconformity.

The site was developed as a market in 1940. The use became legal-nonconforming in 1947 when the first Zoning Map and Municipal Code was adopted. The site was zoned R-3 in 1947. In 1953, the site was rezoned to Neighborhood Commercial (C-2). In 1993, the site was rezoned again to R-3, and the use became nonconforming a second time.

Legal non-conforming uses are permitted to continue, and remodel or rebuild, however, they may not be enlarged, expanded, extended, or reestablished after abandonment. The sale of alcohol is a permitted accessory use to the legal-nonconforming use and is not considered an expansion of the nonconformity.

The minimum number of required parking spaces for the market is 12 spaces and there are currently 4 off-street parking spaces on the property. The property is legal nonconforming as to parking, because it was developed before the current parking standards. Since no additional square footage is proposed, no additional parking is required.

The area surrounding the market is composed of single-family residential units to the west, a multifamily residential area to the north and south, and an elementary school (Richmond Street Elementary School) across Virginia Street to the east. These uses are compatible with the purpose and intent of the proposed use. The market serves the neighboring residential area providing a safe and convenient place within walking distance. The existing market will continue to meet the needs of the surrounding residential community and the added sale of distilled spirits for off-site consumption is accessory to the food sales.

The proposed location and use, and the conditions under which the use would be operated and maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The sale of alcohol will not create any new impacts that would not be normally associated with the operation of a market. The parking lot is currently paved with asphalt and is
not expected to generate dust or smoke. The proposed use will not increase noise, fumes, vibration, odors, traffic, or hazards.

The proposed hours of alcohol sales are limited to Monday through Friday from 8:00 a.m. to 10:00 p.m. and Saturday through Sunday from 8:00 a.m. to 9:00 p.m. The market is proposed to operate the same hours and there will be no signs on the building advertising the sale of alcohol. The proposed hours of operation for alcohol sales and the location of the market will help to minimize impacts on surrounding uses.

Planning staff reviewed the application and the Planning and Building Safety Director made the necessary findings to grant an Administrative Use Permit. The attached letter specifies all of the required findings for the permit.

During the review of this application staff contacted the administration of the El Segundo Unified School District to inform it of the request and ask if the District had any concern regarding the proposed use. Staff was informed that the District did not object to the request and does not intend to protest the license change.

III. ENVIRONMENTAL DETERMINATION

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). The project includes an alcohol license for an existing market which results in a minor alteration in the operation of an existing building involving no expansion of the existing use. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. Moreover, there is no new construction proposed for this project. There are adequate utilities and public services to serve the project.

IV. INTER-DEPARTMENTAL COMMENTS

The project applications and plans were circulated to all the relevant City Departments and are attached to this report. The Police Department had no comments or objections.

V. RECOMMENDATION

Receive and File.
VI. **EXHIBITS**

A. Administrative Use Permit Approval Letter, dated June 16, 2009
B. Administrative Use Permit application
C. Site Plan

Prepared by: Maria Baldenegro, Assistant Planner

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

________________________
Greg Carpenter, Director
Department of Planning & Building Safety
June 16, 2009

Abdo Diab Barakat
Village Wine and Cigar Shop
601 Virginia Street
El Segundo, CA 90245

RE: Environmental Assessment No. EA-832 and Administrative Use Permit (AUP) No. 09-02
On-Site Sale and off-site Consumption of beer, wine and distilled spirits at an Existing market (Type 21 State of California Alcoholic Beverage Control License)
Address: 601 Virginia Street

Dear Mr. Barakat:

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-832 and Administrative Use Permit No. 09-02 for the sale of beer, wine and distilled spirits for off-site consumption at an existing market at 601 Virginia Street. The following are the findings and facts in support of each finding for this decision:

FINDINGS AND FACTS IN SUPPORT OF FINDINGS:

Environmental Assessment No. 816

Finding 1

- 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).
Facts in Support of Finding 1

1. The project includes an alcohol license for the sale of beer, wine, and distilled spirits for an existing market which results in a minor alteration in the operation of an existing building involving no expansion of the existing use. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. Moreover, there is no new construction proposed for this project. There are adequate utilities and public services to serve the project. The property is in an urbanized area where it has adequate access and all public services and facilities are available. The site is currently developed and is not in an area that is environmentally sensitive. Therefore, the project is not anticipated to have any significant impacts with regard to traffic, noise, air quality or water quality.

Administrative Use Permit 09-02

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 provide on-site sale and off-site consumption of beer, wine, and distilled spirits at an existing market. The 3,500 square-foot building contains a market that is located in the Multi-Family Residential (R-3) Zone at 601 Virginia Street. The surrounding area is composed of single-family residential units to the west, a multifamily residential area to the north and south, and an elementary school (Richmond Street Elementary School) across Virginia Street to the east. The market currently has an Administrative Use Permit to allow the sale of beer and wine for off-site consumption (Type 20 Alcoholic Beverage Control License).

2. The intended hours of alcohol sales are limited from Monday through Friday from 8:00 a.m. to 10:00 p.m., and Saturday through Sunday from 8:00 a.m. to 9:00 p.m. The market is proposed to operate the same hours and there will be no signs on the building advertising the sale of alcohol.

3. Four on-site parking spaces are provided.

4. The neighborhood market is compatible with the surrounding land uses which include single-family residential units to the west, multifamily residential units to the north and south, and an elementary school (Richmond Street Elementary School) across Virginia Street to the east.
5. The General Plan land use designation for the site is Multi-Family Residential.

6. The Zoning for the site is Multi-Family Residential (R-3). The proposed use requires an Administrative Use Permit (AUP) in accordance with ESMC § 15-22-5.

7. The market must obtain a State of California Alcohol and Beverage Control (ABC) license for off-site sale and consumption of alcohol (Type 21).

8. On June 25, 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 zoning for the site is Single-Family Residential (R-3) Zone. The proposed use (on-site sale and off-site consumption of beer, wine, and distilled spirits at an existing market) requires an Administrative Use Permit (AUP) in accordance with ESMC § 15-22-5. The use of the site as a market is legal nonconforming. The market was previously approved for an (AUP) on February 1, 2000 which allowed the sale of beer and wine for off-site consumption (Type 20 ABC License). The current (Type 21 ABC) license request is for the on-site sale of beer, wine and distilled spirits for off-site consumption, which is a permitted accessory use for a market and is not considered an expansion of the nonconformity.

2. The site was developed as a market in 1940. The use became legal nonconforming in 1947 when the first Zoning Map and Municipal Code was adopted. The site was zoned R-3 in 1947. In 1953, the site was rezoned to Neighborhood Commercial (C-2). In 1993, the site was rezoned again to R-3, and the use continued to be legal nonconforming.

3. Legal non-conforming uses are permitted to continue, and remodel or rebuild, however, they may not be enlarged, expanded, extended, or reestablished after abandonment. The sale of alcohol is a permitted accessory use to the legal nonconforming use and is not considered an expansion of the nonconformity.

4. The minimum number of required parking spaces for the market is 12 spaces and there are currently four (4) off-street parking spaces on the property. The property is legal nonconforming as to parking, because it was developed before
the current parking standards. Since no additional square footage is proposed, no additional parking is required.

5. The market must obtain a State of California Alcohol and Beverage Control (ABC) license for on-site sale and off-site consumption of alcohol (Type 21).

**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 existing market will continue to meet the needs of the surrounding residential community and provide additional service with the sale of beer, wine, and distilled spirits for off-site consumption. The market currently has an Administrative Use Permit to allow the sale of beer and wine for off-site consumption (Type 20 Alcoholic Beverage Control License).

2. The surrounding land uses include single-family residential units to the west, a multifamily residential area to the north and south, and an elementary school (Richmond Street Elementary School) across Virginia Street to the east. These uses are compatible with the purpose and intent of the proposed use. The market serves the neighboring residential area providing a safe and convenient place at walking distance to purchase food and alcohol that will include distilled spirits.

3. The proposed hours of operation for the market are limited to: Monday through Friday from 8:00 a.m. to 10:00 p.m., and Saturday through Sunday from 8:00 a.m. to 9:00 p.m.. The sale of alcohol will be the same hours as the market.

**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 market. Any additional traffic trips associated with the sale of alcohol will be accommodated with the existing four (4) off-street parking spaces available on the site.
2. The parking lot is currently paved with asphalt and is not expected to generate dust or smoke. The proposed use will not increase noise, fumes, vibration, odors, traffic or hazards.

3. The proposed hours of operation for alcohol sales and the location of the market will help to minimize impacts on surrounding uses.

4. The proposed hours of operation for the market are limited to: Monday through Friday from 8:00 a.m. to 10:00 p.m., and Saturday through Sunday from 8:00 a.m. to 9:00 p.m.. The sale of alcohol will be the same hours as the market. The sale of food is required and must be available in the market during the hours of operation. In addition, the subject site is accessible to pedestrians from the surrounding area.

5. In addition to complying with the City of El Segundo and the State of California Department of Alcoholic Beverage Control, the market 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 must obtain a license from the State of California Department of Alcoholic Beverage Control (Type No. 21).

PLANNING AND BUILDING SAFETY DEPARTMENT DIRECTOR ACTION

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

1. The proposed hours of operation for the market are limited to: Monday through Friday from 8:00 a.m. to 10:00 p.m. and Saturday through Sunday from 8:00 a.m. to 9:00 p.m. The sale of alcohol will be limited to the same hours as the market. Food must be available for sale inside the market during the hours of operation. Any change to the hours of operation or the hours that alcohol may be sold is subject to review and approval by the Director of Planning and Building Safety or designee.

2. The alcohol available for sale within the market will be limited to 50% of the total building area and occupy no more than 1,000 square feet of the interior shopping
floor area. Additionally, there must be meat, poultry, cheese, produce, and other food products available for sale within the market.

3. In addition to complying with the requirements of the City of El Segundo and the State of California Department of Alcoholic Beverage Control the market is subject to County Health Department regulations for the storage of food, the delicatessen, and the future sandwich preparation area.

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

5. 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 21 license.

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, trash bin debris, debris in the market, or debris in the parking lot. Said contact's name and phone number must also be available through the restaurant staff at all times.

9. 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.

10. 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.
11. 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), 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, Inglewood 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 Planning Manager’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.

12. 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.

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

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

15. The building must comply with California Building and Fire Code requirements, as adopted by the ESMC.

16. The Applicant 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. 832 and Administrative 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-832 or AUP 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.

PLANNING COMMISSION

Please be advised that this does not conclude the review process. This determination will be transmitted to the Planning Commission at its June 25, 2009 meeting with the recommendation that the Planning Commission Receive and File the determination. The City Council will determine whether or not to protest the issuance of the ABC License (Type 21) at its meeting on July 21, 2009. If you have any questions regarding this project, please contact Assistant Planner Maria Baldenegro at (310) 524-2341.

Sincerely,

[Signature]

Greg Carpenter, Director
Department of Planning and Building Safety
TO: Planning Commission

FROM: Kimberly Christensen, AICP, Planning Manager

SUBJECT: Environmental Assessment No. 832 and Administrative Use Permit (AUP) No 09-02:
Sale of beer, wine and distilled spirits for off-site consumption at an existing market (Type 21 State of California Department of Alcoholic Beverage Control License)
Address: 601 Virginia Street

The applicant submitted several letters in support of Planning Commission Agenda Item H, after the Planning Commission Agenda packet had been distributed for the June 25, 2009, meeting. Please see the attached letters.

Attachments:
1. Letter from Judy Bantz and Family dated June 15, 2009
3. Letter from Diane Jaffe dated June 16, 2009
4. Letter from John Giovannoni dated June 16, 2009
5. Letter from Janey Fochs dated June 16, 2009
7. Letter from Adam Cameron dated June 16, 2009
8. Letter from Nicole Cameron dated June 16, 2009

Cc: City Council
Jack Wayt, City Manager
Mark Hensley, City Attorney
Karl Berger, Assistant City Attorney
Greg Carpenter, Planning and Building Safety Director
Thank you for your gracious service in your store.

My family has lived here since the 1950’s. The shopping convenience you provide for our neighborhood is very helpful and appreciated.

The wine and beer is priced right and when you begin to sell liquor, my family will support your store. Your store is clean, neatly arranged, and it's a pleasure to have you in our neighborhood.

Thank you,

Judy Bank and family
Robert Harrop & Maureen McNulty-Harrop
521 Concord Street
El Segundo, CA 90245

To Whom It May Concern:

We are customers of the Village Wine & Cigar Shop on the corner of Mariposa Ave. & Virginia Street. We have been since they opened. We are able to walk to the store, because it is very conveniently located less than one block from our home. I have never heard any complaints regarding the store. We’re able to buy groceries as well as beer and wine. Our 23 year old son also patronizes the establishment. It is popular with our neighbors.

Sincerely,

Robert Harrop

Maureen McNulty-Harrop
(310)322-7007
City of El Segundo

Dear City members

I am writing this to you in hopes that you will allow our new neighborhood corner market to carry the items necessary to remain and flourish on the west side. As you know, the little corner market has been around for a very long time, (as have I.) And many have tried to make it work for the neighborhood, hopefully, this time it can. Because of the many difficulties maintaining a small, neighborhood store they must carry a little of everything, including liquor. How can it possibly be a negative? The kids go for the goodies, not the bottles in the back. Also, the owners are hard working good Christians, who will always take the utmost care in insuring age and proper ID are always provided. I’m sure the sale of liquor would not harm the neighborhood. Please allow the owners to expand their inventory to include liquor.

I know I speak for many of my neighbors in joining together in hopes you will allow us, on the west side, to have the much needed, well stocked market we need and deserve.

Thank you for you time and understanding.

Diane Jaffe
501 W. Mariposa
322-6518
6/16/2009
El Segundo, CA 90245
310-322-5646

6/16/2009

To Whom It May Concern,

On behalf of the Barakat’s and the Village Wine and Cigar Shop, located at 601 Virginia Street, I wanted offer my support of this location acquiring a liquor license.

Since Eddie took over the store it has a clean and fresh look. Under the numerous previous owners the store was dark, disorganized and poorly merchandised.

In consideration of the liquor license I hope that these other items are being weighed.

1. The market has had numerous owners that have gone bankrupt over the last 10 years. The extension of the current liquor license to cover hard liquor will possibly allow the Market the additional draw to make it financially viable.

2. The market has removed all of the Gumball machines and youth targeted merchandising. It is looking to attract an adult element in an effort to keep the neighbor children from loitering in front of the store.

3. The Westside needs a neighborhood market and the Barakat’s are working extremely long hours to cut expenses and keep the market viable. By personally supervising the integrity of their investment they are making sure that all age requirements are being met for Lottery, liquor and tobacco sales.

Respectfully,

John Giovannoni
Jacey Fuchs
647 W. Sycamore Ave
El Segundo, CA 90245

To Whom it May Concern:

I have been a customer of Village Wine & Liquor since they opened. I am so happy that they are here in our neighborhood, and I hope that they are able to stay open for many years to come.

Jacey Fuchs
To Whom it may concern —

We've been going to the Village Market for months and have always found it to be so friendly and helpful.

The staff is so responsible as far as watching the kids and takes steps to keep the children safe.

Please allow the Village to get licensed and keep the store a friendly neighborhood store.

Sincerely

Jeanne Cooper
617 Virginia St.
E.L. Segundo CA 90245
To whoever it may concern,

I believe the market on Virginia and Monterey, "Village Wine & Cigars" should have the right to sell hard alcohol. It would bring more revenue and taxes to El Segundo. I know that it will be more convenient and safer for the community. Less drunk drivers when they could walk to Village Wine and Cigars shop. Much safer when less drivers and more walkers.

Thanks,

Colin G.

Adam Cameron
To Whom it may concern,

It has recently been brought to my attention that Eddie of Village Wine and Cigar is in the process of applying for a hard liquor licence.

As a frequent customer of his store, I personally hope Eddie is granted the licence for more than one reason.

The Village and Cigar has become my favorite neighborhood store. Eddie and his wife Rana, who are also neighbors, have worked hard to build their business into a classy, family-friendly shop.

El Segundo is a safe and responsible little town and I think it would be even safer if the people of our neighborhood were able to purchase liquor from people as reputable as Eddie and Rana.

Again, Eddie and Rana have worked hard to make Village Wine and Cigar a wonderful neighborhood store. Granting them a licence would help them generate the revenue to keep our friendly neighborhood store open.

Sincerely,

[Signature]

4/16/09
To the City of El Segundo,

I have enjoyed the service &
Convenience of the Village Wine & cigar shop.
I don't see it being any difference if
they had a liquor permit. It will help
the people in the neighborhood that would
like to purchase those items.

It is very nice to be able
to walk and get things that you need
without having to drive some where.
I know for myself that it helps for
my life is very busy.

Thank You,

Carmen Butts
306 W. Mariposa
El Segundo, CA
90245
I don't see any reason why Village Wine and Cigar Shop should not have a liquor permit. I think it would help in one stop shopping for the needs of people west of Main St.
To the City of El Segundo:

As an over 30-year resident and member of the El Segundo business community, I have enjoyed the convenience of whatever store that occupied the corner of Mariposa & Virginia; of late, the Village Cigar & Wine Shoppe.

I find the owners to be honest, considerate residents. Since the shop already sells wine and beer, I don’t see that allowing the sale of hard liquor would be any problem. If I’m not mistaken, previous stores in that same location have done so, with no negative effect. This would allow the shop to begin to make money, and so continue to provide the convenience those of us in the neighborhood have come to enjoy.

Please include the service and convenience the shop provides its neighbors as you consider the request for full alcohol privileges.

Sincerely,

Pamela T. Miller
200 Virginia St. #2
310.322.7729
City of El Segundo

Dear City members

I am writing this to you in hopes that you will allow our new neighborhood corner market to carry the items necessary to remain and flourish on the west side. As you know, the little corner market has been around for a very long time, (as have I.) And many have tried to make it work for the neighborhood, hopefully, this time it can. Because of the many difficulties maintaining a small, neighborhood store they must carry a little of everything, including liquor. How can it possibly be a negative? The kids go for the goodies, not the bottles in the back. Also, the owners are hard working good Christians, who will always take the utmost care in insuring age and proper ID are always provided. I’m sure the sale of liquor would not harm the neighborhood. Please allow the owners to expand their inventory to include liquor.

I know I speak for many of my neighbors in joining together in hopes you will allow us, on the west side, to have the much needed, well stocked market we need and deserve.

Thank you for you time and understanding.

Joe Baerga
501 W. Mariposa #A
322-6518

[Signature]

RECEIVED
JUN 25 2009
PLANNING D
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 321 Main Street, EA No. 835 and AUP No. 09-03. Applicant: George Andrews (Fiscal Impact: N/A)

RECOMMENDED COUNCIL ACTION:
1. Receive and file this report without objecting to a new Type 41 ABC license at 321 Main Street; 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 Districts Map
3. Planning Commission Staff Report dated June 11, 2009
4. Approval Letter to Applicant dated June 2, 2009

FISCAL IMPACT: None

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

BACKGROUND AND DISCUSSION:

I. Background
In 1995, the City Council directed staff to bring all future ABC licenses to it for review. For alcohol sales at restaurants, California regulations require a 30-day review and comment period after notifying local police and planning departments. The grounds of a protest, if any, should relate to public health, safety or welfare concerns. Based upon previous Council direction, staff is providing background information regarding this application.

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) 108. Based on 2008 reported data prepared by the Police Department, the district had a total of two Part I crimes (criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson) and two felony and misdemeanor arrests that are not Part I crimes for a total of four crimes. The Police Department and the Planning and Building Safety Department do not object to a new ABC license for the existing restaurant.

This license request would compliment the food service at a proposed restaurant. A request for a new license is required, since the applicant does not currently hold a Type 41 license, and there was no previous license issued for this address location. The applicant’s proposed hours of alcohol sale are expected to be during the hours the restaurant is open. The restaurant’s hours of operation are limited to: 6:00 a.m. to 11:00 p.m. from Monday to Sunday. The outdoor patio would be open the same hours as the restaurant.

On June 2, 2009, the Director of Planning and Building Safety approved an Administrative Use Permit application (EA No. 835, AUP No. 09-03) for 321 Main Street. The Director’s decision was forwarded to the Planning Commission on June 11, 2009. On June 11, 2009, the Planning Commission chose to Receive and File the item with the conditions of approval.

The ABC license review is a separate application from the City’s AUP process, which requires mandatory findings that are regulated by the Department of Alcoholic Beverage Control. 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 this report without objecting to a new Type 41 ABC license at 321 Main Street.
## RECORDED PERIOD: JULY – DECEMBER, 2008
### PART I CRIMES AND ARRESTS STATISTICS BY REPORTING DISTRICT (RD)

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**TOTALS**

- **340**
- **647**
- **987**

**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 Planning and Building Safety Department received the above referenced application for an Administrative Use Permit to allow the sale and on-site consumption of beer and wine at a proposed restaurant at 321 Main Street in the Main Street District (MSD) within the Downtown Specific Plan (DSP) Zone.

II. ANALYSIS

The applicant is in the process of converting a former retail store into a restaurant. The size of the proposed indoor and outdoor dining areas and seating counts are provided in the table on the next page. The Planning and Building Safety Director made the necessary findings to grant an Administrative Use Permit for the on-site sale and consumption of alcohol and approved the Administrative Use Permit on June 1, 2009 (see Exhibit A).

The following chart describes the proposed dining and seating areas:
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<th>PROPOSED SQUARE FOOTAGE</th>
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<td>Total</td>
<td>1,740 gross SF</td>
<td>56 seats</td>
</tr>
</tbody>
</table>

The Downtown Specific Plan requires an Administrative Use Permit for on-site sale and consumption of alcohol at restaurants (DSP § VI A.4.a). The Administrative Use Permit is required for the restaurant since there is no current alcohol service or license at this location. Restaurants are a permitted use in this Zoning District in accordance with the Downtown Specific Plan Main Street District.

The minimum number of required parking spaces for restaurant uses is based on the area of the building and dining areas. Parking is not required for outdoor dining areas less than 200 square feet. The building area and parking requirements are provided in the table below. The existing restaurant shares 10 parking spaces with the adjacent Rinaldi's restaurant and is legal nonconforming regarding compliance with the minimum number of required parking spaces. The proposed outdoor dining area is less than 200 square feet, and therefore no additional parking is required.

The following chart is the parking analysis for the proposed uses:

<table>
<thead>
<tr>
<th>PROPOSED RESTAURANT</th>
<th>PROPOSED SQUARE FOOTAGE - REQUIRED PARKING RATIO</th>
<th>REQUIRED PARKING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indoor Dining</td>
<td>644 SF – 1 Space/75 SF DSP § VII.3.a.iii</td>
<td>9 Parking Spaces</td>
</tr>
<tr>
<td>Outdoor Dining</td>
<td>194 SF – 1 Space/75 SF DSP § VII.3.a.iii</td>
<td>None Required</td>
</tr>
<tr>
<td>Non-dining area</td>
<td>902 SF – 1 Space/250 SF DSP § VII.3.a.iii</td>
<td>4 Parking Space</td>
</tr>
<tr>
<td>Total</td>
<td>1,740 gross SF</td>
<td>13 Parking Spaces</td>
</tr>
</tbody>
</table>

Note: Pursuant to Downtown Specific Plan § VII.2.f, fractional spaces are rounded to the nearest whole number.
The current and proposed restaurant dining hours of operation are: Monday through Sunday from 6:00 a.m. to 11:00 p.m. Operating hours may be extended to midnight (12 a.m.) during citywide special events and/or weekends. Any change to the hours of operation is subject to review and approval by the Department of Planning and Building Safety. No live entertainment is proposed.

Planning staff reviewed the application and the Planning and Building Safety Director made the necessary findings to grant an Administrative Use Permit. The attached letter specifies all of the required findings for the permit.

III. ENVIRONMENTAL DETERMINATION

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). The project includes an alcohol license for a proposed restaurant which results in a minor alteration in the operation of an existing building involving negligible expansion of the existing use. 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.

IV. INTER-DEPARTMENTAL COMMENTS

The project applications and plans were circulated to all the relevant City Departments and are attached to this report.

V. RECOMMENDATION

Receive and File.

VI. EXHIBITS

A. Administrative Use Permit Approval Letter, dated June 2, 2009
B. Interdepartmental Comments
C. Administrative Use Permit application
D. Site Plan/Floor Plan

Prepared by: Bryan Fernandez, Assistant Planner
Kimberly Christensen, AICP, Planning Manager
Department of Planning & Building Safety

Greg Carpenter, Director
Department of Planning & Building Safety
June 2, 2009

George Andrews
18202 Prairie Avenue
Torrance, CA 90504

RE: Environmental Assessment No. EA-835 and
Administrative Use Permit (AUP) No. 09-03
On-Site Sale and Consumption of Beer and Wine at a
Proposed Restaurant (Type 41 State of California Alcoholic
Beverage Control License)
Address: 321-323 Main Street

Dear Mr. Andrews:

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-835
and Administrative Use Permit No. 09-03 for the on-site sale and
consumption of beer and wine at a proposed restaurant at 321 Main
Street. The following are the findings and facts in support of each finding
for this decision:

FINDINGS AND FACTS IN SUPPORT OF FINDINGS:

Environmental Assessment No. 835

Finding 1

- 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).
Facts in Support of Finding 1

1. The project includes an alcohol license for the sale of wine and beer for a proposed restaurant which results in a minor alteration in the operation of an existing building involving negligible expansion of the existing use. No expansion of the existing building is proposed. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. Moreover, there is no new construction proposed for this project. There are adequate utilities and public services to serve the project. The property is in an urbanized area where it has adequate access and all public services and facilities are available. The site is currently developed and is not in an area that is environmentally sensitive. Therefore the project is not anticipated to have any significant impacts with regard to traffic, noise, air quality or water quality.

Administrative Use Permit 09-03

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 provide on-site sale and consumption of beer and wine in a proposed restaurant. The proposed 1,740 square-foot restaurant includes 644 square-feet of indoor dining and 194 square-feet of outdoor dining area and is located in the Main Street District within the Downtown Specific Plan (DSP) Zone at 321 Main Street. The restaurant includes 36 indoor seats and 20 outdoor patio seats for a total of 56 seats.

2. The minimum number of required parking spaces for the restaurant and patio is 13 spaces. The existing shares 10 parking spaces with the adjacent Rinaldi's restaurant and is legal nonconforming regarding compliance with the minimum number of parking spaces. The proposed outdoor dining area is less than 200 square feet and therefore no additional parking is required.

3. The restaurant is compatible with the surrounding land uses which include commercial retail, restaurant, and office uses.

4. The General Plan land use designation for the site is Downtown Specific Plan.

5. The zoning for the site is Main Street District (MSD) in the DSP Zone. Restaurants are a permitted use in this Zoning District in accordance with DSP §VI A.2.a.ii. The proposed use (on-site sale and consumption of beer and wine
at a restaurant) requires an Administrative Use Permit in accordance with DSP §VI A.4.a.

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

7. On June 11, 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 Downtown Specific Plan.

2. The zoning for the site is Main Street District (MSD) in the DSP Zone. Restaurants are a permitted use in this Zoning District in accordance with DSP §VI A.2.a.ii. The proposed use (on-site sale and consumption of beer and wine at a restaurant) requires an Administrative Use Permit in accordance with DSP §VI A.4.a.

3. The purpose of the Main Street District is intended for uses to be resident serving, and provide a pedestrian-oriented and pedestrian-friendly environment. Retail and service uses should serve the residents, local employees, and visitors to the city. The proposed use is consistent with the zone in that it serves residents, local employees, and visitors in a pedestrian-oriented ground floor level of a restaurant.

4. The proposed use is consistent with the goals, objectives, policies, and programs of the Downtown Specific Plan by expanding the neighborhood serving commercial uses, maintaining the “small town” atmosphere with moderate density, and improves the business environment of Downtown.

5. 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 without adversely affecting the viability of Downtown. The proposed use is consistent with Land Use Element Objective LU4-2 in that it serves as a focal point for the social environment of the community. The proposed use is consistent Land Use Element Policy LU4-2.1 as it revitalizes and upgrades commercial areas, making them a part of a viable, attractive and people-oriented commercial district.
6. The proposed use is consistent with Economic Development Element Goal ED3 in that it preserves and improves the business environment and image of Downtown El Segundo. The proposed use is consistent with Economic Development Element Objective ED3-1 in that it contributes to El Segundo’s commercial options. The proposed is consistent with Economic Development Element Policies 3-1.2, 3-1.3, and 3-1.5 in that it preserves Downtown’s economic viability, encourages revitalization efforts Downtown, and encourages a mix of retail and commercial businesses that stimulate pedestrian traffic and meet the community’s need for changing needs for goods and services.

7. The surrounding land uses include: commercial retail, office, and public facilities. The proposed use is compatible with the surrounding 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 and alcohol service will be located on the ground floor of an existing restaurant. Parking will be provided on-site.

2. The surrounding land uses include commercial retail, office, and public facilities. The existing restaurant includes 30 indoor dining seats and 26 outdoor dining patio seats.

3. The proposed restaurant dining hours of operation are limited to seven days a week (Monday through Sunday) from 6:00 a.m. to 11:00 p.m. Food service and alcohol would be available in both the indoor and outdoor dining areas during the dining hours. No live entertainment is proposed.

**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 proposed hours of operation for alcohol sales and the location of the restaurant will help to minimize impacts on surrounding uses.

3. The proposed restaurant dining hours of operation are limited to seven days a week (Monday through Sunday) from 6:00 a.m. to 11:00 p.m. Food service and alcohol would be available in the indoor and outdoor dining areas during the dining hours. No live entertainment is proposed. In addition, the subject site is accessible to pedestrians from the surrounding area and the downtown.

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 must obtain a license from the State of California Department of Alcoholic Beverage Control (Type No. 41).

PLANNING AND BUILDING SAFETY DEPARTMENT DIRECTOR ACTION

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

1. The proposed restaurant dining hours of operation are limited to: seven days a week (Monday through Sunday) from 6:00 a.m. to 11:00 p.m. The use of the outdoor dining patio must be limited to the same hours as the restaurant. Food service must be available in the indoor and outdoor dining areas during all hours of operation. Alcohol service must be limited to the same hours that food service is available. 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 or designee.

2. The seating within the restaurant must be limited to 30 seats in the indoor dining area and 26 seats in the outdoor dining patio area for a total of 56 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 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), 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, Inglewood 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 Planning Manager’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 patio, 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 areas 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 claim, action, damages, costs (including, without limitation, attorney’s fees), injuries, or liability, arising from the City’s approval of Environmental Assessment No. 835 and Administrative Use Permit No. 09-03. 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-835 or AUP 09-03, 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

Please be advised that this does not conclude the review process. This determination will be transmitted to the Planning Commission at its June 11, 2009 meeting with the recommendation that the Planning Commission Receive and File the determination. The City Council will determine whether or not to protest the issuance of the ABC License (Type 41) at its meeting on July 7, 2009.

If you have any questions regarding this project, please contact Bryan Fernandez, Assistant Planner, at (310) 524-2343.

Sincerely,

[Signature]
Greg Carpenter, Director
Department of Planning and Building Safety

P:\Planning & Building Safety\Projects (Planning)\826-850\EA 835\ EA-835 AUP 09-03 321-323 Main St. AUP LTR.doc
AGENDA DESCRIPTION:
Consideration and possible action to negotiate pricing with The Jones Payne Group for Design and Testing Services related to the Residential Sound Insulation (RSI) Program. (Fiscal impact: None)

RECOMMENDED COUNCIL ACTION:
1. Authorize staff to negotiate pricing with The Jones Payne Group for Design and Testing Services; and/or
2. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None

FISCAL IMPACT: None

Amount Budgeted: N/A
Additional Appropriation: N/A
Account Number(s): 116-400-0000-6214

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:
Federal Aviation Administration (FAA) regulations require consultants utilized for consultant services related to the City’s Residential Sound Insulation (RSI) Program to be selected based on qualifications, not cost, and prices are to be negotiated after selection.

At its meeting on April 3, 2007, the City Council authorized staff to draft and advertise a Request for Qualifications (RFQ) for Design and Testing Services and Labor Compliance Services related to the RSI Program. On September 11, 2007 the City Clerk’s Office received Statements of Qualifications (SOQs) from five (5) consulting firms for Design and Testing Services.

A review committee comprised of the RSI Program Manager, Assistant City Manager and the Director of Planning and Building Safety met with all firms for oral presentations and interviews on November 27, 2007 and ranked the firms as follows:

Design and Testing Services:
1. Wyle Laboratories, Inc.
2. The Jones Payne Group
3. THC
4. Corlett, Skaer & DeVoto Architects
5. Carla Kell-Smith and Associates
On December 18, 2007, City Council selected Wyle Laboratories, Inc. to provide Design and Testing Services and a contract was awarded to them on March 18, 2008.

In the sixteen (16) months that has followed, it has become apparent to staff that the program would benefit from two (2) consultants providing these services. With two consultants, there is greater potential for providing more completed designs in the same time period, allows for the program to benefit from the collective experience of two consultants, and "doesn't put all of our eggs in one basket" should problems arise.

The City has witnessed a number of issues that are affecting its ability meet its goal of treating 300 homes annually; most notably the City having to reject Contractor Bids and re-Bid projects (e.g. "Groups") and lower bid prices from Contractors. Staff is of the opinion that this is primarily related to the slowing economy and heightened competition for RSI Projects (as evidenced by the aggressive protesting of Bids witnessed by the City on recent RSI Projects.)

Staff recommends increasing the number of homes designed to alleviate any concerns that the City would not spending FAA and LAWA grant money in a timely manner and would be best served if this were accomplished with two consultant firms. Staff is therefore recommending that the City hire a second consulting firm to supplement the design and testing services provided by Wyle.

Staff is expecting to recommend a contract extension be awarded to Wyle, once negotiated (Staff is currently negotiating with Wyle for that extension and expects to present to City Council in August) that would result in completed designs for approximately two hundred (200) homes, and a new contract would be negotiated with The Jones Payne Group to provide completed designs for an additional two hundred (200) homes. Staff would expect that this would allow for construction to be completed at approximately 400 homes in 2010 to make up for the shortfall of construction in 2009.

Most other RSI Programs have hired multiple consultants in recent years. (The City of Inglewood currently utilizes four different design consultants on its RSI Program.)

As The Jones Payne Group was ranked as the second firm in the RFQ process, staff is requesting authorization to negotiate pricing with the Jones Payne Group (JPG) to explore the feasibility of entering a contract with JPG for those services.
AGENDA DESCRIPTION:

Consideration and possible action to adopt Ordinance No. 1430 approving Development Agreement No. 09-01 (Third Amendment to Development Agreement No. 03-01 with Rosecrans-Sepulveda Partners 2, LLC and PES Partners, LLC for EA 631) for the Plaza El Segundo project located at 710-850 South Sepulveda Boulevard, 700-740 Allied Way, and 2005-2015 East Park Place. Such action would allow the following uses: 1) Fast food restaurants south of the current locations of the Union Pacific Railroad or the Burlington Northern Santa Fe Railroad lines (southwest portion of the site); 2) banks and similar institutions up to a total of 10,000 square feet of floor area; 3) day spas up to a total of 10,000 square feet of floor area; 4) health clubs and fitness centers up to a total of 10,000 square feet of floor area; 5) indoor sale of motorcycles, motor scooters and the sale of related parts and accessories only as an ancillary use; and 6) dance and music instruction studios up to 6,000 square feet of floor area. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Waive second reading and adopt Ordinance No. 1430 for Development Agreement No. 09-01; and/or
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Ordinance No. 1430

FISCAL IMPACT: None

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<td>Additional Appropriation:</td>
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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 June 16, 2009, the City Council introduced an Ordinance to approve Development Agreement No. 09-01 (Third Amendment to Development Agreement No. 03-01). The Ordinance was read into the record and is presented for a second reading and adoption. If adopted without change, Ordinance No. 1430 will become effective in 30 days.
ORDINANCE NO. 1430

AN ORDINANCE AMENDING DEVELOPMENT AGREEMENT NO. 03-01 BETWEEN ROSECRANS-SEPULEDA 2, LLC, AND ROSECRANS-SEPULEDA 3, LLC (PES PARTNERS, LLC), AND THE CITY OF EL SEGUNDO AFFECTING THE PLAZA EL SEGUNDO DEVELOPMENT.

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

SECTION 1: The City Council finds and declares that:

A. On March 15, 2005, the City Council of the City of El Segundo approved Environmental Assessment No. 631, General Plan Amendment (GPA No. 03-4), Zone Change (ZC No. 03-2) and Subdivision (SUB 03-7, Vesting Tentative Tract Map No. 061630), and Development Agreement No. 03-01, to re-designate and re-zone an approximately 54.9-acre property at the northeast corner of Sepulveda Boulevard and Rosecrans Avenue. The applicant is developing a 425,000 square foot shopping center, known as Plaza El Segundo;

B. On July 17, 2007, the City Council approved Environmental Assessment No. 763 and a Development Agreement amendment DA 07-02 ("First Amendment") to the original Development Agreement. The amendment allowed Health Clubs and Fitness Centers, provided such uses did not exceed 6,500 square feet of floor area;

C. On February 19, 2008, the City Council approved Environmental Assessment No. 768 for an expansion of Phase 1 of the project (Phase 1B) and a second Development Agreement amendment DA 07-03 ("Second Amendment"). This amendment allowed Health/Skin Care uses, not to exceed two tenants and 3,000 square feet of floor area for each. The amendment also allowed automobile sales uses with up to 5,000 square feet of floor area;

D. On March 20, 2009, the applicant filed an application for a third amendment ("Third Amendment") to Development Agreement No. 03-01;

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

D. 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);

E. The Planning Commission held a public hearing regarding the application on May 28, 2009. Thereafter, the Planning Commission adopted Resolution No. 2655, recommending that the City Council amend Development Agreement No. 03-01;

F. On June 16, 2009, the Council held a public hearing and considered the information provided by the Planning Commission, City Staff, public testimony, and representatives of the applicant PES Partners, LLC; and

G. This Ordinance and its findings are made based upon the testimony and evidence presented to the Council at its June 16, 2009, public hearing including, without limitation, the staff report submitted by the Planning and Building Safety Department.

SECTION 2: Environmental Assessment. Because of the findings set forth in Planning Commission Resolution No. 2655, adopted May 28, 2009, and the facts set forth in the administrative record including, without limitation, the staff report presented to the City Council, the proposed Third Amendment to Development Agreement No. 03-01 is consistent with the FEIR, entitled Sepulveda/Rosecrans Site Rezoning and Plaza El Segundo Development Final Environmental Impact Report (State Clearinghouse No. 2003121037), certified by the City Council on March 15, 2005 and the Statement of Overriding Considerations adopted in Section 5 of City Council Resolution No. 4415 on March 1, 2005. None of the elements set forth in Public Resources Code § 21166 or CEQA Guidelines § 15162 exist. Accordingly, the City need not prepare a subsequent or supplemental Environmental Impact Report, Mitigated Negative Declaration, or Addendum before the City Council adopts this Ordinance approving the Third Amendment to Development Agreement No. 03-01. Nevertheless, the City Council reaffirms and readopts the Statement of Overriding Considerations set forth in Exhibit “A” to Resolution No. 4415 adopted by the City Council at a duly noticed public hearing on March 15, 2005, which is incorporated by reference as if fully set forth in this Ordinance.

SECTION 3: Amendments to the Development Agreement. Development Agreement No. 03-01 is amended as set forth in attached Exhibit “A,” which is incorporated into this Ordinance by reference.

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: This Ordinance will remain effective until superseded by a subsequent ordinance.
SECTION 6: 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 7: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.
PASSED, APPROVED AND ADOPTED this 21st day of July 2009.

______________________________
Kelly McDowell, Mayor

ATTEST:

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

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. was duly introduced by said City Council at a regular meeting held on the 16th day of June 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 21st day of July, 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
EXHIBIT A

RECORDED REQUESTED BY
AND WHEN RECORDED MAIL TO:
CITY CLERK
CITY OF EL SEGUNDO
350 Main Street
El Segundo, California 90245

EXEMPT FROM RECORDER'S FEES
Pursuant to Government Code § 6103

THIRD AMENDMENT TO DEVELOPMENT AGREEMENT
BY AND AMONG
THE CITY OF EL SEGUNDO AND
ROSECRANS-SEPULVEDA PARTNERS, 2, LLC AND
PES PARTNERS, LLC

(AREA A)

THIS AGREEMENT SHALL BE RECORDED WITHIN TEN DAYS OF EXECUTION BY
ALL PARTIES HERETO PURSUANT TO THE REQUIREMENTS OF GOVERNMENT
CODE §65868.5
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<td>Recitals..................................................................................</td>
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<tr>
<td>2</td>
<td>Amendments to Section 4.1 of the Development Agreement................</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>Remainder of Development Agreement to Remain in Full Force and Effect</td>
<td>4</td>
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**DEFINITIONS........................................................................................................... EXHIBIT A**
THIRD AMENDMENT TO DEVELOPMENT AGREEMENT

This Third Amendment to Development Agreement ("Third Amendment") is made and entered into by and among the CITY OF EL SEGUNDO, a municipal corporation ("City") and ROSECRANS-SEPULVEDA PARTNERS, 2, LLC, a Delaware limited liability company ("RSP 2") and PES PARTNERS, LLC, a Delaware limited liability company ("PESP") as of this ___ day of ____________, 2009. RSP 2 and PESP are hereinafter referred to collectively as "Developer." City and Developer are referred to hereinafter individually as "Party" and collectively as "Parties." In consideration of the mutual covenants and agreements contained in this Third Amendment, City and Developer agree as follows:

1. Recitals. This Third Amendment is made with respect to the following facts and for the following purposes, each of which is acknowledged as true and correct by the Parties:

1.1 RSP 2's and PESP's predecessor-in-interest, Rosecrans-Sepulveda Partners, LLC ("RSP"), and the City are parties to a Development Agreement dated March, 2005 (the "Development Agreement"), which Development Agreement was recorded on April 6, 2005 in the Official Records of Los Angeles County as Instrument No. 05 0797875.

1.2 Unless otherwise stated in this Third Amendment, all capitalized terms used in this Third Amendment will carry the same definitions as those set forth in the Development Agreement.

1.3 On November 10, 2005, RSP and RSP 2 executed an Assignment and Assumption Agreement (the "RSP 2 Assignment") whereby RSP conveyed to RSP 2, in accordance with the provisions of Section 3 of the Development Agreement, RSP’s right, title, and interest in and to the Development Agreement and the Project Approvals with respect to approximately 4.7 acres of the Property (the "RSP 2 Property"). The RSP 2 Assignment was recorded on January 19, 2006 in the Official Records of Los Angeles County as Instrument No. 06 0128517.

1.4 On November 10, 2005, RSP and PESP’s predecessor-in-interest, Rosecrans-Sepulveda Partners, 3, LLC ("RSP 3") executed an Assignment and Assumption Agreement (the "RSP 3 Assignment") whereby RSP conveyed to RSP 3, in accordance with the provisions of Section 3 of the Development Agreement, RSP’s right, title, and interest in and to the Development Agreement and the Project Approvals with respect to approximately 37.3 acres of the Property (the "PESP Property" and/or "Phase 1A"). The RSP 3 Assignment was recorded on January 19, 2006 in the Official Records of Los Angeles County as Instrument No. 06 0128518.

1.5 On July 31, 2007, RSP 3 executed an Assignment and Assumption Agreement ("PESP Assignment") whereby RSP 3 conveyed to PESP, in accordance with the provisions of Section 3 of the Development Agreement, RSP 3’s right, title and interest in and to the Development Agreement and the Project Approvals with respect to the PESP Property. The PESP Assignment was recorded on August 3, 2007 in the Official Records of Los Angeles County as Instrument No. 2007 1838772.
1.6 As of June 19, 2007, City, RSP 2 and RSP 3 executed Operating Memorandum No. 1 to the Development Agreement (“Operating Memorandum No. 1”), which Operating Memorandum No. 1 was recorded on August 14, 2007 in the Official Records of Los Angeles County as Instrument No. 20071901777.

1.7 As of July 30, 2007, City, RSP 2 and RSP 3 executed a First Amendment to Development Agreement (the “First Amendment”) which First Amendment was recorded on October 2, 2007 in the Official Records of Los Angeles County as Instrument No. 20072256909.

1.8 As of March 4, 2008, City, RSP 2 and PESP executed a Second Amendment to Development Agreement (the “Second Amendment”) which Second Amendment was recorded on March 25, 2008 in the Official Records of Los Angeles County as Instrument No. 20080507797. For purposes of this Third Amendment, the term “Development Agreement” shall include the First and Second Amendments.

1.9 The limitations imposed within the Development Agreement were intended primarily to insure that the Project provide primarily high quality retail uses. Based upon evolution of the Project and the current economic climate, the Developer believes that the addition of a very limited square footage of certain service-oriented businesses may provide an excellent complement to the retail tenant base and, in fact, have and will greatly assist in insuring the survival of the small tenants who are not destination-oriented. The addition of the proposed uses within this Third Amendment is consistent with the goal of maintaining a thriving high quality retail center and with the attendant production of sales tax proceeds to the City. Without these uses, the Developer believes that the vacancies that currently exist will remain for the foreseeable future and the boutique tenants will face a greater chance of failure.

1.10 Section 4.1.3 of the Development Agreement prohibits “Fast Food” restaurants south of the current locations of the Union Pacific Railroad or the Burlington Northern Santa Fe Railroad lines, in that portion of the Project currently known as “Phase 1B”. This Third Amendment revises the restriction to be consistent with the restriction imposed upon Phase 1, to allow Fast Food uses to exist provided that no such uses will be allowed within 150 feet of Sepulveda Boulevard. The original Phase 1 portion of the project contained approximately 50% of the land area, all of which was located in close proximity to Sepulveda Boulevard. The project was subsequently expanded to include an additional area of approximately 4 acres, adjacent to and east of the original acreage. The City was concerned about a proliferation of fast food establishments adjacent to Sepulveda Boulevard. The revised Phase 1 and Phase 1B design and the 150-foot restriction will prevent that from occurring and the modification will allow the Owners the flexibility required in order to complete the leasing of the proposed development.

1.11 Section 4.1.4 of the Development Agreement limits the number of banks in the Project to one, and the number of day spas to one with a minimum floor area of 5,000 square feet. This Third Amendment permits bank, savings and loan and/or credit union uses up to a maximum total area of 10,000 square feet of floor area, and permits day spa uses limited to a total of 10,000 square feet of floor area. While banks/savings & loan/credit unions do not provide direct sales tax proceeds, the ability of the Owners to lease to this type of tenant will provide a convenience factor for shoppers and, perhaps more importantly, may provide the
Owners the critical mass of leasing required in order to finance the Phase 1B project. The day spa usage is perhaps of greater importance with respect to drawing the type of customer base that complements the other retailers.

1.12 Section 4.1.6 of the Development Agreement limits the use of a health club or fitness center to one, not to exceed 6,500 square feet of leasable floor area. This Third Amendment permits an additional health club or fitness center, provided the totality of the two permitted health clubs or fitness center do not exceed 10,000 square feet of floor area. The Developer believes that this type of usage provides a desirable service to the same customer base that will shop in the remaining stores.

1.13 Section 4.1.9 is added by this Third Amendment as a clarification that the retail of new motorcycle and motor scooters is an allowed use. This may provide significant sales tax in the event such use is implemented.

1.14 Section 4.1.10 is added by this Third Amendment to allow the uses of a dance instruction and music instruction studio as allowable uses. These uses are intended to be primarily oriented towards children, and it is anticipated that parents will remain in the center and shop or dine while lessons are underway. Lessons are typically not offered during the busy lunchtime period and, as such, parking will not be impacted during that period. Adult classes may also be offered, but generally during off-peak hours, primarily morning and late afternoon or evening.

1.15 The City Council has determined that none of the elements set forth in Public Resources Code Section 21166 or Section 15162 of the State CEQA Guidelines ("CEQA Guidelines") exists and therefore has determined, in accordance with Public Resources Code Section 21166 and Section 15162 of the CEQA Guidelines, that no subsequent or supplemental Environmental Impact Report or Mitigated Negative Declaration is required to be prepared prior to adopting the Ordinance approving this Third Amendment.

1.16 Section 15 of the Development Agreement provides for amendment of the Development Agreement upon mutual consent of the parties and in accordance with the procedures established by the Development Agreement Act. The City Council has found that this Third Amendment has been adopted in conformance with the procedures of the Development Agreement Statute set forth in Government Code Section 65865, et seq.

1.17 On May 28, 2009, the Planning Commission held a duly noticed public hearing on this Third Amendment and, at the conclusion thereof, adopted Resolution No. 2655, recommending to the City Council approval of this Third Amendment.

1.18 On June 16, 2009, the City Council held a duly noticed public hearing on this Third Amendment and, at the conclusion thereof, introduced Ordinance No. 1430 and on July 21, 2009, the City Council adopted Ordinance No. 1430 approving this Third Amendment. Ordinance No. 1430 became effective on August 21, 2009.

2. Amendments to Section 4.1 of the Development Agreement. Section 4.1 of the Development Agreement is hereby amended to revise Sections 4.1.3, 4.1.4 and 4.1.6 and to add new Sections 4.1.9 and 4.1.10 to read as follows:
"4.1.3 Fast Food Restaurants. Unless such use is incidental to the primary business of an occupant of a building, "Fast food" restaurants shall not be allowed within 150 feet of Sepulveda Boulevard or within 150 feet of Rosecrans Avenue. "Fast food" restaurant is defined as "A restaurant where customers purchase food and beverages and either consume the food and beverages on the premises within a short period of time or take the food and beverages off the premises. Typical characteristics of a fast food restaurant include but are not limited to, the purchase of food and beverages at a walk-up window or counter, no table service by a server, payment for food and beverages prior to consumption, and the packaging of food and beverages in disposable containers. A restaurant shall not be considered a fast food or take-out restaurant solely on the basis of incidental or occasional take-out sales."

"4.1.4 Banks and Day Spas. Bank, savings and loan and/or credit union uses shall be permitted, provided such uses do not exceed a total of 10,000 square feet of floor area. Day spas shall be permitted, provided such uses do not exceed a total of 10,000 square feet of floor area."

"4.1.6 Health Clubs and Fitness Centers. No health club or fitness center shall be permitted except as follows: up to two (2) health clubs or fitness centers shall be permitted, provided that no such use exceeds 6,500 square feet and the combined square footage of both does not exceed in total 10,000 square feet of leasable floor area."

"4.1.9 Motorcycle and Motor Scooter Sales. The indoor sale of motorcycles motor scooters shall be permitted and the sale of related parts and accessories shall only be permitted as an ancillary use. No outdoor display or storage, and no on site repair or maintenance shall be permitted in conjunction with the sale of motorcycles or motor scooters or as a stand alone use."

"4.1.10 Dance and Music Instruction Studios. Dance and music instruction studios and ancillary uses shall be permitted, provided such uses do not exceed a total of 6,000 square feet of floor area."

3. Remainder of Development Agreement to Remain in Full Force and Effect. Except as set forth in this Third Amendment, all terms and conditions of the Development Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, Developer and City have executed this Third Amendment on the date first above written.

CITY:
CITY OF EL SEGUNDO, a municipal corporation

By: ______________________
    Kelly McDowell, Mayor

ATTEST

_________________________
Cindy Mortesen
City Clerk

APPROVED AS TO FORM:

By: ______________________
    Mark D. Hensley, City Attorney

[SIGNATURES CONTINUED ON NEXT PAGE]
DEVELOPER

ROSECRANS-SEPULVEDA PARTNERS, 2, LLC, a Delaware limited liability company

By: CCA Sepulveda, LLC, a California limited liability company
Its: Managing Member

By: ______________________
Name: ______________________
Its: ______________________

By: ______________________
Name: ______________________
Its: ______________________

PES PARTNERS, LLC, a Delaware limited liability company

By: Rosecrans-Sepulveda Partners 3, LLC, a Delaware limited liability company
Its: Sole Member

By: CCA Sepulveda, LLC
a California limited liability company
Its: Managing Member

By: ______________________
Name: ______________________
Its: ______________________

By: ______________________
Name: ______________________
Its: ______________________
STATE OF CALIFORNIA
) ss:

COUNTY OF LOS ANGELES
)

On _______________, 2009 before me, ______________________ (here insert name of the officer), Notary Public, personally appeared ____________________________, 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 of Notary Public

[Seal]

STATE OF CALIFORNIA
) ss:

COUNTY OF LOS ANGELES
)

On _______________, 2009 before me, ______________________ (here insert name of the officer), Notary Public, personally appeared ____________________________, 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 of Notary Public

[Seal]
STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On ______________, 2009 before me, _______________________, (here insert name of the officer), Notary Public, personally appeared _______________________, 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 of Notary Public

[Seal]

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On ______________, 2009 before me, _______________________, (here insert name of the officer), Notary Public, personally appeared _______________________, 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 of Notary Public

[Seal]
## EXHIBIT “A”

### DEFINITIONS

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AGENDA DESCRIPTION:
Consideration and possible action regarding authorizing the City Manager to purchase two new alternative fuel (hybrid) vehicles at a cost not to exceed $63,000 for use by the Planning and Building Safety Department. (Fiscal Impact: $63,000.00; Air Pollution Reduction Fund)

RECOMMENDED COUNCIL ACTION:
1) Authorize the City Manager to approve the purchase of two alternative fuel (hybrid) vehicles for use by the Planning and Building Safety Department; and/or
2) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
N/A

FISCAL IMPACT: $63,000
- Amount Budgeted: $24,000.
- Additional Appropriation: $39,000 (Fund balance currently has $63,000)
- Account Number(s): 115-400-0000-8105

ORIGINATED BY: Sam Lee, Building Official
REVIEWED BY: Greg Carpenter, Director of Planning and Building Safety
APPROVED BY: Jack Wayt, City Manager

I. Background and Discussion

The City has budgeted for the purchase of one low emission hybrid vehicle for use by the Department’s building inspectors through the FY 2008/2009 Planning and Building Safety Department budget, Air Pollution Reduction Fund (Account 115). The fund balance is currently at $63,000. The State provides these funds to the City pursuant to the AB 2766 Subvention Fund Program administered by the South Coast Air Quality Management District (SCAQMD).

Since 1991, local governments have received AB 2766 funds generated by a portion of the motor vehicle registration fee surcharge by the Department of Motor Vehicles (DMV) that must be used to implement qualified programs that reduce air pollution from motor vehicles in compliance with federal and State Clean Air Acts. This purchase is an eligible AB 2766 expense.

Staff calculated* the carbon footprint emitted by vehicles currently being used and by ones that are proposed. The results are as follows:
Current Vehicles:
2 Ford Crown Victorias (1997) 14.48 tonnes of CO₂ per year @ 12,000 miles per year

Proposed Vehicles:
2 New Ford Escape Hybrids FWD 7.68 tonnes of CO₂ per year @ 12,000 miles per year

* www.carbonfootprint.com/calculator

Additionally, staff has had numerous problems with the 1997 Crown Victorias. In addition to a long list of repairable items, they’ve stalled on the road and, in some cases, do not start in the morning. High fuel and repair costs have become an issue and, more importantly, lack of reliability has impacted our ability to provide quality customer service.

Staff recommends the City Council authorize the City Manager to purchase two new alternative fuel (hybrid) vehicles at a cost not to exceed $63,000 for use by the Planning and Building Safety Department.
AGENDA DESCRIPTION:
Consideration and possible action to amend the City Manager’s contract for purposes of increasing his salary and benefits. (Fiscal Impact: $30,000 plus a potential additional $12,000 depending on whether the City Manager participates in the City’s Deferred Compensation Plan))

RECOMMENDED COUNCIL ACTION:
1) Approve Amendment No. 1 to the City Manager’s Contract;
2) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Draft Amendment No. 1 to City Manager’s Contract

FISCAL IMPACT: Included in Adopted Budget

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

ORIGINATED BY: Mark Hensley, City Attorney  
REVIEWED BY:  
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
On June 2, 2009 the City Council met in closed session with the City’s appointed labor negotiator, the City Attorney, for purposes of negotiating the terms and conditions of the City Manager’s contract. Based upon the negotiations, the City Council and City Manager have (subject to final action being taken by the City Council) agreed to the following changes to the City Manager’s contract:

1. The City Manager’s annual base salary shall be increased (effective October 1, 2010) from $210,000 to $240,000; and,
2. The City Manager shall be entitled to participate in the deferred compensation plan offered to other executive level staff; and,
3. The City Manager shall be entitled on October 1, 2009, to accrue in advance vacation time for the period of October 1, 2009 through September 30, 2010. However, in the event that the City Manager were to leave prior to September 30, 2010, an adjustment would be made to ensure that he only receives the benefit of the actual number of hours that he would have accrued as of the date of his separation from the City.
AMENDMENT NO. 1 TO EMPLOYMENT AGREEMENT

THIS AMENDMENT NO. 1 TO EMPLOYMENT AGREEMENT ("AMENDMENT NO. 1") is entered into this 21st day of July, 2009, between the City of El Segundo ("CITY") and Jack Wayt ("EMPLOYEE") with respect to that certain EMPLOYMENT AGREEMENT entered into between the CITY and EMPLOYEE on the 19th day of August, 2008 ("AGREEMENT").

The CITY and EMPLOYEE do hereby agree to amend the following Sections of the AGREEMENT and replace such sections in their entirety with the following language:

SECTION 3. TERMINATION OF EMPLOYMENT

(A) Through and including September 30, 2010, CITY may only terminate this AGREEMENT based upon (i) EMPLOYEE's willful misconduct, including without limitation, intentionally failing to fulfill EMPLOYEE's duties set forth in SECTION 2 of the AGREEMENT; or (ii) conviction of EMPLOYEE of a crime involving moral turpitude. In the event that EMPLOYEE is terminated for cause pursuant to item (i) or (ii) of the preceding sentence, CITY shall only be obligated to pay EMPLOYEE for unused executive, vacation and sick leave. The CITY shall have the right to terminate this AGREEMENT without cause prior to September 30, 2010, provided the CITY pays EMPLOYEE the lesser of (i) the cash equivalent of 12 months of salary (not including benefits) or (ii) the cash equivalent of the amount of salary (not including benefits) the EMPLOYEE would receive if the EMPLOYEE were to remain employed by the CITY through and including September 30, 2010. The CITY shall also have the right to terminate this AGREEMENT with or without cause, at no cost to the CITY other than salary and benefits due to the EMPLOYEE for the number of days the EMPLOYEE works, so long as the AGREEMENT is terminated on October 1, 2009, or any date thereafter by CITY providing EMPLOYEE 30 days prior written notice of its intention to terminate this AGREEMENT;

(B) EMPLOYEE may terminate this AGREEMENT at any time upon thirty-days written notice to the Mayor of CITY. EMPLOYEE shall not be entitled to any compensation upon such a termination except for unused executive, vacation and sick leave as set forth in Section 3 (C);

(C) Upon any termination of this EMPLOYEE’s employment, in addition to amounts due EMPLOYEE, if any, as identified in subsection (A) above, CITY shall pay EMPLOYEE upon the effective date of such termination, an amount equal to the value of the employee's accumulated, but unpaid and unused executive, vacation (as potentially modified by Section 4(C) below) and sick leave, calculated at EMPLOYEE’s rate of pay on the date of termination.
SECTION 4. COMPENSATION

(A) EMPLOYEE’s annual base salary is $210,000 which shall be paid in equal bi-weekly payments. Effective October 1, 2009, EMPLOYEES annual salary shall be increased to $240,000. Any increase in compensation must be in writing and signed by the parties;

(B) CITY shall pay EMPLOYEE for professional membership dues and fees and attendance at conferences as such may be budgeted by the CITY. EMPLOYEE shall also be reimbursed upon presentation to CITY of verified receipts for sums necessarily incurred by EMPLOYEE in the performance of EMPLOYEE’s duties or as otherwise budgeted for by CITY;

(C) EMPLOYEE shall be entitled to all other benefits of employment now in effect (excluding salary increases of any type as such are exclusively governed by Section 4 (A)), or as hereafter approved by the City Council, which are provided to other management employees of the CITY. EMPLOYEE shall accrue executive, vacation and sick leave at the maximum rate provided for management employees, except on October 1, 2009, EMPLOYEE shall be credited for all vacation time that the EMPLOYEE would accrue for the time period of October 1, 2009 through September 30, 2010 based upon the assumption that EMPLOYEE will remain employed by the CITY during this entire time period. In the event that EMPLOYEE service is terminated for any reason during this time period, EMPLOYEE shall not be paid for any of such accrued vacation time that was not utilized prior to EMPLOYEE’s separation from the CITY and EMPLOYEE shall be required to reimburse the CITY for any vacation time utilized that would have not been normally been accrued by the EMPLOYEE but for this special vacation accrual provision set forth in this subsection.

All of the other terms and conditions of the AGREEMENT shall remain in full force and effect.

CITY:

________________________________________
Kelly McDowell, Mayor
EMPLOYEE:

Jack Wayt

ATTEST:

Cindy Mortesen, City Clerk

APPROVED AS TO FORM:

Mark D. Hensley, City Attorney
AGENDA DESCRIPTION:
Consideration and possible action regarding 1) Introduction of an Ordinance and Adoption of a Resolution of Intention to approve an Amendment to the contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the El Segundo City Council providing Section 20903 (Two Years Additional Service Credit) for the City's Local Miscellaneous (Non-Safety) Members, with the exception of Department Directors, Assistant City Manager and City Manager; and 2) Approval of a $5,000 payment to eligible employees entering into a Date-Certain Retirement Separation Agreement with the City. (Fiscal Impact: 1) Estimated increase in the City's PERS miscellaneous employer rate of 0.327% and an annual cost increase in FY 2011-2012 of $50,235; 2) Salary savings based on the number of employees retiring during the designated retirement period, less the $5,000 payment for entering into a Date-Certain Retirement Separation Agreement.)

RECOMMENDED COUNCIL ACTION:

1. Introduce and waive the First Reading of the Ordinance.
2. Adopt the Resolution of Intention.
3. Approve a $5,000 payment to eligible employees entering into a Date-Certain Retirement Separation Agreement with the City.
4. Authorize the City Manager to execute the Retirement Separation Agreement, in a form approved by the City Attorney.
5. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Ordinance
2. Resolution of Intention
3. CalPERS Exhibit - Amendment to Contract

FISCAL IMPACT: 1) Estimated increase in the City’s PERS Miscellaneous Employer Rate of 0.327% and an annual cost increase in FY 2011-2012 of $50,235; 2) Salary savings based on the number of employees retiring during the designated retirement period, less the $5,000 payment for entering into a Date-Certain Retirement Separation Agreement.

Amount Budgeted:
Additional Appropriation:
Account Number(s):

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

17
BACKGROUND AND DISCUSSION:

As part of the March 19, 2009 Strategic Planning Session, Staff presented Council with a number of potential budget reduction options, including reducing the City’s personnel costs in the following areas:

1. Selective Hiring Freeze, administered by the City Manager;
2. Reduction of overtime costs;
3. Elimination and reduction of consulting contracts;
4. Consideration of employing designated retirees on a contractual, non-benefited basis;
5. Early Retirement Incentives.

This Agenda Item requests Council approval of an Early Retirement Incentive Program which would provide eligible employees: 1) Two Years of additional PERS Service Credit; and 2) a payment of $5,000 to eligible employees entering into a Date-Certain Retirement Separation Agreement, in order that the resulting salary savings can be expeditiously factored into the Fiscal Year 2009-2010 Budget.

Section 20903 (Two Years Additional Service Credit)

Staff initiated the contract amendment process on April 16, 2009 by requesting that CalPERS provide the City with the documents required to add Section 20903 to the contract between the City Council and the CalPERS Board of Administration.

Eligibility to receive the two years of Additional Service Credit requires the following:

* The employee is a Local Miscellaneous (Non-Safety) Member of CalPERS.

* The employee will have reached age 50 and have at least five years of CalPERS Service at the time of their retirement during the retirement period designated by the City.

* Department Heads, Assistant City Manager and City Manager, are not eligible to receive the two years of Additional Service Credit.

The employee benefits because the additional two years of Service Credit adds value to his/her Retirement Annuity.

The employer benefits because the City achieves cost savings through resulting position vacancies, opportunity for workforce restructuring and/or lower compensated new employees filling certain designated vacant positions.

Approximately 60 employees are eligible to receive this benefit. To date, staff is aware of 19 individuals with some level of interest in obtaining the two years of Additional Service Credit and retiring. Realistically, we would anticipate that approximately 9 employees would expect to receive this benefit.

CalPERS requires, in accordance with Government Code Section 20903, and the contract between CalPERS and the City, that the City Council certifies that:
1. Because of an impending curtailment of, or change in the manner of performing service, the best interests of the agency will be served by granting such additional service credit.

2. The added cost to the retirement fund for all eligible employees who retire during the designated window period will be included in the contracting agency’s employer contribution rate for the fiscal year that begins two years after the end of the designated period.

3. It has elected to become subject to Section 20903 because of impending mandatory transfers, demotions, and layoffs that constitute at least one percent of the job classification, department or organizational unit, as designated by the governing body, resulting from the curtailment of, or change in the manner of performing, its services.

4. Its intention at the time Section 20903 becomes operative is to keep all vacancies created by retirements under this section or at least one vacancy in any position in any department or other organizational unit permanently unfilled, thereby resulting in an overall reduction in the workforce of such department or organizational unit.

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

Government Code Section 20741 requires that there must be a twenty-day period between the adoption of the Resolution of Intention and the Second Reading and Adoption of the Ordinance. Thus, if the Resolution of Intention is adopted at Council’s July 21, 2009 meeting, the Ordinance will be agendized for Final Reading and Adoption at the August 18, 2009 Council Meeting.

CalPERS requires that the retirement period within which this benefit may be provided, is no less than 90 days and no more than 180 days in length. The retirement period designated by the City will commence on September 21, 2009 and end on December 31, 2009.

**Fiscal Impact**

The cost of the Two Years of Additional Service Credit is amortized by CalPERS over a twenty year period and will be included in the City’s Miscellaneous Employer Contribution Rate, commencing with the Fiscal Year starting two years after the end of the designated Retirement Period, 2011-2012.

Staff has calculated the fiscal impact on the assumption that all 19 of those employees expressing an interest in the benefit will retire during the designated Retirement Period. Realistically, it is anticipated that 9 individuals will retire, and that the actual fiscal impact will be less than estimated.

Staff’s fiscal impact calculations were based on utilizing PERS Document CON3-PA, “Procedures for Calculation of Estimated Employer Cost” and were reviewed and certified by Actuarial John Bartel of Bartel Associates, LLP. Mr. Bartel has provided the City with actuarial analysis and valuation reports for a number of years.

Although it is considered highly unlikely that all 19 employees will retire within the designated Retirement Period, the following fiscal impact figures reflect that scenario:
1) Estimated Present Value of Additional Employer Contributions $667,000
2) Estimated Annual Employer Cost Amortized over 20 Years $50,235
3) Estimated Employer Rate Increase, 10.940% to 11.267% 0.327%

A much more likely scenario is that 9 employees would retire, resulting in the costing shown below:

1) Estimated Present Value of Additional Employer Contributions $328,128
2) Estimated Annual Employer Cost Amortized over 20 Years $24,733
3) Estimated Employer Rate Increase, 10.940% to 11.101 0.161%

Assuming that 4 of the 9 likely retirements would result in those positions remaining vacant, the annual cost savings to the City would be $319,078.

Those employees entering into a Date-Certain (between September 21, 2009 and December 31, 2009) Retirement Separation Agreement, by September 18, 2009 will receive a one-time payment of $5,000.
RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
CITY COUNCIL
CITY OF EL SEGUNDO

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

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

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

To provide Section 20903 (Two Years Additional Service Credit) for local miscellaneous members.

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

By: ____________________________
Presiding Officer

Title

Date adopted and approved
AMENDMENT TO CONTRACT
Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of El Segundo


A. Paragraphs 1 through 13 are hereby stricken from said contract as executed effective May 9, 2009, and hereby replaced by the following paragraphs numbered 1 through 14 inclusive:

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

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:

(a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.

(b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.

(c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

(d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.

(e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.

(f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.

(g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:

a. Local Fire Fighters (herein referred to as local safety members);

b. Local Police Officers (herein referred to as local safety members);

c. Employees other than local safety members (herein referred to as local miscellaneous members).

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

**NO ADDITIONAL EXCLUSIONS**

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

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

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

9. The percentage of final compensation to be provided for each year of credited prior and current service as a local police member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
10. Public Agency elected and elects to be subject to the following optional provisions:

a. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local safety members only.

b. Section 21548 (Pre-Retirement Option 2W Death Benefit) for local miscellaneous members only.

c. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.

d. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.

e. Section 21024 (Military Service Credit as Public Service).

f. Section 20042 (One-Year Final Compensation).

g. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local safety members only.

h. Section 21548 (Pre-Retirement Option 2W Death Benefit).

i. Section 20903 (Two Years Additional Service Credit) for local miscellaneous members only.

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

12. Public Agency shall also contribute to said Retirement System as follows:

a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.

b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

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

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

B. This amendment shall be effective on the _____ day of __________________, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF EL SEGUNDO

BY
LORI MCGARTLAND, CHIEF
EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY
PRESIDING OFFICER

Witness Date
Attest:

Clerk

AMENDMENT ER# 0039
PERS-CON-702A (Rev. 10/05)
ORDINANCE NO. _____

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

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

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

SECTION 2: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

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

PASSED AND ADOPTED this ____ day of __________, 2009.

__________________________________________
Kelly McDowell, Mayor
ATTEST:

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

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

AYES:
NOES:
ABSENT:
ABSTAIN:

__________________________
Cindy Mortesen, City Clerk

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

By:

__________________________
Karl H. Berger, Assistant City Attorney
EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT
Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of El Segundo


A. Paragraphs 1 through 13 are hereby stricken from said contract as executed effective May 9, 2009, and hereby replaced by the following paragraphs numbered 1 through 14 inclusive:

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

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys' fees that may arise as a result of any of the following:

(a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.

(b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.

(c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

(d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.

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   b. Local Police Officers (herein referred to as local safety members);
   c. Employees other than local safety members (herein referred to as local miscellaneous members).

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

   **NO ADDITIONAL EXCLUSIONS**

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b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

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

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

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY
LORI MCGARTLAND, CHIEF
EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF EL SEGUNDO

BY
PRESIDING OFFICER

Witness Date

Attest:

Clerk