AGENDA DESCRIPTION:

Consideration and possible action on awarding RFP No. #09-17 (Police Towing and Storage Services) to Manhattan Beach Towing as the City’s primary tow contractor, and authorize the City Council to execute a four-year agreement in a form approved by the City Attorney with three one-year term extensions, for a maximum total contract length of seven years. (Fiscal Impact: None.)

RECOMMENDED COUNCIL ACTION:

1. Award a four-year contract to Manhattan Beach Towing as the City’s primary tow contractor;
2. Authorize the City Manager to execute an agreement in a form approved by the City Attorney with Manhattan Beach Towing;
3. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Towing bid matrix
Proposal submitted by Manhattan Beach Towing

FISCAL IMPACT: None

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

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

BACKGROUND AND DISCUSSION:

The City contracts with a towing company to provide towing and storage for vehicles when necessary (i.e. illegal parking, traffic accidents, arrests, stolen vehicles, etc.). On average, the City orders 65 tows per month.

On August 27, 2009, RFP #09-17 was issued to eight tow companies. Completed proposals were due back on September 17, 2009. The City received proposals from the following seven tow companies: ABA Tow, Hisham’s Tow, Manhattan Beach Towing, Roman’s Towing, Southside Tow, US Tow, and Van Lingen Tow.
The RFP designated several requirements; these included secured garage facilities, vehicle storage capacities, distance from city civic center, physical site security, and tow rates etc.

Staff reviewed the proposals and determined all seven companies met the requirements of the RFP but had some questions about the fees. Staff asked for and received clarification about fees from four of the vendors.

The City Attorney’s office conducted a review of public records for a civil background check on the seven companies. This review included an inspection of complaints filed with regulator and consumer agencies, civil litigation records, and publicly accessible criminal records to locate any matters involving the proposed operators and their principals.

The City’s current towing contract is with Manhattan Beach Towing. The Police Department’s staff consensus is that the City and community have received excellent service from Manhattan Beach Towing for the past seven years with an absolute minimum of citizen complaints.

Based upon business location, background and reference checks, service costs, and a seven-year history of reliable service, staff recommends that Manhattan Beach Towing again be the City’s tow company.

Staff placed this matter on the agenda for the November 17 City Council Meeting. However, only the pages that clarified the original bid, but not the original response itself, were included in the Council packet, which may have made it appear incomplete. Therefore, the police chief had the item moved to this meeting. Since then, staff requested a third clarification from Manhattan Tow. The original bid and the first and second clarifications of that bid are now all included in Council’s material.

Finally, staff asked that Manhattan Tow address an accusation by another bidder that they do not conduct lien sales properly. Manhattan Tow responded that they follow all applicable laws and that verified their compliance with the DMV. Staff believes that if Manhattan Tow has been violating the law the issue would likely have arisen through the civil court process at some time in the prior seven years and the City Attorney’s records review would have discovered it. Further, any tow company found to be violating these or any laws, would also violate the terms of the City’s contract which would make the contract subject to cancellation.

Staff believes Manhattan Tow is the best bidder and recommends Council authorize the City Manager to execute the agreement.
<table>
<thead>
<tr>
<th></th>
<th>ABA TOW</th>
<th>HISHAMS</th>
<th>MANHATTAN</th>
<th>SOUTHSIDE</th>
<th>US TOW</th>
<th>VAN LINGEN</th>
<th>ROMANS</th>
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<tr>
<td>Impound fees</td>
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<td>$110 hr</td>
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</tr>
<tr>
<td>(0800-1700)</td>
<td>$137.50</td>
<td>$180 hr</td>
<td>$225 hr</td>
<td>3/4 ton $155</td>
<td>$168</td>
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<td>hours)</td>
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<td>50% charge</td>
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<td>$25</td>
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</tbody>
</table>

*Hishams Tow charges $30 for every 15 minutes over one hour
**Manhattan Beach Towing charges every minute over one hour at a rate of $1.83 per minute
***Southside Towing charges every minute over one hour at a rate of $1.75 per minute
REQUEST FOR PROPOSALS

Sealed proposals must be received before 11:00 a.m. on Thursday, September 17, 2009, by the City Clerk's office for the City of El Segundo, 350 Main Street Room 5, El Segundo, CA 90245-3813 for Police Towing and Storage Services.

Packets may be obtained from the El Segundo Police Department, Administrative Sergeant or by Federal Express. Call (310) 524-2268, for delivery via Federal Express. Have your Federal Express account number available. Please refer to specifications for complete details and bid requirements.

The specifications in this notice are a part of any contract awarded in accordance with this RFP.

[Signature]

Purchasing Agent
CITY OF EL SEGUNDO

REQUEST FOR PROPOSAL

PROPOSAL # 09-17

PROPOSALS ARE DUE: NOT LATER THAN 11:00 A.M. Thursday, September 17, 2009.

The City of El Segundo invites sealed proposals for Police Towing and Storage Services.

The City of El Segundo is seeking proposals from qualified firms to provide Police Towing and Storage Services.

1. Return original of Proposal to:

   City of El Segundo
   City Clerk
   350 Main Street, Room 5
   El Segundo, CA 90245-3813

2. Proposer must honor proposal prices for sixty (60) days.

3. Proposals must include this Proposal form and be signed by the vendor's authorized representative.

5. Award of a contract will be made by the City Council based upon the criteria set forth in this RFP and will be made based upon the best qualified proposer rather than lowest price.

PROPOSER TO READ

I have, read, understood, and agree to the terms and conditions on all pages of this proposal. The undersigned agrees to furnish the commodity or service stipulated on this proposal as stated above.

MANHATTAN BEACH TOWING
Company

MOHSEN MAJID
Name (Print)

(310) 676-3400
Company Phone No.

4622 MARINE AVE. LAWNDALE CA 90260
Address

Signature

OWNER
Title of Person Signing Bid
PROPOSAL INSTRUCTIONS

1. Submitting Proposals. (a) Proposals must include this form, in its entirety, in a sealed envelope with the wording "Proposal," proposal number and closing date marked on the outside; (b) Proposals/corrections received after the closing time will not be opened. The City is not responsible for proposals not properly marked and delivered. Upon award, all submissions become a matter of public record.

2. Alternatives. Any changes or alternatives must be set forth in a letter attached to this proposal. The City has the option of accepting or rejecting any alternative proposal.

3. Currency. All references to dollar amounts in this solicitation and in vendor's response refer to United States currency.

4. Preparation. All proposals must be typed or written in black ink. Errors may be crossed out and corrected in ink, then initialed in ink by the person signing the proposal.

5. Rejection. The City may reject any or all proposals and waive irregularity in any proposal.

6. Default. In case of default by the vendor of any of the conditions of this proposal or contract resulting from this proposal, the vendor agrees that the City may procure the services from other sources and may deduct from the unpaid balance due the vendor, or collect against the bond or surety, or may invoice the vendor for excess costs so paid, and prices paid by the City will be considered the prevailing market price at the time such purchase is made.

7. Assignment. No assignment by the vendor of contract or any part hereof, or of funds to be received hereunder, is binding upon the City unless the City gave written consent before such assignment.

8. Sub contractors. The Bidder must list any subcontractors that will be used, the work to be performed by them, and total number of hours or percentage of time they will spend on the project.

9. Indemnification. The extent of a successful contractor's obligation to indemnify and defend the City is set forth in the sample contract attached to this RFP.

10. Bonds. When deemed necessary by the City, bid bonds must be furnished by all proposers in the amount of at least 10% of the bid to guarantee that proposers will enter into contract to furnish goods at prices stated. Likewise, a Performance Bond
must be required of the successful proposer when stated in the specification (cash deposit, certified or cashier's check or money order may be substituted in lieu of either bond).

11. **Insurance.** This is a contract involving services and the City requires insurance. Insurance must be primary insurance and must name the City of El Segundo as an additional insured. Proof of insurance in the following amounts must be provided prior to contract signing; liability in the amount of $1,000,000, automotive in the amount of $1,000,000, worker's compensation in accordance with California law and Garage Keeper's Liability of $1,000,000 each occurrence/$2,000,000 policy aggregate. Specific insurance requirements are set forth in the sample contract. **BIDDERS MUST SIGN AND RETURN EXHIBIT B, INSURANCE REQUIREMENTS, WITH THEIR PROPOSAL.**

12. **On-Site Inspection.** A tour of your location facility will take place after the proposals are opened as part of the evaluation process. Date and time to be determined later.

13. **Proposal Rejection.** The City may reject the proposal of any proposer who previously failed to perform properly, or complete on time, contracts of a similar nature, or to reject the proposal of a proposer who is not in a position to perform such a contract satisfactorily. The City may reject the proposal of any proposer who is in default of the payment of taxes, licenses or other monies due to the City of El Segundo.

14. **Contract Pricing.** Except as otherwise provided, price proposals must remain consistent through the term of this contract.

15. **Proposal Questions.**

Questions should be forwarded on letterhead to:

City of El Segundo  
*Police Department*  
Attn: Sgt. Jeff Leyman  
348 Main Street  
El Segundo, CA 90245

Questions may also be faxed to (310) 607-9171

The last day for questions and site visits will be the Friday before the proposals are due.
CONTRACT SAMPLE

The successful bidder will be required to enter into the sample contract that is attached as Exhibit "C."

STATEMENT OF WORK AND FORMAT

The City of El Segundo (City) requests proposals for the following purpose according to the terms and conditions attached. In the preparation of this Request for Proposal the words "Bidder," "Contractor," and "Consultant" are used interchangeably.

CITY MANAGER - the City Manager of the City.
CHIEF OF POLICE - the Chief of Police of the City of El Segundo or his authorized representative
POLICE DEPARTMENT - the Police Department of the City of El Segundo.
OPERATOR/BIDDER - the tow service and vehicle storage owner submitting the Proposal.
ALTERNATE OPERATOR - a vehicle tow and storage service acting on the behalf the operator.

1. Purpose:
To provide a work force of company licensed/skilled towing equipment operator personnel, materials, tools, equipment, and transportation to perform towing services at public and private properties under the jurisdiction of the City of El Segundo's Police Department. The Contractor shall be responsible for supplying all supplies and equipment, which are required in connection with the services to be performed under contract.

2. Proposal Schedule: Following is a tentative schedule of events:

Request for Proposal mailing: Thursday, August 27, 2009
Deadline for Written Questions: Friday, September 4, 2009 @ Noon
Responses to Questions: Thursday, September 10, 2009
RFP Opening: Thursday, September 17, 2009 @ 11:00 a.m.
City Council Award: Tuesday, October 6, 2009
Contract Execution and Start: October 7, 2009

Proposal Requirements

Three copies of the proposal must be received by the City of El Segundo, 350 Main Street Room 5, El Segundo, CA 90245-3895, Attn: City Clerk, not later than 11:00 a.m. on Thursday, September 17, 2009.
Evaluation of Proposals

The proposals will be reviewed by City staff. Proposals will be evaluated based on the following qualifications criteria:

1. Contractor's understanding of scope of work.
2. Contractor's approach to performing the tasks defined in the Scope of Work.
3. Capability of firm and key project personnel to handle the project in terms of workload, experience, and efficient staff utilization.

Recommendation to City Council for Contract Award

Interviews of the top firms may be required. The successful contractor will be selected by the City Council based upon the criteria set forth above and the City's sole discretion. The City Council is under no obligation to contract with any applicant.

3. Introduction/Background:

   City wishes to provide towing services and garage impound and storage facilities for the purposes of towing away and impounding all motor vehicles (i) involved in traffic accidents; (ii) violating various sections of federal or state law (including, without limitation, the California Vehicle Code) or the El Segundo Municipal Code ("ESMC"); (iii) being held by the El Segundo Police Department (the "Police Department" as evidence in criminal cases; and (iv) for such other tow-away or impound services whether for public or private property as City requests from time to time.

4. Objective(s)/Work Products:

   Refer to the terms of the Agreement included as Exhibit A

5. Work Statement: Refer to the terms of the Agreement included as Exhibit A

6. Required Qualifications:

   Refer to the terms of the Agreement included as Exhibit A

7. Time Schedule:

   5
The initial term of this Agreement is a four-year period with an option for three one-year additional terms, for a maximum total contract length of seven years, effective upon receipt of a fully executed City of El Segundo Professional Services Agreement (Contract). This Agreement may be terminated by the City, in its sole discretion, upon written notice to the Operator, at any time during the term of this Agreement.

8. **Response Submittal Requirements.**

   (a) CONTENTS OF PROPOSAL

Submitted proposals must follow the format outlined below and all requested information must be supplied. Failure to submit proposals in the required format will result in elimination from proposal evaluation.

**FORMAT**
Each proposal must be submitted in two parts:

Part I must relate to the Technical Proposal
Part II must relate to the Cost Proposal

**PART I - TECHNICAL PROPOSAL**

Cover Letter - Must include the name, address, and telephone number of the company, and be signed by the person or persons authorized to represent the firm.

Table of Contents - Clearly identify material contained in the proposal by section and page number.

Introduction (Section 1) - Contents to be determined by contractor.

Project Analysis (Section 2) - Provide an explanation and interpretation of the challenges identified in this RFP.

Objective, Scope, Nature of Proposed Program (Section 3) - Describe the overall approach to the challenges, including the objective and scope of work to be performed by the contractor

Work Program (Section 4) - Describe the work or tasks to be performed.

Methodology (Section 5) - Describe the methodology and techniques to be employed.

Project Management (Section 6) - Describe the proposed management structure, organization of contracting group, and facilities available.
Assigned Personnel (Section 7) - Identify the principals having primary responsibility for implementing the proposal. Discuss their professional and academic backgrounds. Provide a summary of similar work they have previously performed. List the amount of time, on a continuous basis, that each principal will spend on this project. Describe the responsibilities and capacity of the technical personnel involved. Substitution of project manager and/or lead personnel will not be permitted without prior written approval of the City.

Schedule (Section 8) - List the proposed schedule of activities including labor hours.

Program Monitoring (Section 9) - Describe the quality control procedures to be utilized during the project to ensure conformance with the scope of work.

City Resources (Section 10) - Describe and City services and staff resources needed to supplement contractor activities to achieve identified objective(s).

Subcontractors (Section 11) - If subcontractors are to be used, identify each of them in the proposal. Describe the work to be performed by them and the number of hours or the percentage of time they will devote to the project. Provide a list of their assigned staff, their qualifications, relationship to project management, schedule, costs, and hourly rates.

Contractor Capability and References (Section 12) - Provide a summary of the firm's relevant background experience. Discuss the applicability of such experience to this RFP. Include examples of projects completed for other similar agencies that are of a similar nature and a contact person for each of those clients.

Alternative Proposals (Section 13) - Provide statements of alternative proposals, if any, labeled "Alternative Proposal Number One, Alternative Proposal Number Two," etc. The format of each alternative proposal submitted may be abbreviated to address just the following:

   a. Work Program
   b. Methodology
   c. Assigned Personnel

Conflict of Interest (Section 14) - Address possible conflicts of interest with other clients affected by actions performed by the firm on behalf of the City. Although the bidder will not be automatically disqualified by reason of work performed for other parties, the City reserves the right to consider the nature and extent of such work in evaluating the proposal.

PART II - COST PROPOSAL

Name and Address
The Cost Proposal must list the name and complete address of the bidder in the upper, left-hand corner.

(b) PROPOSAL SUBMISSION

All proposals must be submitted according to specifications set forth in Section 8 (a) - Contents of Proposal and this section. Failure to adhere to these specifications may be cause for rejection of proposal.

I. **Signature.** An authorized representative of the bidder MUST sign all proposals.

II. **Due Date.** The proposer must submit THREE (3) complete copies of the proposal in a sealed envelope, plainly marked in the upper, left-hand corner with the name and address of the bidder and the words "Request for Proposal # 09-17." All proposals must be received before 11:00 a.m. on Thursday, September 17, 2009, and should be directed to:

City Clerk
City of El Segundo
350 Main Street, Room 5
El Segundo, CA 90245-3813

Late bids/proposals will not be accepted. Any correction or resubmission done by the proposer will not extend the submittal due date.

III. **Addenda.** City may modify the proposal and/or issue supplementary information or guidelines relating to the RFP during the proposal preparation period of Thursday, August 27, 2009 to Thursday, September 10, 2009.

IV. **Rejection.** A proposal may be deemed nonresponsive and may be immediately rejected if:
- It is received at any time after the exact date and time set for receipt of proposals and/or;
- It is not prepared in the format prescribed and/or;
- It is signed by an individual not authorized to represent the firm.

V. **Disposition of Proposals.** The City reserves the right to reject any or all proposals. All responses become the property of the City. One copy of the proposal must be retained for City files. Additional copies and materials will be returned only if requested and at the bidder's expense.

VI. **Proposal Changes.** Once submitted, proposals, including the composition of the contracting team, cannot be altered without the prior written consent of the City.
All proposals constitute an offer to the City and may not be withdrawn for a period of sixty (60) days after the last day to accept proposals.

Proposals will be evaluated on the following criteria:

1. Contractor's understanding of scope of work.

2. Contractor's approach to performing the tasks defined in the Scope of Work.

3. Capability of firm and key project personnel to handle the project in terms of workload, experience, and efficient staff utilization.

During the selection process, the evaluation panel may wish to interview bidders with scores above a natural break, for clarification purposes only. No new material will be permitted at this time.
Exhibit B

INSURANCE REQUIREMENTS
[MUST BE SUBMITTED WITH PROJECT PROPOSAL]

To be awarded this contract, the successful bidder must procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

<table>
<thead>
<tr>
<th>Type of Insurance</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial general liability:</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Garage Keeper’s liability:</td>
<td>$1,000,000</td>
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<tr>
<td>Business automobile liability:</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Workers compensation:</td>
<td>Statutory requirement.</td>
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</table>

Commercial general liability insurance must meet or exceed the requirements of the most recent ISO-CGL Form Number. The amount of insurance set forth above must be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies must be endorsed to name the City, its officials, and employees as “additional insureds” under said insurance coverage and to state that such insurance will be deemed “primary” such that any other insurance that may be carried by the City will be excess thereto. Such insurance must be on an “occurrence,” not a “claims made,” basis and will not be cancelable or subject to reduction except upon thirty (30) days prior written notice to the City.

Garage keeper’s liability coverage must be on an “occurrence basis” if such coverage is available, or on a “claims made” basis if not available. When coverage is provided on a “claims made basis,” the Consultant must continue to maintain the insurance in effect for a period of three (3) years after this Agreement expires or is terminated ("extended insurance"). Such extended insurance must have the same coverage and limits as the policy that was in effect during the term of this Agreement, and cover the Consultant for all claims made by the City arising out of any errors or omissions of the Consultant, or its officers, employees or agents during the time this Agreement was in effect.

Automobile coverage must be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto).

The Consultant must furnish to the City duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement, endorsements as required herein, and such other evidence of insurance or copies of policies as may be reasonably required by the City from time to time. Insurance must be placed with admitted insurers with a current A.M. Best Company Rating equivalent to at least a Rating of “A:VII.” Certificate(s) must reflect that the insurer will provide thirty (30) day notice of any cancellation of coverage. The Consultant will require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word “endeavor” with regard to any notice provisions.

By signing this form, the bidder certifies that it has read, understands, and will comply with these insurance requirements if it is selected as the City’s consultant. Failure to provide this form may render the bidder’s proposal “nonresponsive.”

9-05-09
Date

[Signature]
Bidder
WORK STATEMENT

1. GENERAL

1.1 Statement of Work
The operator must provide a work force of company licensed/skilled towing equipment operator personnel, materials, tools, equipment, and transportation to perform towing services at public and private properties under the jurisdiction of the City of El Segundo's Police Department. The Operator shall be responsible for supplying all supplies and equipment, which are required in connection with the services to be performed under contract.

1.2 Financial Statement
The bidder shall provide a balance sheet for the last operating year, plus additional information updating this statement.

1.3 Hourly Rate/Certified Payroll
The bid document must reflect all charges for labor, materials, tools, and transportation must include overhead and profit. A breakdown of hourly rates for towing personnel or supervisor(s) is not required.

1.4 Crew Personnel - Rejection/Replacement
The City reserves the right to reject any crew personnel or supervisor of the operator's workforce. It is the operator's responsibility to replace such rejected workers in a manner that will not affect the performance of the contract responsibilities as specified in the contract document.

1.5 Work Force/Schedule/Shift/Manpower
1.5.1 The work force must consist of company skilled towing personnel and include any subcontractors. The designated Leadworker must have the ability to communicate with City staff in English. In the event of the absence of the regular Leadworker, it is the responsibility of the operator to designate an acting Leadworker to oversee the crew while performing the towing operations specified by the contract. The operator must notify the City of any such designation before the beginning of any shift by contacting the Watch Commander's office at (310) 524-2255.

1.5.2 Identification of Vehicles: All vehicles and equipment utilized in connection with the contract must be visibly marked with company identification.

1.5.3 All employees must be at least eighteen (18) years of age thoroughly trained and qualified in the work assigned to them.
1.5.4 Operator must provide uniforms to the employees who are assigned to do the work on the contract, so that the operator's employees may be easily identified. Uniforms must bear the employee's name and the company's name and/or logo and present a professional appearance.

1.5.5 At the discretion of the Chief of Police, the Operator and his employees may be fingerprinted at the Police Department within thirty (30) days after the agreement is executed; all persons who subsequently become officers or employees of the Operator may be fingerprinted before such appointment or employment for the purpose of determining criminal record status.

1.6 Labor Strike
1.6.1 The operator is responsible for its own labor relations with any trade or union representative among its employees and shall negotiate and be responsible for adjusting all of the disputes between itself and its employees or any union representing such employees. Whenever the operator has knowledge that any actual or potential labor dispute is delaying or threatens to delay the timely performance of the services, the operator must immediately give written notice thereof to the City.

1.6.2 It shall be the operator's responsibility to provide continuous towing services, without interruption, to all locations as requested. In the event of a labor strike, the operator must provide other means, at same cost, as to provide continuous and comparable service in accordance with these specifications with prior written approval of the Chief of Police. Failure to do so will cause the City to take whatever action it deems necessary to obtain other Towing and Storage services.

1.6.3 It is the responsibility of the Operator to make necessary arrangements with other Alternate Operator(s) to respond to City's request for vehicle tow service when Operator equipment is unable to respond. The Operator shall be responsible for notifying the Watch Commander at the El Segundo Police Department in advance of any tow service request to be handled by an Operator. Such Alternate Operator(s) must take any vehicle to the Operator's premises for storage. The City assumes no financial or other responsibility if this prior notification process is not followed, and the vehicle will not be released to the Alternate Operator. It is further understood that when such occasions occur and Operator cannot respond in a reasonable time, the Chief of Police or designee, can make such arrangements to meet this emergency as deemed necessary.

1.7 Subcontractor/Assignment of Contract
The operator cannot subcontract any portion of this contract or any additions made to the contract without first receiving approval from the City. All persons engaged in towing work shall be considered employees of the operator, with the supervisor being directly responsible for their work. The contract cannot be assigned to another owner or entity without City approval.
1.8 Duties and Responsibilities
1.8.1 The Chief of Police will act as the contract administrator and will manage, coordinate, and administer the contract and verify completion of all towing operations specified in the contract document. He/She will also provide written notice of failure to perform the contract and indicate the amount to be deducted from the forthcoming progress payment.

1.8.2 The operator’s Leadworker/supervisor is responsible for the execution of the towing operations specified herein. He/She represents the operator and is responsible for the supervision of the operator’s employees while they are performing the towing service.

1.8.3 Quality of Work
All work must be performed in accordance with the best towing, safety practices and standards of cleanliness.

1.10 Disclosure of Information
The operator cannot issue or release for publication any articles, advertising or publicity matters relating to the services performed by the operator hereunder or mentioning or implying the name of the City or its respective personnel, without the prior written consent of the City.

1.11 Key Control
1.11.1 The operator must adequately secure the keys and other entry devices.

1.11.2 The operator cannot duplicate or allow such items to be duplicated or removed from the site of the services.

1.11.3 The operator must immediately report any item, which becomes lost, missing, broken, or stolen to the contract administrator. Should the operator lose or have stolen any keys, the cost of changing locks, keys, or other devices will be borne solely by the operator for work performed under this contract.

1.12 The right of any vehicle owner involved in a traffic collision to call for tow service of the owner’s own choosing cannot be infringed upon so long as the removal of the vehicle can be made without undue delay. In those cases where the owner of a damaged or abandoned vehicle chooses to have the City’s tow service and vehicle storage operator transport such vehicle to a location other than the official police impound storage garage, this is a private matter to be arranged between the owner of the vehicle and the Operator.

1.13 If the owner of a vehicle ordered to be stored appears on the scene after the Operator has been called and before the Operator arrival, he/she can request immediate release of his/her vehicle upon obtaining permission from the Chief of Police or his designate. Once permission is obtained, the owner may take possession of his vehicle at no cost.
1.14 The Operator upon signing the Police Department vehicle custody report assumes full liability for the vehicle and its contents. It is the responsibility of the Operator to return all property, which has been removed, from the vehicle for temporary storage to the owner at the time of vehicle release.

1.15 The City reserves the right to inspect the facilities, records, equipment and premises of the Operator hereunder at any time during the life of the agreement, in order to ensure that all the terms and conditions of these specifications are being satisfactorily met and complied with.

2.0 CONTRACT ADMINISTRATORS
2.1.1 The Chief of Police is the City's contract administrator and may act on behalf of the City with respect to all aspects of the contract.

2.2 The operator must strictly and promptly follow the instructions of the contract administrator in every case. The contract administrator's decision upon all questions, claims, and disputes will be final and conclusive upon the parties of the contract.

3.0 OBLIGATIONS, WORKMANSHIP, SUPERVISION AND DAMAGE
3.1 Operators must provide and/or currently possess the following before submitting a bid proposal: 24-hour answering service, central office/yard, two-way radio communication and excellent references from completing towing work for at least (1) other Public Agency, including at least three years' experience in providing Police Towing services.

3.3 All work must meet with the approval of the Chief of Police.

3.7 The operator must provide proper traffic control at all times while working on public right of ways to provide a safe environment for all parties concerned.

3.8 The operator will report without delay and damage to City equipment or property and is responsible for the replacement of any said damage caused by his act hereunder.

4.0 OPERATOR SERVICE REQUIREMENTS, THE OPERATOR MUST:
4.1 Operate on a 24-hour, 365 days per year basis any emergency or routine towing service without delay in response to Police Department request for service.

4.2.1 The City of El Segundo has the right to inspect all books and records pertaining to the operator's charges.

4.3 Operate standard tow trucks and adequate equipment to handle any passenger vehicle, small truck, large truck, trailer, or similar heavy equipment.
4.4 Operate a cable wrench of sufficient size and capacity to retrieve vehicles, which have
gone over embankments or off-traveled portions of roadways into inundated areas or
other inaccessible locations.

4.5 Operate and maintain a minimum of two (2) standard tow trucks and tow truck drivers
who will be available at all times with sufficient equipment to provide expeditious
movement of disabled vehicles involved in multi-vehicular collisions.

4.6 Operator must provide tow service without cost to City when City owned vehicle up to
one ton is towed.

5.0 VEHICLES STORAGE REQUIREMENTS
5.1 At the time of bidding or within (30) days after award of bid the following facilities must
be provided within an eight-mile radius of the civic center of the City of El Segundo.

5.2 Secure garage facility for impounded vehicles. The secured garage facility for
impounded vehicles shall be available to house two vehicles within a fully enclosed
building that must be locked at all times. These vehicles cannot be moved or touched
in any manner after storage therein without the prior written consent of the Chief of
Police, except by El Segundo Police Department sworn personnel showing the proper
identification. IT SHOULD BE NOTED THAT THESE VEHICLES MAY CONSTITUTE
CRIMINAL EVIDENCE AND ANY PERSONS TAMPERING WITH THE VEHICLES
MAY BE PROSECUTED.

5.3 Short-term secured storage. The short-term secured storage yard facilities must
accommodate ten vehicles from El Segundo for at least ten (10) days. This area must
be isolated from the normal storage area.

5.4 Long-term secured storage yard facilities. Long-term secured storage yard facilities
must be provided for storing at least thirty vehicles from El Segundo for a period
exceeding ten (10) days.

5.5 Storage lots and/or yards. Storage lots and/or yards must be enclosed by a fence or
wall of at least six feet in height constructed of material to be approved by the Chief of
Police; must be adequately illuminated during the hours of darkness; shall be locked at
all times; must have sufficient space to segregate hazardous vehicles. The operator
must make all provisions necessary to ensure that the public is restricted from
unescorted entry. Lots shall be located so as to be under constant surveillance of
Operator or other security measures approved by the Chief of Police.

5.6 If vehicles requiring storage in a secured building as outlined in Section 14, II.A, exceed
the building storage capacity, the operator must, before moving the vehicles,
contact the Watch Commander at the El Segundo Police Department to
ascertain the appropriate disposition of the vehicles.
5.7 Any property removed from a vehicle must be stored in a separate locked locker, and individual records maintained for each vehicle.

5.8 The Operator must submit to the Chief of Police a statement certifying whether the real property to be used by the Operator for the vehicular storage proposed herein is owned or leased; and if such property is being leased, it must be stated from whom it is leased and the expiration date of said lease.

6.0 CITY OF EL SEGUNDO ADMINISTRATIVE SURCHARGE
The City of El Segundo will charge a 10% administrative surcharge of the gross receipts for all tow services, charges and vehicle storage. Fees are due and payable to the City of El Segundo ten (10) calendar days following each three (3) month period after the effect of the contract date for furnishing tow service and vehicle storage.

7.0 OPERATOR ADMINISTRATION
7.1 The Operator must maintain its place of business records of all impounded and stored vehicles ordered by the Police Department and such records must be available for review and/or audit to any authorized member of the Police Department and any persons specifically authorized in writing by the City Manager.

7.2 Records must include, without limitation:

7.2.1 Police Department vehicle custody report, which are required on all police ordered storage. Each report must be time stamped at time of vehicle storage and at time of release. The Operator will forfeit first day storage charge if report is not time stamped. In all cases where a vehicle has been stored for less than two (2) hours, no daily storage will be assessed.

7.2.2 Copies of registered letters (where applicable).

7.2.3 Chart sheets listing tow charges and storage fees against each individual vehicle and when possible containing the owner's release (signature). The appropriate lien charge, if applicable, may be assessed to the vehicle owner at the time of the vehicle's release if the Operator has incurred such a charge as a result of lien proceedings initiated in the manner prescribed by law. All lien charges collected by the Operator must be supported by documentation showing the Operator's cost. NO PERSON TAKING CUSTODY OF A VEHICLE WITHIN TEN (10) DAYS (240 HOURS) OF THE TIME OF STORAGE OR IMPOUND (AS INDICATED BY TIME STAMP) CAN BE REQUIRED TO PAY ANY LIEN CHARGES OF ANY AMOUNT

7.2.4 A ledger account must be maintained by date of impound, amount of each charge as a separate entry, and total of all charges for the City of El Segundo only. Such entries must be supported by the documents call for above.
7.2.5 The records listed above must be maintained in jacket files by month, by chronological date of impound and storage. Such records must be placed in storage and maintained for five (5) years from preparation and shall be made available as indicated above.

7.2.6 No work or contract may be entered into between the Operator and the vehicle owner or his agent until the Chief of Police, or his designate has released the vehicle.

7.2.7 All towing rates and other fees pursuant to this contract must be posted in a conspicuous place where the public would transact business to obtain any vehicular release.

7.2.8 The Operator must at all times comply with federal, state, and local laws now in effect or hereafter enacted, and must obtain and maintain at its own cost and expense all necessary licenses and permits.

8.0 CHANGE OF OWNERSHIP
The qualifications and abilities of the Operator to carry out the terms of this Agreement are of particular concern to the City. Therefore, the Operator cannot assign or otherwise transfer this Agreement nor sell, convey or otherwise transfer, voluntarily, or involuntarily, the business, in whole or in part, without the express written consent of the City Council.
9.0 RFP PROPOSAL SHEET


Note: All rates must conform with Vehicle Code § 22658(i) and applicable CHP tow contracts.

1. RATES AND CHARGES:

(A) Police-ordered impound tow charges for motorcycles, passenger cars, SUV’s, passenger vans, and pickup trucks up to ¾ ton capacity during the hours of 8:00 a.m. to 5:00 p.m. will be at the rate of:

$110.00 PER HOUR

and during the hours of 5:00 PM to 8:00 AM will be at the rate of:

$50.00 AFTER HOURS

(B) Police-ordered impound tow charges for trucks (over ¾ ton) heavy equipment during the hours of 8:00 a.m. to 5:00 p.m. will be at the rate of

$225.00 PER HOUR

and during the hours of 5:00 p.m. to 8:00 a.m. at the rate of

$50.00 AFTER HOURS

(C) Charge for police requested release:

1) Motorcycles $110.00 PER HOUR

2) Passenger cars, vans, SUV’s, and trucks to ¾ ton $110.00 PER HOUR
3) Trucks, and SUV's one (1) ton \$110.00 PER HOUR

4) Heavy trucks and equipment (1-1/2 ton and over) \$225.00 PER HOUR

(D) Where additional labor is required to facilitate the movement of the vehicle, it may be charged at the rate of:
\$

(E) Should the use of a "dolly" be required, the use thereof may be charged at the rate of:
\$

(F) Where the tow truck has been ordered, arrives at the scene and vehicle is released without towing services being performed, the charge for the tow truck response shall be:
\$50% OF THE PRICE

(G) The charge for a vehicle release during normal operating hours of 8:00 a.m. to 5:00 p.m., Monday and Friday shall be a fee not to exceed for each service rendered, the amount of:
\$
during other than normal operating hours:
\$50.00

(H) Storage of the following vehicles shall be charged at the rate per day of:

1) Motorcycles \$29.00 PER DAY

2) Passenger cars, vans, SUV's, and pickup trucks up to 3/4 ton capacity \$29.00 PER DAY

3) Trucks, and SUV's, one (1) ton \$29.00 PER DAY

4) Trucks 1-1/2 ton and over \$40.00 PER DAY
Any part of one day will constitute one day’s storage. One day’s storage shall be 24 hours from time of pick up to time of release.

2. LOCATION:

(A) Short-term storage yard facilities are located at:

4622 MARINE AVE, LAWNDALE, CA 90260

(B) Impound garage facility is located at:

4622 MARINE AVE, LAWNDALE, CA 90260

(C) Storage facility for long-term impounds are located at:

4622 MARINE AVE, LAWNDALE, CA 90260

3. I (we) hereby certify that I (we) own/lease (check one) the real property that will be used for:

A. Short-term storage yard facilities

   Own [ ]
   Lease [x]

B. Short-term garage facility

   Own [ ]
   Lease [x]

C. Long-term storage facility

   Own [ ]
   Lease [x]

4. If leasing the property mentioned in 3 above, please state the following:

   Name of Lessor: Mr. Kenny Osaka

   Address of Lessor: 17518 Kristine Ave, Torrance, CA 90504

   Date of lease expiration: 12-01-2014

5. I hereby certify that I am able to comply with all requirements as listed on these proposal sheets that constitute my bid for the furnishing of towing service and storage garage facilities to the City of El Segundo for the period of four (4) years and three (3) one year options commencing.
I ACKNOWLEDGE THE REQUIREMENT TO PROVIDE DOCUMENTATION AS CALLED OUT HEREIN.

The undersigned agrees to furnish above service in accordance with Notice Inviting Bids, Specification and Bid Form, which are intended to be read and interpreted as a whole.

Company: **MANHATTAN BEACH TOWING**

Address: **4622 MARINE AVE. LAWNDALE 90260**

Telephone No. **(310) 676-3400**

E-mail address: **RAMSEYMAJD@GMAIL.COM**

By: **MOHSEN MAJID**

Title: **OWNER**

Fax: **(310) 978-9621**

Date: **9-05-09**
11.0 VENDOR QUESTIONNAIRE

In submitting a proposal, each bidder shall also provide the following information: (Use additional sheets, if necessary.) Brochures and advertisements will not be accepted as a direct response to the questionnaire. A qualifying proposal must address all items. Incomplete proposals will be rejected.

**Organization:** Describe your firm's qualifications to provide the service specified in this RFP. Be sure to include: founding date (month and year) and brief history of firm; facility/office location, current number of employees (full-time and part-time); special equipment acquired for the work; firm's vision and mission statements, and key services offered.

**We have 12 employees. All employees are professional.**

**We have a day manager, a night manager, tow truck drivers, and 24 hour dispatches. Seven years with El Segundo Police Department, over 12 years with Automobile Club of Southern California.**

**References:** List a minimum of (1) client for whom you have been providing Police Towing services, preferably a Public Agency. For each reference, include organization name, address, and the name and telephone number of the contact person.

1. **El Segundo Police Department**
2. **Automobile Club of Southern California**

   **Mr. Samuel J. Briner, Supervisor**
   
   (562) 497-7066 - 4800 Airport Plaza Drive, Long Beach, CA 90815

**Contract administrator:** Indicate the name, title, telephone number, and years of experience of the individual who will be administering the contract, if awarded to your firm.

1. **El Segundo Police Department:** 7 years
2. **Automobile Club of Southern California:** 19 years +

**Emergency information:** List names and telephone numbers of persons that the City will need to contact after hours, on weekends or holidays.

   **Mohsen, Majd:** 7 days a week, 24 hours
   1. **Office:** (310) 676-3400
   2. **Cell:** (310) 944-1160
   3. **Home:** (310) 541-2416
VENDOR QUESTIONNAIRE
(Continued)

Subcontracting:  Is your firm planning to subcontract portions of the work? Yes ___ No ___ If yes, indicate the name of the subcontractor(s) and the portion of the work that will be subcontracted in each case.

Employees:  How many employees do you plan to hire or retain to provide the services specified in this RFP?  Are they going to be permanent full-time or part-time employees?  How long must a part-time employee work in your firm to become a permanent full-time employee?  What percentage of your staff is currently employed full-time on a permanent basis?

MANHATTAN BEACH TOWING STAFF THEY ARE 12 DRIVER'S FULL TIME, 24 HOURS, 7 DAY'S A WEEK DISPATCH, DAY'S AND NIGHT MANAGER'S.

Business License: Include with your submittal a copy of your firm's current business license. (Be sure to include a copy of same for any subcontractor listed above.)

Certificate of Insurance: The Operator must have insurance meeting the minimum insurance requirements set forth herein (see Bidder Requirements On-Site Services). Include a copy of your firm's insurance certificate or a letter from surety stating that your firm is insurable for the limits required if awarded the contract. A certificate of insurance must be furnished to the City within fourteen (14) days after notification of award.

Clarification, Exception or Deviation: Each bidder may clarify or describe any exception or deviation from the requirements as set forth herein. Each clarification, exception or deviation must be clearly identified and submitted with your Proposal response. If there is no clarification, exception or deviation indicated, it will be considered that none exists.
City of El Segundo

Exhibit A-RFP No. # 09-17

ATTN: J. Richard Hogate, Purchasing Agent

October 22, 2009

To whom it may concern,

The purpose of this letter is to clarify the price amount found in Exhibit A: under area titled “Rates and Charges”-Section A, B and C. Attached is a copy of Exhibit A, page 8 and 9 of the proposal with sections A, B and C with the correct prices. Thank you.

Sincerely,

Mohsen Majd
9.0 RFP PROPOSAL SHEET


Note: All rates must conform with Vehicle Code § 22658(i) and applicable CHP tow contracts.

1. RATES AND CHARGES:

(A) Police-ordered impound tow charges for motorcycles, passenger cars, SUV's, passenger vans, and pickup trucks up to 3⁄4 ton capacity during the hours of 8:00 a.m. to 5:00 p.m. will be at the rate of:

$ 110.00

and during the hours of 5:00 PM to 8:00 AM will be at the rate of:

$ 110.00

(B) Police-ordered impound tow charges for trucks (over 3⁄4 ton) heavy equipment during the hours of 8:00 a.m. to 5:00 p.m. will be at the rate of:

$ 225.00

and during the hours of 5:00 p.m. to 8:00 a.m. at the rate of

$ 225.00

(C) Charge for police requested release:

1) Motorcycles

$ 0

2) Passenger cars, vans
   SUV's, and trucks to 3⁄4 ton

$ 0
3) Trucks, and SUV's one (1) ton $ ____________
4) Heavy trucks and equipment (1-1/2 ton and over) $ ____________

(D) Where additional labor is required to facilitate the movement of the vehicle, it may be charged at the rate of:
$ ____________

(E) Should the use of a "dolly" be required, the use thereof may be charged at the rate of:
$ ____________

(F) Where the tow truck has been ordered, arrives at the scene and vehicle is released without towing services being performed, the charge for the tow truck response shall be:
$ 50% off the price

(G) The charge for a vehicle release during normal operating hours of 8:00 a.m. to 5:00 p.m., Monday and Friday shall be a fee not to exceed for each service rendered, the amount of:
$ ____________ during other than normal operating hours:
$ ____________

(H) Storage of the following vehicles shall be charged at the rate per day of:
1) Motorcycles $ 30.00
2) Passenger cars, vans, SUV's, and pickup trucks up to ¾ ton capacity $ 30.00
3) Trucks, and SUV's, one (1) ton $ 40.00
4) Trucks 1-1/2 ton and over $ 40.00
November 18, 2009

Mohsen Majd
Manhattan Beach Towing
4622 Marine Avenue
Lawndale, CA 90260

Dear Mr. Majd:

During a review of your RFP proposal (RFP #09-17) and clarifying letter dated October 22, 2009, I discovered that you may have interpreted the section incorrectly, specifically under the heading of Rates and Charges. Additionally, you submitted a new page 8 & 9 as an attachment to your letter that appears to be incomplete and possibly inaccurate.

Please provide me with written clarification regarding the tow or storage rates your company proposes to charge in Section 1(A), (B), and (C) only. Do not replace the storage rates you originally submitted to the City, unless you are intending to withdraw your proposal.

The City was provided with the enclosed letter. As you will see, it is alleged that your company does not comply with laws applicable to lien sales of vehicles. Kindly include a response to these allegations in the letter which clarifies your Company's understanding of the tow rate structure.

Your prompt attention to this is appreciated. Please provide a response not later than November 19, 2009.

Sincerely,

David Cummings
Chief of Police

"Working together to meet our community's needs"
November 18, 2009

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

Re: RFP No.09-17

Gentlemen:

I have been provided with a copy of a letter received by you from U.S. Tow, Inc. regarding the above referenced RFP. Manhattan Beach Towing has been the provider of towing and storage services for the City of El Segundo since 2002. I believe that you can confirm with the Police Department, as well as all other departments of the City involved in towing and storage of vehicles, that we have performed admirably and without negative incident during the seven year period.

Our bid was complete and followed all basic RFP response requirements. We always conduct public auctions when required in accord with Sections 3071 and 3072 of the California Vehicle Code. All of our employees are members of the Pull Notice of the California Highway Patrol Sacramento and as such have completed thorough background checks. Our storage facility is equipped with state of the art security cameras, as well as an electronic gate, and has provision for off-street customer parking. Our tow trucks have heavy duty towing capability and we have never refused a tow requested by the City as a result of not having proper equipment.

We have a proven track record of seven years of exemplary performance which cannot be overshadowed by vague and unsubstantiated allegations which have no basis whatsoever in fact. Our facility is more than adequate to handle the contract and is convenient in location to the City. We urge you to follow the recommendations of your staff and to continue Manhattan Beach Towing for the City’s towing and storage services under RFP No. 09-17.

Respectfully,

Mohsen Majd
Owner

297
City of El Segundo

Exhibit A-RFP No. # 09-17

ATTN: J. Richard Hogate, Purchasing Agent

November 19, 2009

To whom it may concern,

The purpose of this letter is to clarify the price amount found in Exhibit A, pages 8&9 under area titled “Rates and Charges:"

Section A, No. 1&2, $110.00
Section B, No. 1&2 $225.00
Section C, No. 1, 2, 3, & 4, $00.00

Sincerely,

Mohsen Majd

[Signature]
EL SEGUNDO CITY COUNCIL

MEETING DATE: December 1, 2009

AGENDA STATEMENT

AGENDA DESCRIPTION:

Consideration and possible action to award a standard Public Works Contract to the lowest responsible bidder, Silvia Construction, Inc., for the rehabilitation of Mariposa Avenue from Sepulveda Boulevard to Nash Street.

Project No.: PW 09-01, Federal Project No.: LAES681

(Fiscal Impact: $234,000.00)

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 Silvia Construction, Inc., in the amount of $212,856.95.

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

ATTACHED SUPPORTING DOCUMENTS:

Location Map

FISCAL IMPACT: Included in Adopted Budget

Amount Requested: $234,000.00

Additional Appropriation: No

Account Number(s): 301-400-8203-8820

ORIGINATED BY: Maryam M. Jonas, Principal Engineer

REVIEWED BY: Dana Greenwood, Public Works Director

APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

The Pavement Rehabilitation of Mariposa Avenue was one of the two projects approved under the American Recovery and Reinvestment Act (ARRA) Funding Program. The proposed project would resurface Mariposa Avenue from Sepulveda Boulevard to Nash Street. Federal funding programs require the City to follow standard procedures for each step of the project. Following the Caltrans “Local Assistance Procedure Manual”, City staff prepared and submitted field review and preliminary environmental study documents to the Local Assistance Division of Caltrans. Subsequent to approval on obligation of funds from Caltrans, a resolution to approve the ARRA funding and adoption of plans and specifications was approved by the City Council on July 8, 2009.

The Mariposa Avenue Pavement Rehabilitation Project was advertised for receipt of bids on August 27 and September 3 of 2009. On September 29, 2009, the City Clerk received and opened the following nine (9) bids:
1. Silvia Construction, Inc.    $212,856.95  
2. Hardy & Harper, Inc.         $222,000.00  
3. All American Asphalt        $229,000.00  
4. Sequel Contractors, Inc.    $233,807.20  
5. Ortiz Asphalt Paving, Inc.  $241,142.02  
6. Imperial Paving Co.         $245,082.00  
7. Sully Miller Contracting Co $249,349.20  
8. PALP                        $249,620.60  
9. EBS, Inc.                   $261,966.00  

The original amount approved for this project through the ARRA grant application was $358,000 from the City’s total allocation of $505,000. After completion of the two projects, the City will request the balance of the ARRA savings to be used for the rehabilitation of other Federal Aid Urban (FAU) eligible streets.

Staff has contacted references of the lowest responsible bidder and has received favorable responses. Staff recommends awarding the contract to the lowest responsible bidder, Silvia Construction, Inc., in the amount of $212,856.95. The total amount ($234,000) requested includes the contract amount and an additional $21,143.05 for construction related contingencies.
AGENDA DESCRIPTION:
Consideration and possible action regarding approving a request from Big West Construction Corporation to substitute the door supplier listed in their Bid related to Group 38 (26 homes) of the City's Residential Sound Insulation Program (Project Nos. RSI 09-19).
(Cost impact: None)

RECOMMENDED COUNCIL ACTION:
1. Approve request from Big West Construction Corporation to substitute the door supplier listed in the Bid related to Group 38 of the City's Residential Sound Insulation Program; and/or
2. Alternately discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Letter from Big West dated November 9, 2009 with attachments

FISCAL IMPACT: None

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

BACKGROUND AND DISCUSSION:
On November 3, 2009 the City Council awarded a contract to Big West Construction Corporation (Big West). At that time, the City Council also waived the listing of door supplier as a subcontractor in the subcontractors list included in the bid as a non-material irregularity. Although the listing of the door supplier on the subcontractor list was waived, the requirements of subcontractors (which would still apply to the door supplier) were not waived.

City staff provided a letter to Big West on November 4th highlighting the requirements of the door supplier listed in their bid, Specialty Door Company, Inc. (Specialty Door) and directing them to provide assurance that such requirements as prevailing wage provisions and certified payroll requirements would be met. Big West has contacted Specialty Door, both in writing and by telephone, to get proper assurances from Specialty Door, and Specialty Door refuses to provide such assurances to Big West.

As such, Big West is requesting to substitute Specialty Door with Glore & Associates as the door and hardware supplier for Group 38. Glore & Associates is the door and hardware supplier for the contract with Big West for Group 37 of the Residential Sound Insulation (RSI) Program, and Big West is proposing this substitution at no additional cost to the City. Staff is therefore recommending approval of the request for substitution.
November 9, 2009

James O’Neill
Program Manager
City of El Segundo
Residential Sound Insulation Program
350 Main Street
El Segundo, CA 90245

Subject: Project Group 38 - Specialty Door Company Submittal

Reference: 1. Specialty Door General Information for El Segundo Projects (Attached)

Mr. O’Neill,

Your letter regarding the subject information dated November 4, 2009 was forwarded with a cover letter from Big West Construction on November 5, 2009. I also called Mike Ghezavat (Specialty Door) on Friday morning regarding the issues contained in the letter. In a lengthy discussion, I told him what he needed to do to comply with the requirements set forth by the City. He indicated that he would not submit language that would satisfy the requirements and sent a revised document titled “General Information for El Segundo Projects”. Specifically, Vancouver Information, Item 2 is still non-responsive and likely to be rejected by the City. Attached is the response provided to me on Friday, November 6, 2009.

If this information is not clear as to what work is or is not being performed by Specialty Door Company, Big West Construction Corporation requests to substitute Glore & Associates as the Door and Hardware supplier for Group 38.

In order for this project to proceed in a timely manner, I request that this substitution request be approved as soon as possible.

If you have any question, please contact me at 949-253-9032, 949-795-2219 (cell) or email: bigwestconst@aol.com.

Sincerely,

[Signature]
Tom Carr
Big west Construction Corporation
General Information for El Segundo Projects

Contact Information:

Vancouver Door email address - mshadle@vancouverdoorco.com
Schlage Lock email address - rich_bender@irco.com
Mon-Ray email address – gmurtha@monray.com

Vancouver Information:

1) All 840 series STC rated doors to have blocking for peepholes, and to include 5” Top & 5” SOLID Bottom rails

2) Specialty Door Company, Inc. has always and will always supply Vancouver and or Eggers factory installed; 1) The Applied Mouldings, 2) The Glass & Glazing. The specified manufacturers do Not warranty doors that the application of moldings and or glazing have been done at any other location rather than their own manufacturing facilities.

3) Revised 11-6-2009. Per request of the contractor, we have made communication with the factories to re-visit the warranty issues. Both manufacturers are reluctant to make further revision to the warranty requirement. Factories may be contacted in regards to this issue. (Vancouver Door, 800-999-3667, Eggers Industries, 920-722-6444)

4) In reference to item #3 above, please refer to the “Revised” warranty letter previously provided by Vancouver Door Company in our original submittal. We have been asked to respectfully advise you that no additional revision can be made in regards to the four feet overhead protection requirement or finishing standards.
Further, these warranty restrictions are industry standards. There is not one STC door manufacturer anywhere that will not require these stipulations, including Eggers, the other qualified and accepted manufacturer for the El Segundo Program. This issue was raised for El Segundo 31, 32 & 36 with PBC and was addressed and accepted in the same manner.

5) Specialty Door Company will special order the permanent grills for doors that need grids. They will be provided for ½ Light and Full Light French Doors in: 9 Light, 8 Light, 10 Light, & 12 Light grid patterns as well as ½ wagon wheel inserts.

Glass will come as either Clear Laminated or “Frosted” – White Diffused Obscure glass.

Please note the following light availability from Vancouver Door:

**STC-37** (As required by Wyle for French Doors): 24” x 62”. Any less glass requirement than this, it will move up to STC-39

**STC-39** (As required by Wyle for glazed doors) 24” x 30” maximum. No minimum.

**STC-40** (Not required by Wyle for glazed door). 24” x 24” square light or 10” x 36” narrow light. No Minimum.

**Mon-Ray Information:**

1) All Secondary Sliding Glass doors come available in White, Silver, Bronze, & Almond colors at no additional charge.
NOT TRANSFERABLE

PLEASE POST IN A CONSPICUOUS PLACE

FOR PERIOD 9/23/2009 TO 12/31/2009

PROPRIETOR'S NAME: GHEZAVAT, MIKE AND CH

LOCATION: 525 A RAILROAD AVE
SOUTH SAN FRANCISCO, CA 94080

BUSINESS NAME AND ADDRESS:
SPECIALTY DOOR COMPANY, INC
525 A RAILROAD AVE
SOUTH SAN FRANCISCO, CA 94080

CITY OF SOUTH SAN FRANCISCO
BUSINESS LICENSE

400 Grand Avenue
P.O. Box 711
South San Francisco, CA 94083

BUSINESS LICENSE NO: 104386

TYPE OF BUSINESS:
5100: WHOLESALE SALES & DISTRIBUTOR

The named licensee is granted this business license pursuant to Title 6 of the SSF Municipal Code. Business license issuance is not an endorsement nor certification of compliance with other City requirements. This license is issued without verification that the licensee is subject to or exempt from licensing by the State of California.
CALIFORNIA STATE BOARD OF EQUALIZATION

SELLER'S PERMIT

ACCOUNT NUMBER
10/1/2001 SR BH 100-006227

SPECIALTY DOOR
525A RAILROAD AVE
SOUTH SAN FRANCISCO, CA 94080-345

IS HEREBY AUTHORIZED PURSUANT TO SALES AND USE TAX LAW TO ENGAGE IN THE BUSINESS OF SELLING TAXABLE PERSONAL PROPERTY AT THE ABOVE LOCATION. THIS PERMIT IS VALID ONLY AT THE ABOVE ADDRESS. THIS PERMIT IS VALID UNTIL REVOKED OR CANCELLED AND IS NOT TRANSFERABLE. IF YOU SELL YOUR BUSINESS OR DROP OUT OF A PARTNERSHIP, NOTIFY US OR YOU COULD BE RESPONSIBLE FOR SALES AND USE TAXES OWNED BY THE NEW OPERATOR OF THE BUSINESS.

For general tax questions, please call our Information Center at 800-400-7115. For information on your rights, contact the Taxpayers' Rights Advocate Office at 888-324-2798 or 916-324-2798.

BCE-442-R REV. 15 (2-06)

A MESSAGE TO OUR NEW PERMIT HOLDER

As a seller, you have rights and responsibilities under the Sales and Use Tax Law. In order to assist you in your endeavor and to better understand the law, we offer the following sources of help:

- Visiting our website at www.boe.ca.gov
- Visiting a district office
- Attending a Basic Sales and Use Tax Law class offered at one of our district offices
- Sending your questions in writing to any one of our offices
- Calling our toll-free Information Center at 800-400-7115

As a seller, you have the right to issue resale certificates for merchandise that you intend to resell. Conversely, you have the responsibility of not misusing resale certificates. While the sales tax is imposed upon the retailer,

- You have the right to seek reimbursement of the tax from your customer
- You are responsible for filing and paying your sales and use tax returns timely
- You have the right to be treated in a fair and equitable manner by the employees of the Board
- You are responsible for following the regulations set forth by the Board

As a seller, you are expected to maintain the normal books and records of a prudent businessperson. You are required to maintain these books and records for no less than four years, and make them available for inspection by a Board representative when requested. You are also expected to notify us if you are buying, selling, adding a location, or discontinuing your business, adding or dropping a partner, officer, or member, or when you are moving any or all of your business locations. If it becomes necessary to surrender this permit, you should only do so by mailing it to a Board office, or giving it to a Board representative.

If you would like to know more about your rights as a taxpayer, or if you are unable to resolve an issue with the Board, please contact the Taxpayers’ Rights Advocate Office for help by calling toll-free, 888-324-2798 or 916-324-2798. Their fax number is 916-323-3319.

Please post this permit at the address for which it was issued and at a location visible to your customers.

STATE BOARD OF EQUALIZATION
Sales and Use Tax Department

307
This certificate is presented to
SPECIALTY DOOR COMPANY
INC
in recognition of the firm's membership
in the Golden State Builders Exchanges, Inc.

Date
5/7/09

Aubyn Jo Dean
GSBE Administrator
November 5, 2009

Mike Ghezavat
Specialty Door
525-A Railroad Avenue
S. San Francisco, CA 94080

Subject: Residential Sound Insulation Program- Group 38

I received the attached letter from the City of El Segundo. Please provide the documentation requested to Big West Construction by Monday, November 9, 2009.

If you have any questions, please contact me at 949-253-9032 or email: bigwestconst@aol.com.

Thank You,

Tom Carr
Big West Construction Corporation
City of El Segundo
Planning & Building Safety
Residential Sound Insulation Program

November 4, 2009

Mr. Thomas R. Carr
Vice President
Big West Construction Corporation
2961 Richter Avenue, #123
Irvine, California 92606

Subject: Work to be performed by Specialty Door Company, Inc.
Project No.: RSI 09-19
Residential Sound Insulation Program – Group 38

Mr. Carr:

Per Addendum #2, dated October 2, 2009, the definition of subcontractor was defined as “any individual and/or company that is not a direct employee of the Bidder/Contractor that will perform ANY PORTION of the Work under the Contract.” Although the City Council waived the requirement that Specialty Door Company, Inc. (Specialty Door) be listed in the subcontract listing of your Bid, all requirements of subcontractors must be met.

Included in your submittal for STC Rated Prime Doors, a document (on Specialty Door Company, Inc. stationary) titled “General Information for El Segundo Projects” includes an item that reads:

“Specialty Door Company, Inc. always has and will always factory install two important parts of the doors. 1) The Applied Mouldings, 2) The Glass & Glazing. Specified manufacturers do Not warranty doors that the molding & glazing has not been done at the factory.”

This statement indicates that Work will be performed by Specialty Door, and such Work is subject to prevailing wages under the contract. As such, Certified Payroll is also required.

Please provide assurance that prevailing wage provisions of the Contract will be met by Specialty Door and that Certified Payroll will be submitted for all Work performed by Specialty Door.

Additionally, please provide documentation that shows that Specialty Door is properly licensed in the State of California to perform the Work described.

333 Main Street Unit A, El Segundo, California 90245-3814
Phone (310) 524-2352 FAX (310) 662-4052
If you have any questions regarding this matter, please contact my office at (310) 524-2352.

Sincerely,

[Signature]

James S. O'Neill
Program Manager

C: File
EL SEGUNDO CITY COUNCIL
MEETING DATE: December 1, 2009
AGENDA STATEMENT
AGENDA DESCRIPTION:
Consideration and possible action to adopt a resolution opposing proposed Metropolitan Transportation Authority plans to construct a rail transit operations and maintenance facility for the Crenshaw Transit Corridor Project within the City of El Segundo. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Adopt the proposed resolution;
2. Authorize the City Manager, or designee, to take appropriate action to oppose the proposed project;
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Resolution
2. Draft Letter to Roderick Diaz, Project Mgr., MTA

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

ORIGINATED BY: Bill Crowe, Assistant City Manager
REVIEWED BY: 
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
At the October 20, 2009 City Council meeting, the Council received a staff presentation on the Crenshaw Corridor Transit Project Draft EIR/EIS, and subsequently took action to authorize the City Manager’s submittal of a letter to the Los Angeles County Metropolitan Transportation Authority regarding the inadequacy of their draft environmental document. The Draft EIS/EIR analyzed several transit modes and alignments, as well as, two potential sites for the maintenance facility needed to service the light rail cars or buses for the project. City councilmembers and staff raised a number of concerns about the adequacy of the environmental document specifically as they related to the proposed maintenance facility site (identified as “Site D”) in El Segundo.

Site D is generally located northeast of the intersection of Rosecrans Avenue and Sepulveda Boulevard and appeared to include an existing recreation vehicle storage facility, as well as, portions of property identified to be within Plaza El Segundo Phase II. Based upon documentation contained within the Draft EIS/EIR, it further appeared the maintenance and
railyard facility included land designated for the extension of Park Place; in addition to active railroad lines required for the transport of large quantities of product from the El Segundo Chevron Refinery.

While the City and other impacted entities did timely submit formal comments to MTA on their Draft EIS/EIR, including objections to siting of the maintenance facility within El Segundo, there is no assurance that the MTA Board and staff will identify and select an alternate site. As it is within the city’s vital interests to preserve and protect our economic base, our environmental quality and justice interests, and local traffic circulation plans, it is recommended that the City Council take formal action to oppose the siting of a MTA maintenance and railyard facility within the City of El Segundo. It is further recommended that the Council adopt the attached resolution of opposition and authorize city staff and consultants to take the necessary actions to advocate in support of the City’s position.
A RESOLUTION OF THE CITY OF EL SEGUNDO
OPPOSING THE SITING OF A LOS ANGELES COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY RAIL TRANSIT MAINTENANCE AND
OPERATIONS FACILITY WITHIN THE CITY OF EL SEGUNDO

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

SECTION 1: The City Council finds as follows:

A. The Metropolitan Transportation Authority (MTA) issued a Draft
   Environmental Impact Statement/Environmental Impact Report
   (DEIS/DEIR) for the Crenshaw Transit Corridor Project which
   analyzed several transit modes and alignments, as well as, two
   potential sites for the maintenance facility needed to service the
   light rail cars or buses for the project;

B. The City of El Segundo reviewed the DEIS/DEIR and raised serious
   concerns in a formal comment letter to MTA about the adequacy of
   the environmental review for the proposed “Site D” maintenance
   and operations facility and requested that MTA make significant
   revisions and re-circulate the environmental document prior to
   consideration of certification;

C. “Site D” is generally located northeast of the intersection of
   Rosecrans Avenue and Sepulveda Boulevard within the City of El
   Segundo; and based upon documentation contained within the
   DEIS/DEIR, the site would include land designated for the
   extension of Park Place; as well as, portions of property identified
   to be within Plaza El Segundo Phase II, in addition to active railroad
   lines required for the transport of large quantities of product from
   the El Segundo Chevron Refinery;

D. It is within the City’s vital interests to preserve and protect its
   economic base, its environmental quality and justice interests, and
   its local traffic circulation plans, more particularly, as they relate to
   the environmental and economic impacts that would be created by
   the siting of a MTA railyard maintenance and operations facility
   within the area identified as “Site D.”

SECTION 2: The City of El Segundo is concerned that despite recent action by
the MTA Planning & Programming Committee to request consideration of
alternate sites for the rail transit operations and maintenance facility, there is no
assurance that the MTA Board and staff will identify and ultimately select an
alternate site.
SECTION 3: The City of El Segundo strongly opposes any plan for siting in El Segundo of a rail transit operations and maintenance facility for the Crenshaw Transit Corridor Project and requests that the Metropolitan Transportation Authority Board and staff formally drop “Site D” from consideration as a viable option.

SECTION 4: The City Manager, his designees, and city consultants are directed and authorized to communicate the City Council’s policy position on this matter to appropriate agencies, organizations and individuals, as necessary.

SECTION 5: The City Clerk is directed to certify the adoption of this Resolution; record this Resolution in the book of the City’s original resolutions; and make a minute action of the adoption of the Resolution in the City Council’s records and the minutes of this meeting.

SECTION 6: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 3rd day of December 2009.

______________________________
Kelly McDowell,
Mayor

______________________________
Cindy Mortesen,
City Clerk

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

By: ____________________________
Karl H. Berger
Assistant City Attorney
December 2, 2009

Roderick Diaz, Project Manager
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza, MS 99-22-3
Los Angeles, CA 90012-2952

Subject: City Council Resolution in Opposition to the Selection of Crenshaw Corridor Project, “Site D” Maintenance and Operations Facility

Dear Mr. Diaz:

Please be advised that at its meeting of December 1, 2009, the El Segundo City Council passed the attached resolution in opposition to the continued consideration of the above-mentioned Maintenance and Operations (M and O) facility. In taking this action, the City Council found that:

- The analysis of the Site D M and O facility in the Draft EIR/EIS prepared for the Crenshaw Transit Corridor Project was inadequate and in need of significant revision,
- The location of the proposed facility in El Segundo would significantly impact the City's economic development and traffic circulation improvement efforts,
- Based on the Conceptual plans in the draft EIR/EIS, the M and O facility will impact the rail operations related to the Chevron's El Segundo Refinery.

In response to these findings, the City is formally requesting through the attached resolution that the Site D be removed from the MTA's consideration as the preferred or alternate location for the M and O facility.

The City of El Segundo wishes to be supportive of Crenshaw Transit Corridor Project as it has the potential to improve regional circulation. However, the City of El Segundo intends to take all necessary actions to oppose the continued consideration of the El Segundo/Site D M and O facility.

Sincerely,

Jack Wayt,
City Manager

Attachment: City Council Resolution

cc: Los Angeles County Metropolitan Transportation Authority Board of Directors
Renee Berlin, Executive Officer, Metropolitan Transportation Authority
El Segundo City Council Members
Mark Hensley, City Attorney

350 Main Street, El Segundo, California 90245-3813
Phone (310) 524-2301 FAX (310) 322-7137
AGENDA DESCRIPTION:
Consideration and possible action to request a survey from the Consolidated Fire Protection District of Los Angeles County to determine the feasibility of the Consolidated Fire Protection District of Los Angeles County (District) providing fire protection and related services to the City of El Segundo (City). The survey is intended to be used as a tool to educate the City Council and City staff on the operational and financial impacts on the City if the City were to elect to contract with the District for fire protection and related services instead of maintaining its own municipal fire department. (Fiscal Impact: $18,000 Refunded from Economic Uncertainty Fund, Fire Station #2 Designation)

RECOMMENDED COUNCIL ACTION:
1. Authorize the City Manager to sign and forward a letter on behalf of the El Segundo City Council to the County of Los Angeles Board of Supervisors requesting a proposal from the Consolidated Fire Protection District of Los Angeles County to provide fire protection and related services to the City of El Segundo;
2. Authorize the City Manager to execute an agreement, in a form approved by the City Attorney, with the Consolidated Fire Protection District to prepare a report relating to Fire Protection, Paramedic, and Incidental Services;
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Agreement for Report for Fire Protection, Paramedic, and Incidental Services
Letter to the County of Los Angeles Board of Supervisors
Preliminary 5-Year Forecast and Assumptions

FISCAL IMPACT: $18,000

Amount Budgeted: None
Additional Appropriation: $18,000
Account Number(s): 001-400-2901-6214

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

BACKGROUND AND DISCUSSION:
The City of El Segundo (City) currently operates its own fire department that provides fire protection, paramedic, and related services out of two fire stations. The City is currently realizing significant budget deficits and it appears this trend may continue for some time into the future. The City is being forced to consider methods of reducing its operating expenditures. Staff has been directed to contact the Consolidated Fire Protection District of Los Angeles
County (District) to request a survey to provide fire protection, paramedic, and related services to the City of El Segundo. The Consolidated Fire Protection District of Los Angeles County serves unincorporated parts of Los Angeles County as well as 58 cities and towns that choose to have the District provide fire protection, paramedic, and related services. Some of the local communities that contract with the District for fire protection and related services include Marina Del Rey, Inglewood, Hawthorne, Gardena, Lawndale, Lennox, Lomita, Palos Verdes Estates, Rancho Palos Verdes, Rolling Hills, and Rolling Hills Estates. The proposal from the District will detail the resources and capabilities that the City could expect from District if it were to consider contracting with the District. The proposal will also identify a cost to provide these services for the City Council and staff to consider. This proposal is intended to be used as a tool to educate the City Council and staff on the operational and financial impacts on the City if the City were to contract with the District. This request for a proposal by no means should be construed as a commitment on the part of the City to contract with the District.
AGREEMENT FOR REPORT FOR
FIRE PROTECTION, PARAMEDIC, AND INCIDENTAL SERVICES

This Agreement for Report for Fire Protection, Paramedic, and Incidental Services (collectively, "services") is made and entered into this ______ day of ________________ 200__, by and between the Consolidated Fire Protection District of Los Angeles County and the City of El Segundo.

RECITALS:

WHEREAS, the City of El Segundo, hereinafter referred to as "City," is interested in receiving fire protection, paramedic, and other incidental services from the Consolidated Fire Protection District of Los Angeles County, hereinafter referred to as "District;" and

WHEREAS, the City has requested that the District prepare its report for the provision of services within the City; and

WHEREAS, an aspect of providing such services by the District is the evaluation and transfer of qualifying City personnel to District employment; and

WHEREAS, annexation of a city to the District is authorized by the Fire Protection District Act of 1987, Section 13810 of the California Health and Safety Code, and the District contracting with a City to provide such services to a City is authorized under Section 13878 of the California Health and Safety Code, and the parties are interested in considering and studying City annexing/contracting with the District.

THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. The District shall submit a written report (report) to the City regarding matters described under subparagraphs (a) through (f) herein below.

   a. Evaluate the present fire protection and paramedic services of the City and their related costs to the City.

   b. Describe and compare the present City services to those services which the District would provide within the City.
c. Describe the financial and operational impacts on the City from the City contracting/annexing to the District.

d. Present recommendations relating to the disposition of all equipment and facilities utilized by the City in its fire protection activities.

e. Describe the proposed operations of the District within the City, including types of responses to specific alarms, intended staffing and utilization of equipment, fire prevention activities, dispatching systems, support services, and the investigations of fire causes.

f. Explain the qualifications and procedures for transfer of City personnel to District employment.

2. The District shall perform its reporting duties hereunder in its reasonable discretion and shall not be under the direction of the City as to the manner in which it shall prepare and supply the report, except that the District shall supply the report fully and expeditiously as described in paragraph 1 hereof so long as City complies with paragraphs 3 and 4 hereof.

3. The City shall cooperate with the District by furnishing all personnel necessary for the liaison with the District and shall make available (i) all City records for inspection by the District and (ii) City personnel for interview, consultation, and discussion as the District may from time to time request. The City shall disclose to the District any and all material facts about the City and/or its Fire Department that could materially affect District's report or its decision to negotiate for the District providing services to the City.

4. The City shall further assemble, process, and provide to District all records and data in its possession as requested from time to time by the District for the purpose of this agreement.

5. The City shall pay the costs incurred by the District in performing the services herein above mentioned, or incidental thereto, in the amount of eighteen thousand dollars ($18,000) within thirty (30) days of invoice from District.

6. After receipt of the report by City and upon written request from City, the District may enter into negotiations with the City for the District providing services to the City. For the first one-hundred twenty (120) days of negotiations, there will be no charge to City. After the
initial one-hundred twenty (120) day negotiation period, City shall pay to District, within thirty
(30) days of invoice from the District, nine thousand dollars ($9,000) for every one-hundred
twenty (120) calendar days, or any portion thereof, of negotiations.

7. If City contracts with the District, a maximum of nine thousand dollars ($9,000) in
fees paid in association with the proposal preparation, and a maximum of nine thousand
dollars ($9,000) in fees paid for negotiations, will be credited to the conversion costs charged
to the City by the District. No other fees or costs incurred by City associated with negotiations
or the report preparation will be credited to City.

8. If, subsequent to distribution of the report, negotiations for the District providing
services to the City are commenced between the parties, and medical examinations and
background investigations related to the transfer of City personnel to District employment are
administered by District, and through action of the City no contracting/annexation of the City to
the District for fire protection, paramedic, and incidental services occurs, the City agrees that
upon demand it shall also pay for all costs incurred by the District in administering the medical
examinations and background investigations of City personnel. The cost of such medical
examinations and background investigations shall be established by the Auditor-Controller of
the County of Los Angeles.

9. This Agreement may be terminated at any time by either party thereto by the giving
of at least thirty (30) days' written notice of such termination to the other party; such
termination shall not affect the right of the District to receive prorated compensation for any
work done pursuant to this Agreement up to the time of such termination date.
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers.

CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY

By Chairman of the Board

CITY OF EL SEGUNDO

By City Manager

ATTEST:

SACHI A. HAMAI
Executive Officer-Clerk of the Board of Supervisors

By Deputy

ATTEST:

By Deputy City Clerk

APPROVED AS TO FORM:

County Counsel

By Deputy

APPROVED AS TO FORM:

By City Attorney
December 2, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

REQUEST FOR CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY PROPOSAL TO PROVIDE FIRE PROTECTION AND PARAMEDIC SERVICES FOR THE CITY OF EL SEGUNDO

The El Segundo City Council, at their meeting of December 1, 2009, voted to request that the Consolidated Fire Protection District of Los Angeles County prepare a proposal for the provision of fire protection, paramedic and incidental services to the City of El Segundo.

The City Council, at this meeting, also agreed to execute the Agreement for Report for Fire Protection, Paramedic, and Incidental Services with the Consolidated Fire Protection District of Los Angeles County for payment of the proposal preparation. This executed agreement is attached herewith.

It is requested that your Honorable Board grant favorable consideration to the City's request to direct the District staff to undertake this project and that your Board execute the attached Agreement for Report.

Very truly yours,

CITY OF EL SEGUNDO

Jack Wayt, City Manager
City of El Segundo  
PRELIMINARY Five Year Forecast  
FY's 10/11-14/15

**EXPENDITURES**

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<td>3,714,228</td>
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<td>3,864,293</td>
</tr>
<tr>
<td>Sales Tax in Lieu</td>
<td>3,501,896</td>
<td>3,571,934</td>
<td>3,643,373</td>
<td>3,716,240</td>
<td>3,790,565</td>
</tr>
<tr>
<td>Cogeneration Electric</td>
<td>2,142,000</td>
<td>2,184,840</td>
<td>2,228,537</td>
<td>2,273,108</td>
<td>2,318,570</td>
</tr>
<tr>
<td>License &amp; Permits</td>
<td>1,695,994</td>
<td>1,668,714</td>
<td>1,702,088</td>
<td>1,736,130</td>
<td>1,770,853</td>
</tr>
<tr>
<td>Gas Utility</td>
<td>1,530,000</td>
<td>1,560,600</td>
<td>1,591,812</td>
<td>1,623,648</td>
<td>1,656,121</td>
</tr>
<tr>
<td>Plan Check Fees</td>
<td>1,442,000</td>
<td>1,485,260</td>
<td>1,529,818</td>
<td>1,575,712</td>
<td>1,622,984</td>
</tr>
<tr>
<td>Interest</td>
<td>1,287,500</td>
<td>1,326,125</td>
<td>1,365,909</td>
<td>1,406,886</td>
<td>1,449,093</td>
</tr>
<tr>
<td>All other</td>
<td>7,066,277</td>
<td>7,146,403</td>
<td>7,289,331</td>
<td>17,555,858</td>
<td>7,583,820</td>
</tr>
<tr>
<td><strong>TOTAL REVENUES:</strong></td>
<td><strong>55,313,609</strong></td>
<td><strong>56,456,920</strong></td>
<td><strong>57,694,800</strong></td>
<td><strong>58,960,297</strong></td>
<td><strong>60,304,660</strong></td>
</tr>
</tbody>
</table>

**SHORTFALL:**

<table>
<thead>
<tr>
<th></th>
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<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>$</strong> (8,682,119)</td>
<td>$(8,069,225)</td>
<td>$(7,515,328)</td>
<td>$(7,074,097)</td>
<td>$(6,489,020)</td>
<td></td>
</tr>
</tbody>
</table>
PRELIMINARY FIVE YEAR FORECAST ASSUMPTIONS FY 2009-2010 THROUGH 2013-2014

MAJOR ASSUMPTIONS

GENERAL FUND
FY 2010-2011

REVENUES

PROPERTY TAX
Projected increases 2% in FY 2009-2010, 2% FY 2010-2011, 2.5% in FY 2011-2012, 2.0% FY 2012-2013, 2.0% FY 2013-2014

SALES TAX
No growth in FY 2009-2010, 2% FY 2010-2011, 2.5% in FY 2011-2012, 2.5% FY 2012-2013, 3% FY 2013-2014

BUSINESS LICENSE TAX
Projected increases 2% in FY 2009-2010, 2% FY 2010-2011, 2.5% in FY 2011-2012, 2.0% FY 2012-2013, 2.0% FY 2013-2014

BUILDING ACTIVITY
Slow recovery increases @3% per year

TRANSIENT OCCUPANCY
Remains at 8% Projected increases 0% in FY 2009-2010, 1% FY 2010-2011, 1.5% in FY 2011-2012, 2.0% FY 2012-2013, 2.0% FY 2013-2014

GAS UUT
Projected increases 2% in FY 2009-2010, 2% FY 2010-2011, 2.0% in FY 2011-2012, 2.0% FY 2012-2013, 2.0% FY 2013-2014

ELECTRIC UUT
Projected increases 2% in FY 2009-2010, 2% FY 2010-2011, 2.0% in FY 2011-2012, 2.0% FY 2012-2013, 2.0% FY 2013-2014

EXPENDITURES

PERSONNEL COSTS:

SALARY INCREASES (PER TERMS OF MOU'S)
- POLICE - 5% THROUGH 9/30/11
- FIRE - 3.75% THROUGH 9/30/11
- POLICE MANAGEMENT- 5% THROUGH 9/30/11
- MANAGEMENT GROUP - 2% THROUGH 9/30/11
- SUPERVISORY/PROFESSIONAL - 2% THROUGH 9/30/11
- CITY EMPLOYEES - 2% THROUGH 9/30/10
**UPON EXPIRATION - 0% INCREASES

BENEFIT INCREASES:
- 5% INCREASE IN HEALTH BENEFIT COSTS
- PERS RATE INCREASE FROM 25% TO 33% - SAFETY
- PERS RATE INCREASE FROM 10% TO 13% FOR MISC

OPEB FUNDING - PER VALUATION REPORT
WORKER'S COMPENSATION RATES

NON PERSONNEL COSTS:

ESU$D CASH CONTRIBUTIONS LIMITED TO $250,000/YEAR
ESU$D CROSSING GUARDS - CONTRACT INCREASE BY 5%/YEAR
LAX LOBBYING/MASTERPLAN - CONTRACT PRICE REMAINS CONSTANT
FUND ETRC PROJECTS - REDUCE TO $150,000/YEAR
COPIER LEASE AGREEMENT -
LEASE PAYMENTS PER TERMS OF LEASE AGREEMENTS - $135,000/YEAR
INCREASE IN UTILITY COSTS - 10% PER YEAR
INCREASE IN FUEL COSTS - 5% PER YEAR
FUND EQUIPMENT REPLACEMENT AT 90%
AGENDA DESCRIPTION:

Consideration and possible action to (1) place an initiative on the ballot for the previously called April 13, 2010 municipal election to amend the City’s utility user tax ("UUT") regulations (El Segundo Municipal Code ("ESMC") Chapter 3-7) to update the language in regulations with regard to maintaining the City’s revenues from the UUT tax based upon technological changes in communications methods; and (2) place an initiative on the ballot for the previously called April 13, 2010 municipal election to amend the City’s business license tax regulations to (i) increase the tax amount annually based upon the ten-year average of percentage increase in public safety costs incurred by cities in California (ESMC Title 4), and (ii) reduce from a 50% credit to a 25% credit, over a three year period, the amount that businesses can reduce their annual business license tax based upon the annual sales/use tax they generate for the City. (Fiscal Impact: Projected approximate 6% per year increase to the City’s business license tax for which the City collects an estimated $9,000,000 annually.)

RECOMMENDED COUNCIL ACTION:

1. Adopt Resolution placing an initiative on the ballot amending utility user tax regulations;
2. Adopt Resolution placing an initiative on the ballot amending business license tax regulations;
3. Consider Adopting a Resolution directing the City Attorney to prepare an impartial analysis for the two ballot initiatives; and,
4. Determine whether the Council will appoint itself or members thereof to draft the arguments and rebuttal arguments in favor of the tax measures.
5. Alternatively discuss and take other action relation to this item.

ATTACHED SUPPORTING DOCUMENTS:

Resolutions; proposed draft initiatives for utility users tax amendments and business license tax amendments.
Business License Indexing Special Meeting Presentation on November 12, 2009.

FISCAL IMPACT: Projected revenue increase not included in FY 2009-2010 adopted budget. The estimated increase in this revenue source would not be realized until FY 2010-2011.

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

ORIGINATED BY: Deborah Cullen, Finance Director
REVIEWED BY: Mark Hensley, City Attorney
APPROVED BY: Jack Wayt, City Manager
BACKGROUND AND DISCUSSION:

General Municipal Election

The City’s general municipal election will be held on April 13, 2010. Based upon past direction from Council, staff is proposing that the Council place two ballot measures on the election for consideration for the electorate: (1) an amendment to the City’s UUT regulations for purposes of ensuring that the City continues to capture the tax revenues from commercial communications based upon the changes in communication technologies; and (2) an increase in the City’s business license tax amounts. Both of these taxes are and will remain general taxes (meaning they will be deposited into the City’s general fund and can be used for any lawful local government purpose) and require approval by a majority of the electorate.

Utility Users Tax

The City’s existing utility user tax (“UUT”), which covers telephone, electricity, water and gas services, was adopted in 1998 and modified by election in 1996. The existing telephone UUT, applicable only to commercial and industrial service users, generates approximately $530,000 annually.1 A large portion of this revenue is at risk due to outdated language in the telephone tax and changes in federal law.

Since 1988, communication services changed dramatically. Telecommunications are no longer limited to standard “land line” telephone services. Cellular/wireless telephone calls, which are even among the simpler forms of communication today, now represent a greater portion of the telephone tax revenue than traditional land lines. Another newer technology, Voice Over Internet Protocol, is telephone service that is administered over an Internet line, not a telephone line and is fast becoming one of the most popular means of providing home and office telephone service. Moreover, the telephone companies’ billing practices have changed over time and often traditional telephone services are bundled together with other communication services for a flat rate, resulting in additional complications in applying the existing UUT ordinance to modern services.

The City’s existing UUT regulations contain outdated definitions of communications services. The Cities of Los Angeles, Long Beach, Sacramento, Palo Alto and the County of Los Angeles have litigated over the application and validity of these types of outdated definitions. Voter approval of the proposed modern communication services tax ordinance would eliminate some of the concerns being litigated by other cities.

The proposed ordinance would update the existing ordinance to apply the telephone tax to all types of communication services, unless precluded by federal statute. Currently, a federal statute precludes local taxation of Internet services and broadband services providing access to the

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1 In fiscal year 2005-2006, $530,948 of the General Fund revenue was generated from the telephone tax specifically, and in fiscal year 2006-2007, the tax generated $535,601. The 2008-2009 budget estimated that $536,269 was generated from the tax in 2007-2008.
Internet. The proposed ordinance would not apply to digital downloads such as music, games and ringtones.

The proposed ordinance would continue to only apply to commercial and industrial users and is proposed to remain at 2%. However, the Council could set a different proposed tax rate (higher or lower) to submit to the voters in April. In an attempt to keep the changes in the ordinance revenue-neutral, some cities have chosen to reduce the tax rate by 0.5% or 1%. The voters in cities such as Hermosa Beach, Malibu, Los Angeles and Huntington Park approved modern communication services ordinances subject to a reduced tax rate. While the voters approved these measures, it is important to note that a reduction in tax rate can be misunderstood by voters because it may not result in an actual reduction in the actual amount of taxes paid. Pasadena, Daly City, and Emeryville were able to obtain voter approval for their new UUT ordinances without reducing the tax rate, resulting in increased revenues.

California cities have placed similar modern communication services ordinances on the ballot of their general municipal elections, and most of them to date (more than 50) were ultimately approved by the voters (approximately ten ordinances did not receive the required votes). Several more cities such as Palm Springs, Pomona and Cupertino have placed similar ordinances on the November 3, 2009 ballot.

**Business License Tax**

During the City Council's budget workshops, the Council indicated a willingness to place a measure on the ballot that would increase the City's business license taxes. The business license taxes have not increased since 1993 and accordingly as a percentage of the budget revenues and in terms of real dollars (when adjusted for inflation), the amount of business license taxes collected by the City continues to decline. In fiscal year 1992-1993 Business License Tax covered almost 45% of the General Fund costs and 92% of the Public Safety costs. These ratio's have declined to 15% and 27% respectively (see page 7 of the attached presentation).

Based upon the above information, at its September 1, 2009 Council Meeting, the Council directed staff to prepare specific options for Council to consider with regard to increasing the City’s business license taxes. Accordingly, staff in consultation with Muni-Financial Services developed a number of alternatives for Council to consider at a Special Council Meeting that was held on November 12, 2009 (attached is a copy of the PowerPoint presentation that was presented to the Council at the meeting).

In short, there were a number of options that were analyzed and presented for Council consideration at the Special Meeting. The options included annual fixed percentage rate increases, increases based upon the Consumer Price Index and increases based upon percentage increases in public safety costs to local agencies (either on a county-wide or state-wide basis). Additionally, the Council was presented with the option of reducing the credit that businesses currently receive against their annual business tax liability based upon the amount of sales/use tax they generate for the City.
At the conclusion of the Special Meeting, the Council directed that the proposed ballot measure be drafted to include an index to increase the City’s business license taxes based upon annual public safety cost increases. Additionally, staff was directed to prepare language that would reduce the sales/use tax credit received by business from its current 50% cap to: 40% starting January 1, 2010; 30% starting January 1, 2011; and 25% starting January 1, 2012 remaining at 25% thereafter.

Public Safety Index

The majority of the City’s budget expenses (60% currently) are driven by police and fire costs. It is anticipated that this will continue to be true into the future. Over the past 10 years, the City’s police and fire expenditures have increased on average by 6.4% per year. Over this same time period, the local Consumer Price Index increased an average of 2.56% per year, while the “public safety index” (on a state-wide basis) has increased an average of 5.9% per year.

Based upon concerns that public safety costs would continue to increase at twice the rate of the Consumer Price Index, staff in consultation with Muni-Financial Services developed the proposed “public safety index.” While to staff’s knowledge this index has not been utilized by any other governmental agency in California, it more accurately reflects the percentage of annual budget expenditure increases that are being incurred by the City and, accordingly, provides a better mechanism for helping the City to balance its budget.

When the public safety index was discussed with Council at the November 12 Special Council Meeting, staff was focusing more on the potential of using a Los Angeles County-based public safety index. This index has averaged an annual percentage increase of approximately 6.2% over the past 10 years. While a Los Angeles County public safety index would more accurately reflect the costs being incurred by the City, the staff is recommending that Council use a public safety index based upon the annual average increase in public safety costs incurred by all cities in the state because this information is more readily available to the City and the public. In reviewing the availability of the County versus the statewide information regarding public safety costs, it has been determined that the State Controller’s Office publishes an annual report that makes the state-wide information available annually each spring. Conversely, the County public safety costs are not consistently available with regard to when the Controller’s Office will publish the information, and it is a much more involved process for the City and the public to extrapolate such information from the report.

The ballot measure, if passed by a majority of the electorate, would result in the City increasing its business license taxes commencing on January 1, 2011 for the 2011 calendar year. The increase would be based upon averaging the last ten years of available statewide public safety increases for California cities and adding this ten-year average percentage increase to the City’s current tax rates. Based upon the information the City has received, the latest data that will be available before January 1, 2011 will be the statewide public safety costs for fiscal year 2007/2008. Thus, the initial ten-year increase will be based upon the average of the eleven fiscal years of public safety costs (comparing the percentage of change from each successive fiscal year to the prior fiscal year and then dividing the total percentage increases by ten) for the period commencing with the 1997/1998 fiscal year and ending with the 2007/2008 fiscal year. Once this factor is calculated, the new fee will be calculated by using a cumulative factor rounded to
the nearest penny to ensure that all fees are increased at an equitable amount each year. See below for an example of this rounding methodology.

<table>
<thead>
<tr>
<th>Base Fee</th>
<th>Description</th>
<th>Business License Rate FY 2010-2011</th>
<th>Business License Rate FY 2011-2012</th>
<th>Business License Rate FY 2012-2013</th>
<th>Business License Rate FY 2013-2014</th>
<th>Business License Rate FY 2014-2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.12</td>
<td>all square footage (Warehouse)</td>
<td>0.1271</td>
<td>0.1342</td>
<td>0.1412</td>
<td>0.1483</td>
<td>0.1554</td>
</tr>
<tr>
<td>$0.21</td>
<td>each sq. ft. over 5,000 (General Business)</td>
<td>0.2224</td>
<td>0.2348</td>
<td>0.2472</td>
<td>0.2596</td>
<td>0.2720</td>
</tr>
<tr>
<td>$0.09</td>
<td>each sq. ft. over 5,000 (Commercial)</td>
<td>0.0953</td>
<td>0.1006</td>
<td>0.1059</td>
<td>0.1112</td>
<td>0.1166</td>
</tr>
<tr>
<td>$0.02</td>
<td>per barrel (Oil)</td>
<td>0.0212</td>
<td>0.0224</td>
<td>0.0235</td>
<td>0.0247</td>
<td>0.0259</td>
</tr>
</tbody>
</table>

**Sales Tax Credit**

The City’s current business license tax regulations allow businesses to offset their business license taxes by utilizing a credit that is based upon the amount of sales/use tax the City receives from sales/use tax revenues generated by businesses. Currently, a business can use up to 50% of the sales/use tax the City receives from the business as a credit against the amount of the business license tax it owes the City. For example, if a business generates $50,000 of sales/use tax for the City, it is entitled to apply 50% or $25,000 as a credit toward its BLT. If the businesses BLT liability totaled $25,000 or less, the business’s actual business license tax owed to the City would be zero.

City staff is recommending that the 50% credit amount be reduced down to 25% over a three-year period as set forth above. This credit was created to encourage businesses to self-accrue sales/use tax directly to the City. Over the last 10 years the City has not realized significant increases from this program, and in analyzing the data even at 25% credit most businesses already benefiting from this credit will still receive substantial savings on their Business License Tax.

Over the past 10 years Business License Tax revenues have covered an average of 47% of public safety costs but is currently at only 27%. The decline of this ratio puts an additional burden on other General Fund revenues and/or results in reduced services provided to residents. Indexing and implementing a phased sales/use tax credit will enable this tax revenue to maintain the historical coverage of public safety costs and not rely on other tax sources to cover the deterioration of this ratio. Page 11 of the attached presentation shows the deterioration of the coverage of the Business License Tax revenues to the Public Safety costs.

Staff also recommends changes to ESMC § 4-2-4 relating to the tax rate dollar amounts. These changes reflect the actual tax amounts after the tax reductions authorized by ESMC § 4-2-3. This is more of a practical change, rather than substantive, to help efficiently implement the tax rate calculations. There is no actual change to the tax rate; the dollar amount simply reflects what the City already charges based upon existing regulation.
General Ballot Measure Information

Impartial Analysis

The Council may, but is not required to, direct the city attorney to prepare an impartial analysis of the measure. The analysis must show both the effect of the measure on existing law and its operation. The analysis cannot exceed 500 words and must precede the arguments for and against the measure on the sample ballot.

Ballot Arguments

The following persons may write an argument, not exceeding 300 words, for or against the measure:

1. The City Council;
2. Councilmembers authorized by the City Council;
3. Voters eligible to vote on the measure (i.e., a registered voter in the city);
4. A bona fide citizens' association; or
5. Any combination of voters and associations.

An argument cannot be accepted unless it is accompanied by the name(s) of the person(s) submitting it. If an organization submits an argument, it must include the organization's name and the name of at least one principal officer. Only the first five signatures appearing with an argument will be printed on the sample ballot.

The city clerk must select a reasonable deadline for submitting arguments, taking into account that voters must be allowed to examine the elections material for at least 10 calendar days before printing.

One argument for the measure and one argument against the measure must be printed on the sample ballot. If there is more than one argument submitted, the city clerk must select from among them. The city clerk must give preference and priority to arguments in the following order:

1. The City Council, or Councilmembers authorized by the Council.
3. Individual voters eligible to vote on the measure.

The Elections Code allows the City Council to draft ballot arguments as a body or to appoint one or more of its members to draft a ballot argument. If the City Council wishes to authorize one of its members to draft an argument, it may do so by minute order. Please note that public resources, including staff time, cannot be used in opposing or supporting any initiative or
referendum once a petition qualifies for the ballot. Accordingly, the City Council cannot designate a staff member to prepare ballot arguments.

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RESOLUTION NO. ________

A RESOLUTION PLACING AN INITIATIVE ON THE PREVIOUSLY CALLED APRIL 13, 2010 MUNICIPAL ELECTION PURSUANT TO ELECTIONS CODE § 9222 REGARDING UTILITY USERS TAXES.

The City Council of the city of El Segundo resolves as follows:

SECTION 1: Pursuant to Elections Code §§ 1301 and 10403, the City Council previously called for a general municipal election to be held in the City of El Segundo on Tuesday, April 13, 2010.

SECTION 2: Pursuant to Elections Code § 9222, the City Council places an ordinance on the ballot for the general municipal election scheduled for Tuesday, April 13, 2010.

SECTION 3: A copy of the ordinance to be considered by the voters is attached as Exhibit "A," and incorporated by reference, and is approved by the City Council through adoption of this Resolution. The ballot measure will be designated as Measure A on the ballot.

SECTION 4: Pursuant to Elections Code §§ 9222 and 13119 the exact form of the question to be voted on at the election as it should appear on the ballot is as follows:

| SHALL THE ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE CHAPTER 3-7 THAT IMPOSES A UTILITY USER TAX ON NON-RESIDENTIAL USERS IN THE CITY BY UPDATING AND REPLACING THE TELEPHONE TAX REGULATIONS WITH MODERN COMMUNICATION SERVICES TAX REGULATIONS BE ADOPTED? | Yes ☐ |
| | No ☐ |

SECTION 5: In accordance with Government Code § 53724(b), this Resolution must be adopted upon a two-thirds (2/3) vote and will become effective immediately upon adoption.

PASSED AND ADOPTED this ___ day of December, 2009.

______________________________
Kelly McDowell, Mayor
A. Translate all ballot arguments into Spanish;
B. Make translated copies of ballot arguments publicly available;

SECTION 4: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 5: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this ___ day of ______________, 2009.

__________________________________________
Kelly McDowell,
Mayor

Approved as to form:
Mark. D. Hensley, City Attorney

By: ________________________________________
Karl H. Berger, Assistant City Attorney
ORDINANCE NO. _____

AN INITIATIVE MEASURE AMENDING EL SEGUNDO MUNICIPAL CODE CHAPTER 3-7 AND REPLACING THE TELEPHONE TAX REGULATIONS WITH MODERN COMMUNICATION SERVICES TAX REGULATIONS AFFECTING COMMERCIAL AND INDUSTRIAL SERVICE USERS.

The people of the city of El Segundo do hereby ordain as follows:

SECTION 1: El Segundo Municipal Code ("ESMC") § 3-7-1 is amended in its entirety to read as follows:

"3-7-1: DEFINITIONS:

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meanings stated elsewhere in this Code, or in accordance with applicable law.

A. "Ancillary telecommunication services" means services associated with or incidental to providing, use or enjoyment of telecommunication services, including, without limitation, the following:

1. "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include providing a telephone number. Conference bridging service does not include the telecommunication services used to reach the conference bridge.

2. "Detailed telecommunication billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

3. "Directory assistance" means an ancillary service of providing telephone number information or address information.

4. "Vertical service" means an ancillary service offered in connection with one or more telecommunication services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

5. "Voice mail service" means an ancillary service that enables customers to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.
B. "Billing Address" means the mailing address of the service user where the service supplier submits invoices or bills for payment by the customer.

C. COGENERATOR: Any corporation, including an electrical corporation, or commercial or industrial utility user employing cogeneration technology for producing power from other than a conventional power source for the generation of electricity.

D. COMMERCIAL OR INDUSTRIAL UTILITY USER: Any commercial or industrial utility user conducting business as described in title 4, chapter 2 of this code, sections 4-2-4, 4-2-9, 4-2-11, 4-2-13, 4-2-14, 4-2-15, 4-2-16, 4-2-17, 4-2-25, 4-2-28, 4-2-29, 4-2-31, 4-2-32, 4-2-36, 4-2-37, 4-2-38, 4-2-41, 4-2-43, and subsections 4-2-20C, 4-2-20F and 4-2-23C and means "electrical corporation", "gas corporation", and "water corporation".

E. "Communication Services" means "telecommunication services" and "ancillary telecommunication services."

F. ELECTRICAL CORPORATION, GAS CORPORATION, AND WATER CORPORATION: The same meaning as defined in sections 218, 222, and 241, respectively, of the state Public Utilities Code as said sections existed on January 1, 1975, except "electrical corporation" is construed to include any municipality, franchised agency, or cogenerator.

G. "Mobile Telecommunications Service" has the same meaning and usage as set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. § 124) and the regulations promulgated thereto or any successor statutes or regulations.

H. MONTH: A calendar month.

I. "Person" means, without limitation, any natural individual, firm, trust, common law trust, estate, partnership of any kind, association, syndicate, club, joint stock company, joint venture, limited liability company, corporation (including foreign, domestic, and non-profit), municipal district or municipal corporation (other than the City) cooperative, receiver, trustee, guardian, or other representative appointed by order of any court.

J. "Place of Primary Use" means the street address representative of where the service user's use of a communication service primarily occurs, which must be the business street address of the service user.

K. "Post-paid telecommunication service" means a telecommunication service obtained by making a payment on a communication-by-communication basis either through the use of a credit card or payment
mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a service number which is not associated with the origination or termination of the telecommunication service.

L. "Prepaid telecommunication service" means the right to access telecommunication services, which must be paid for in advance and which enables the origination of communications using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

M. "Private telecommunication service" means a telecommunication service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels. A communications channel is a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points (i.e., the location where the customer either inputs or receives the communications).

N. "Service Address" means either:

1. The location of the service user's communication equipment from which the communication originates or terminates, regardless of where the communication is billed or paid; or,

2. If the location in Subsection (1) of this definition is unknown (e.g., mobile telecommunications service or VoIP service), the service address means the location of the service user's place of primary use.

3. For prepaid telecommunication service, "service address" means the location associated with the service number.

O. SERVICE SUPPLIER: Any entity which receives taxes paid and remits same as imposed by this chapter.

P. SERVICE USER: A commercial or industrial utility user required to pay a tax imposed by this chapter.

Q. TAX ADMINISTRATOR: The finance director of the city of El Segundo.

R. "Telecommunication services" means:
1. The transmission, conveyance, or routing of voice, data, audio, or any other information or signals to a point, or between or among points, whatever the technology used, and includes broadband services (e.g., T-1, digital subscriber line (eDSL), fiber optic, coaxial cable, and wireless broadband, including Wi-Fi, WiMAX, and Wireless MESH) to the extent federal or state law permits taxation of such broadband services, now or in the future. The term telecommunication services includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such services are referred to as voice over internet protocol (VoIP) services or are classified by the Federal Communications Commission as enhanced or value added, and includes video or data services that are functionally integrated with telecommunication services.

2. Telecommunication services include, without limitation the following services, regardless of the manner or basis on which such services are calculated or billed: ancillary telecommunication services: broadband service (to the extent federal and/or state law permits taxation of such service); mobile telecommunication service; prepaid telecommunication service (to the extent that it is practicable for the service supplier to collect the correct tax imposed under this Article from the service supplier); post-paid telecommunication service; private telecommunication service; paging service; 800 service (or any other toll-free numbers designated by the Federal Communications Commission); and 900 service (or any other similar numbers designated by the Federal Communications Commission for services whereby subscribers who call in to pre-recorded or live service).

3. Telecommunication services also include, without limitation, charges for connection, reconnection, termination, movement, or change of telecommunication services; late payment fees; detailed billing; central office and custom calling features (including without limitation call waiting, call forwarding, caller identification and three-way calling); voice mail and other messaging services; directory assistance; access and line charges; universal service charges; regulatory, administrative and other cost recovery charges; local number portability charges; and text. Telecommunication services do not include digital downloads that are not ancillary telecommunication services, such as video programming, music, ringtones, games, and similar digital products.”

SECTION 2: ESMC § 3-7-7 is amended in its entirety to read as follows:
"3-7-7: Communication services user tax:

A. A tax is imposed upon every service user in the City using communication services. The maximum tax imposed by this Section is two percent (2%) of the charges made for such services and must be collected from the service user by the communication services supplier or its billing agent. There is a rebuttable presumption that communication services billed to a billing or service address in the City are used, in whole or in part, within the City's boundaries and such services are taxable under this Chapter. If the billing address of the service user is different from the service address, the service address of the service user must be used for purposes of imposing the tax. As used in this Section, the term "charges" include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for the communication services.

B. Mobile Telecommunications Service is sourced in accordance with the sourcing rules set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. § 124), regulations promulgated thereto, and any successor statute or regulation. The Tax Administrator may issue and disseminate to communication service suppliers, which are subject to the tax collection requirements of this Chapter, sourcing rules for the taxation of other communication services including, without limitation, post-paid communication services, prepaid communication services, and private communication services, provided that such rules are based upon industry custom and common practice that further administrative efficiency and minimize multi-jurisdictional taxation.

C. To prevent actual multi-jurisdictional taxation of communication services subject to tax under this Section, any service user, upon proof to the Tax Administrator that the service user previously paid the same tax in another state or city on such communication services, is allowed a credit against the tax imposed to the extent of the amount of such tax legally imposed in such other state or city; provided, however, the amount of credit cannot exceed the tax owed to the City under this Section.

D. Except as otherwise provided by applicable federal or state law, if any nontaxable charges are combined with and not separately stated from taxable service charges on the customer bill or invoice of a service supplier, the combined charge is subject to tax unless the service supplier identifies, by reasonable and verifiable standards, the portions of the combined charge that are nontaxable and taxable through the service supplier's books and records kept in the regular course of business and in accordance with generally accepted accounting principles, and not created and maintained for tax purposes. The service supplier has the
burden of proving the proper apportionment of taxable and non-taxable charges.

E. For purposes of imposing a tax or establishing a duty to collect and remit a tax under this Section, "substantial nexus" and "minimum contacts" are construed broadly in favor of the imposition, collection or remittance of the tax to the fullest extent permitted by state and federal law and as it may change from time to time by judicial interpretation or by statutory enactment. Any communication service (including VoIP) used by a person with a service address in the City, which service is capable of terminating a call to another person on the general telephone network, is subject to a rebuttable presumption that "substantial nexus/minimum contacts" exists for purposes of imposing a tax, or establishing a duty to collect and remit a tax, under this Chapter. A service supplier is deemed to have sufficient activity in the City for tax collection and remittance purposes if its activities include, without limitation, any of the following: maintains or has within the City, directly or through an agent or subsidiary, a place of business of any nature; solicits business in the City by employees, independent contractors, resellers, agents or other representatives; solicits business in the City on a continuous, regular, seasonal or systematic basis by means of advertising that is broadcast or relayed from a transmitter with the City or distributed from a location with the City; or advertises in newspapers or other periodicals printed and published within the City or through materials distributed in the City by means other than the United States mail. Upon request, the City must make available an accurate description of its jurisdictional boundaries based on street addresses or ZIP Plus Four, in an electronic format. If a service supplier relies upon such information provided by City, it is not responsible for any errors in taxation that may result.

F. Satisfaction of Tax Obligation by Service Users. Any person who pays the tax levied pursuant to this Section with respect to any charge for a communication service is deemed to have satisfied that person's obligation to pay the tax levied pursuant to former Section 3-7-7 as codified immediately before adoption of this regulation with respect to that charge. Likewise, before October 1, 2010, any person who pays the tax levied pursuant to former Section 3-7-7 as codified immediately before adoption of this regulation is deemed to have satisfied the person's obligation to pay the tax levied pursuant to this Section with respect to that charge. The intent of this paragraph is to prevent the imposition of multiple taxes upon a single utility charge during the transition period from the previous telephone tax to the new tax (which transition period ends October 1, 2010) and to permit communication service providers during that transition period to satisfy their collection obligations by collecting either tax.
G. Collection of Tax by Service Supplier. Service Suppliers must begin to
collect the tax imposed by this Section as soon as feasible after the
effective date of the Section, but in no event later than permitted by Public
Utilities Code § 799."

SECTION 3: AMENDMENT OR REPEAL. ESMC § 3-7-7 may be repealed or
amended by the City Council without voter approval. However, voter approval is
required for any amendment that would increase the rate of any tax levied pursuant to
this Initiative as required by California Constitution Article XIIIIC. Should the provisions
of Government Code §§ 53720 et seq. or California Constitution Article XIIIIC be
repealed or amended, or interpreted by the courts so that voter approval is not required
for enacting this Initiative, then this Initiative will take effect as provided for all other City
ordinances and may be amended in the same manner as all other City ordinances.

SECTION 4: RATIFICATION OF PREVIOUS TAX. The People ratify and approve the
past collection of the Telephone Users Tax under ESMC Chapter 3-7 as it existed
before the effective date of this Initiative.

SECTION 5: INTERPRETATION. This Initiative must be interpreted so as to be
consistent with all federal and state laws, rules, and regulations. If any section, sub-
section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or
unconstitutional by a final judgment of a court of competent jurisdiction, such decision
does not affect the validity of the remaining portions of this Initiative. The voters
declare that this Initiative, and each section, sub-section, sentence, clause, phrase,
part, or portion thereof, would have been adopted or passed irrespective of the fact that
any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is
found to be invalid. If any provision of this Initiative is held invalid as applied to any
person or circumstance, such invalidity does not affect any application of this Initiative
that can be given effect without the invalid application.

SECTION 6: SEVERABILITY. If any portion of this Initiative is held by a court of
competent jurisdiction to be invalid, the remainder of the initiative and the application of
such provision to other persons or circumstances will not be affected thereby. We the
People indicate our strong desire that: (i) the City Council use its best efforts to sustain
and reenact that portion, and (ii) the City Council implement this Initiative by taking all
steps possible to cure any inadequacies or deficiencies identified by the court in a
manner consistent with the express and implied intent of this Initiative, and then
adopting or reenacting such portion as necessary or desirable to permit the planning
and development of the Project.

SECTION 7: CONSTRUCTION. This Initiative must be broadly construed in order to
achieve the purposes stated in this Initiative. It is the intent of the voters that the
provisions of this Initiative be interpreted or implemented by the City and others in a
manner that facilitates the purposes set forth in this Initiative.
SECTION 8: ENFORCEABILITY. Repeal of any provision of the El Segundo Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Initiative’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Initiative.

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

SECTION 10: EFFECTIVE DATE. This Initiative will enact and impose a general tax. Accordingly, it will be submitted to a general election on April 13, 2010 for voter approval. If a majority of voters vote in favor of this Initiative, it will become valid and binding ten days after the date that the City Council certifies the election results in accordance with Elections Code § 9217.

SECTION 11: The Mayor will sign this Initiative and the City Clerk will attest and certify to the passage and adoption of this Ordinance if a majority of the voters voting in the City’s general election on April 13, 2010 approve the proposition asking whether the voters approve this Initiative.

PASSED AND ADOPTED this ____ day of ________, 2010.

______________________________
Mayor

ATTEST:

______________________________
Cindy Mortesen,
City Clerk

APPROVED AS TO FORM:

______________________________
Mark D. Hensley, City Attorney
ORDINANCE NO. ______

AN INITIATIVE MEASURE AMENDING EL SEGUNDO MUNICIPAL CODE
CHAPTER 3-7 AND REPLACING THE TELEPHONE TAX REGULATIONS
WITH MODERN COMMUNICATION SERVICES TAX REGULATIONS
AFFECTING COMMERCIAL AND INDUSTRIAL SERVICE USERS.

The people of the city of El Segundo do hereby ordain as follows:

SECTION 1: El Segundo Municipal Code ("ESMC") § 3-7-1 is amended in its entirety to read as follows:

"3-7-1: DEFINITIONS:

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meanings stated elsewhere in this Code, or in accordance with applicable law.

A. "Ancillary telecommunication services" means services associated with or incidental to providing, use or enjoyment of telecommunication services, including, without limitation, the following:

1. "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include providing a telephone number. Conference bridging service does not include the telecommunication services used to reach the conference bridge.

2. "Detailed telecommunication billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

3. "Directory assistance" means an ancillary service of providing telephone number information or address information.

4. "Vertical service" means an ancillary service offered in connection with one or more telecommunication services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

5. "Voice mail service" means an ancillary service that enables customers to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.
B. "Billing Address" means the mailing address of the service user where the service supplier submits invoices or bills for payment by the customer.

C. COGENERATOR: Any corporation, including an electrical corporation, or commercial or industrial utility user employing cogeneration technology for producing power from other than a conventional power source for the generation of electricity.

D. COMMERCIAL OR INDUSTRIAL UTILITY USER: Any commercial or industrial utility user conducting business as described in title 4, chapter 2 of this code, sections 4-2-4, 4-2-9, 4-2-11, 4-2-13, 4-2-14, 4-2-15, 4-2-16, 4-2-17, 4-2-25, 4-2-28, 4-2-29, 4-2-31, 4-2-32, 4-2-36, 4-2-37, 4-2-38, 4-2-41, 4-2-43, and subsections 4-2-20C, 4-2-20F and 4-2-23C and shall mean "electrical corporation", "gas corporation", and "water corporation".

E. "Communication Services" means "telecommunication services" and "ancillary telecommunication services."

F. ELECTRICAL CORPORATION, GAS CORPORATION, AND WATER CORPORATION: The same meaning as defined in sections 218, 222, and 241, respectively, of the state Public Utilities Code as said sections existed on January 1, 1975, except "electrical corporation" shall be construed to include any municipality, franchised agency, or cogenerator.

G. "Mobile Telecommunications Service" has the same meaning and usage as set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. § 124) and the regulations promulgated thereto or any successor statutes or regulations.

H. MONTH: A calendar month.

I. "Person" means, without limitation, any natural individual, firm, trust, common law trust, estate, partnership of any kind, association, syndicate, club, joint stock company, joint venture, limited liability company, corporation (including foreign, domestic, and non-profit), municipal district or municipal corporation (other than the City) cooperative, receiver, trustee, guardian, or other representative appointed by order of any court.

J. "Place of Primary Use" means the street address representative of where the service user's use of a communication service primarily occurs, which must be the business street address of the service user.

K. "Post-paid telecommunication service" means a telecommunication service obtained by making a payment on a communication-by-communication basis either through the use of a credit card or payment
mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a service number which is not associated with the origination or termination of the telecommunication service.

L. "Prepaid telecommunication service" means the right to access telecommunication services, which must be paid for in advance and which enables the origination of communications using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

M. "Private telecommunication service" means a telecommunication service that entitles the customer to exclusive or priority use of a communications channel or a group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels. A communications channel is a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points (i.e., the location where the customer either inputs or receives the communications).

N. "Service Address" means either:

1. The location of the service user's communication equipment from which the communication originates or terminates, regardless of where the communication is billed or paid; or,

2. If the location in Subsection (1) of this definition is unknown (e.g., mobile telecommunications service or VoIP service), the service address means the location of the service user's place of primary use.

3. For prepaid telecommunication service, "service address" means the location associated with the service number.

O. SERVICE SUPPLIER: Any entity which receives taxes paid and remits same as imposed by this chapter.

P. SERVICE USER: A commercial or industrial utility user required to pay a tax imposed by this chapter.

Q. TAX ADMINISTRATOR: The finance director of the city of El Segundo.

R. "Telecommunication services" means:
1. The transmission, conveyance, or routing of voice, data, audio, or any other information or signals to a point, or between or among points, whatever the technology used, and includes broadband services (e.g., T-1, digital subscriber line (DSL), fiber optic, coaxial cable, and wireless broadband, including Wi-Fi, WiMAX, and Wireless MESH) to the extent federal or state law permits taxation of such broadband services, now or in the future. The term telecommunication services includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such services are referred to as voice over internet protocol (VoIP) services or are classified by the Federal Communications Commission as enhanced or value added, and includes video or data services that are functionally integrated with telecommunication services.

2. Telecommunication services include, without limitation the following services, regardless of the manner or basis on which such services are calculated or billed: ancillary telecommunication services: broadband service (to the extent federal and/or state law permits taxation of such service); mobile telecommunication service; prepaid telecommunication service (to the extent that it is practicable for the service supplier to collect the correct tax imposed under this Article from the service supplier); post-paid telecommunication service; private telecommunication service; paging service; 800 service (or any other toll-free numbers designated by the Federal Communications Commission); and 900 service (or any other similar numbers designated by the Federal Communications Commission for services whereby subscribers who call in to pre-recorded or live service).

3. Telecommunication services also include, without limitation, charges for connection, reconnection, termination, movement, or change of telecommunication services; late payment fees; detailed billing; central office and custom calling features (including without limitation call waiting, call forwarding, caller identification and three-way calling); voice mail and other messaging services; directory assistance; access and line charges; universal service charges; regulatory, administrative and other cost recovery charges; local number portability charges; and text. Telecommunication services do not include digital downloads that are not ancillary telecommunication services, such as video programming, music, ringtones, games, and similar digital products.

SECTION 2: ESMC § 3-7-7 is amended in its entirety to read as follows:

Page 4 of 8
"3-7-7: Communication services user tax:

A. A tax is imposed upon every service user in the City using communication services. The maximum tax imposed by this Section is two percent (2%) of the charges made for such services and must be collected from the service user by the communication services supplier or its billing agent. There is a rebuttable presumption that communication services billed to a billing or service address in the City are used, in whole or in part, within the City's boundaries and such services are taxable under this Chapter. If the billing address of the service user is different from the service address, the service address of the service user must be used for purposes of imposing the tax. As used in this Section, the term "charges" include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for the communication services.

B. Mobile Telecommunications Service is sourced in accordance with the sourcing rules set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. § 124), regulations promulgated thereto, and any successor statute or regulation. The Tax Administrator may issue and disseminate to communication service suppliers, which are subject to the tax collection requirements of this Chapter, sourcing rules for the taxation of other communication services including, without limitation, post-paid communication services, prepaid communication services, and private communication services, provided that such rules are based upon industry custom and common practice that further administrative efficiency and minimize multi-jurisdictional taxation.

C. To prevent actual multi-jurisdictional taxation of communication services subject to tax under this Section, any service user, upon proof to the Tax Administrator that the service user previously paid the same tax in another state or city on such communication services, is allowed a credit against the tax imposed to the extent of the amount of such tax legally imposed in such other state or city; provided, however, the amount of credit cannot exceed the tax owed to the City under this Section.

D. Except as otherwise provided by applicable federal or state law, if any nontaxable charges are combined with and not separately stated from taxable service charges on the customer bill or invoice of a service supplier, the combined charge is subject to tax unless the service supplier identifies, by reasonable and verifiable standards, the portions of the combined charge that are nontaxable and taxable through the service supplier's books and records kept in the regular course of business and in accordance with generally accepted accounting principles, and not created and maintained for tax purposes. The service supplier has the
burden of proving the proper apportionment of taxable and non-taxable charges.

E. For purposes of imposing a tax or establishing a duty to collect and remit a tax under this Section, "substantial nexus" and "minimum contacts" are construed broadly in favor of the imposition, collection or remittance of the tax to the fullest extent permitted by state and federal law and as it may change from time to time by judicial interpretation or by statutory enactment. Any communication service (including VoIP) used by a person with a service address in the City, which service is capable of terminating a call to another person on the general telephone network, is subject to a rebuttable presumption that "substantial nexus/minimum contacts" exists for purposes of imposing a tax, or establishing a duty to collect and remit a tax, under this Chapter. A service supplier is deemed to have sufficient activity in the City for tax collection and remittance purposes if its activities include, without limitation, any of the following: maintains or has within the City, directly or through an agent or subsidiary, a place of business of any nature; solicits business in the City by employees, independent contractors, resellers, agents or other representatives; solicits business in the City on a continuous, regular, seasonal or systematic basis by means of advertising that is broadcast or relayed from a transmitter with the City or distributed from a location with the City; or advertises in newspapers or other periodicals printed and published within the City or through materials distributed in the City by means other than the United States mail. Upon request, the City must make available an accurate description of its jurisdictional boundaries based on street addresses or ZIP Plus Four, in an electronic format. If a service supplier relies upon such information provided by City, it is not responsible for any errors in taxation that may result.

F. Satisfaction of Tax Obligation by Service Users. Any person who pays the tax levied pursuant to this Section with respect to any charge for a communication service is deemed to have satisfied that person's obligation to pay the tax levied pursuant to former Section 3-7-7 as codified immediately before adoption of this regulation with respect to that charge. Likewise, before October 1, 2010, any person who pays the tax levied pursuant to former Section 3-7-7 as codified immediately before adoption of this regulation is deemed to have satisfied the person's obligation to pay the tax levied pursuant to this Section with respect to that charge. The intent of this paragraph is to prevent the imposition of multiple taxes upon a single utility charge during the transition period from the previous telephone tax to the new tax (which transition period ends October 1, 2010) and to permit communication service providers during that transition period to satisfy their collection obligations by collecting either tax.
G. Collection of Tax by Service Supplier. Service Suppliers must begin to collect the tax imposed by this Section as soon as feasible after the effective date of the Section, but in no event later than permitted by Public Utilities Code § 799."

SECTION 3: AMENDMENT OR REPEAL. ESMC § 3-7-7 may be repealed or amended by the City Council without voter approval. However, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Initiative as required by California Constitution Article XIIIC. Should the provisions of Government Code §§ 53720 et seq. or California Constitution Article XIIIC be repealed or amended, or interpreted by the courts so that voter approval is not required for enacting this Initiative, then this Initiative will take effect as provided for all other City ordinances and may be amended in the same manner as all other City ordinances.

SECTION 4: RATIFICATION OF PREVIOUS TAX. The People ratify and approve the past collection of the Telephone Users Tax under ESMC Chapter 3-7 as it existed before the effective date of this Initiative.

SECTION 5: INTERPRETATION. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, subsection, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

SECTION 6: SEVERABILITY. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, the remainder of the initiative and the application of such provision to other persons or circumstances shall not be affected thereby. We the People indicate our strong desire that: (i) the City Council use its best efforts to sustain and reenact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, and then adopting or reenacting such portion as necessary or desirable to permit the planning and development of the Project.

SECTION 7: CONSTRUCTION. This Initiative must be broadly construed in order to achieve the purposes stated in this Initiative. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Initiative.
SECTION 8: ENFORCEABILITY. Repeal of any provision of the El Segundo Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Initiative's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Initiative.

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

SECTION 10: EFFECTIVE DATE. This Initiative will enact and impose a general tax. Accordingly, it will be submitted to a general election on April 13, 2010 for voter approval. If a majority of voters vote in favor of this Initiative, it will become valid and binding ten days after the date that the City Council certifies the election results in accordance with Elections Code § 9217.

SECTION 11: The Mayor will sign this Initiative and the City Clerk will attest and certify to the passage and adoption of this Ordinance if a majority of the voters voting in the City's general election on April 13, 2010 approve the proposition asking whether the voters approve this Initiative.

PASSED AND ADOPTED this ___ day of __________, 2010.

________________________
Mayor

ATTEST:

________________________
Cindy Mortesen, City Clerk

APPROVED AS TO FORM:

________________________
Mark D. Hensley, City Attorney
RESOLUTION NO. _______

A RESOLUTION PLACING AN INITIATIVE ON THE PREVIOUSLY CALLED APRIL 13, 2010 MUNICIPAL ELECTION PURSUANT TO ELECTIONS CODE § 9222 REGARDING BUSINESS LICENSE TAXES.

The City Council of the city of El Segundo resolves as follows:

SECTION 1: Pursuant to Elections Code §§ 1301 and 10403, the City Council previously called for a general municipal election to be held in the City of El Segundo on Tuesday, April 13, 2010.

SECTION 2: Pursuant to Elections Code § 9222, the City Council places an ordinance on the ballot for the general municipal election scheduled for Tuesday, April 13, 2010.

SECTION 3: A copy of the ordinance to be considered by the voters is attached as Exhibit “A,” and incorporated by reference, and is approved by the City Council through adoption of this Resolution. The ballot measure will be designated as Measure B on the ballot.

SECTION 4: Pursuant to Elections Code §§ 9222 and 13119 the exact form of the question to be voted on at the election as it should appear on the ballot is as follows:

<table>
<thead>
<tr>
<th>SHALL THE ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE §§ 4-2-1, 4-2-3, AND 4-2-4 TO ALLOW ANNUAL INCREASES TO THE BUSINESS LICENSE TAX TO FUND GENERAL MUNICIPAL SERVICES INCLUDING, WITHOUT LIMITATION, POLICE PROTECTION AND CRIME SUPPRESSION SERVICES, FIRE PREVENTION AND SUPPRESSION SERVICES, AND PARK AND RECREATION FACILITIES AND SERVICES BE ADOPTED?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes ☐</td>
</tr>
<tr>
<td>No ☐</td>
</tr>
</tbody>
</table>

SECTION 5: In accordance with Government Code § 53724(b), this Resolution must be adopted upon a two-thirds (2/3) vote and will become effective immediately upon adoption.

PASSED AND ADOPTED this ___ day of December, 2009.

____________________________________
Kelly McDowell, Mayor

-1-
ATTEST:

Cindy Mortesen, City Clerk

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

By: Karl H. Berger,
   Assistant City Attorney
ORDINANCE NO. ____

AN INITIATIVE MEASURE AMENDING EL SEGUNDO MUNICIPAL CODE §§ 4-2-1, 4-2-3, AND 4-2-4 TO ALLOW ANNUAL INCREASES TO THE BUSINESS LICENSE TAX TO FUND GENERAL MUNICIPAL SERVICES INCLUDING, WITHOUT LIMITATION, POLICE PROTECTION AND CRIME SUPPRESSION SERVICES, FIRE PREVENTION AND SUPPRESSION SERVICES, AND PARK AND RECREATION FACILITIES AND SERVICES.

The people of the city of El Segundo do hereby ordain as follows:

SECTION 1: El Segundo Municipal Code ("ESMC") § 4-2-1 is amended to read as follows:

"4-2-1: FEES PAID TO CITY:

A. The amount of license fee to be paid to the City by persons commencing or conducting any business subject to this Chapter are set forth in this Chapter.

B. Beginning on January 1, 2011, license fees imposed in this Title will be increased annually each January 1st on a percentage basis using the data set forth in the Cities Annual Report published annually by the California State Controller's Office ("Report" or "Reports") for "Police, Fire and Other Public Safety Expenditures" as reported by cities in accordance with Government Code § 53892 and 2 California Code of Regulations § 1141.3 (Safety Expenditures), and their successor statutes or regulations, calculated as follows:

1. Based upon the eleven most recently published Reports, the ten year average percentage increase is derived by comparing Safety Expenditures from each of the first ten of the eleven fiscal year Reports with the next fiscal year's Reports for Safety Expenditures and then adding the ten separate annual percentage increases together and dividing the total by ten; and

2. Multiplying the ten year average percentage increase described in B.1. above by the existing license fees and adding this sum of to the amount of the current license fees imposed by the City for the prior calendar year.

C. Notwithstanding any other provisions of this code, license fees imposed in this Title will be increased by a minimum of one cent ($0.01) every two calendar years.

Page 1 of 4

November 24, 2009
SECTION 2: ESMC § 4-2-3 is amended to read as follows:

"4-2-3: TAX REDUCTION; TAX CREDIT:

A. Tax Reduction. Except for Section 4-2-4 and increases imposed by Section 4-2-1(B), the amount of a business license tax imposed on any business by this Title shall be reduced by ten percent (10%) and the remainder of such tax shall be reduced by an additional five percent (5%).

B. Tax Credit. A business subject to the tax imposed by this Chapter is entitled to a tax credit against the tax imposed by Section 4-2-4 whenever it generates sales and/or use tax in the year immediately preceding the year in which the tax is due. The credit is applied to the business registration tax due for the following year.

C. The tax credit referred to in Section B. above is available as follows:

1. For calendar year 2011, the credit will equal up to forty (40%) percent of the sales or use tax generated by the business and received by the City during the twelve (12) month period ending on June 30 preceding the date the tax is due;

2. For calendar year 2012, the credit will equal up to thirty (30%) percent of the sales or use tax generated by the business and received by the City during the twelve (12) month period ending on June 30 preceding the date the tax is due;

3. For calendar year 2013 and thereafter, the credit will equal up to twenty-five (25%) percent of the sales or use tax generated by the business and received by the City during the twelve (12) month period ending on June 30 preceding the date the tax is due."

D. Under no circumstances can the amount of the tax credit for any year be calculated to be greater than the total amount of tax due for any year under this Chapter."

SECTION 3: ESMC § 4-2-4(A)(1-5) is amended to read as set forth below. Except as modified, all other provisions of ESMC § 4-2-4 remain the same:

"4-2-4: BUSINESSES GENERALLY:

A. Unclassified Businesses; Fee Schedule: Every person engaged in a business not specifically mentioned or classified in this Chapter shall pay a license fee in accordance with the following schedule:

1. Employees: A basic fee of eight-eight dollars ($88.00) per year,
which shall cover the first ten (10) employees and one hundred nine dollars ($109.00) per year for each employee in excess of ten (10) employees; and

2. Floor Area: In addition, each such person shall pay a fee of twenty one cents ($0.21) per square foot of floor area occupied for a business purpose in excess of five thousand (5,000) square feet. A fee of nine cents ($0.09) per square foot shall be imposed on vacant space available for rent or lease for business purposes, said fee to be payable by the person with the right to possession of the property; and

3. Additional Location: In addition, each such person shall pay nine dollars ($9.00) per year for each additional business location within the City.

4. Intentionally omitted.

5. Intentionally omitted."

SECTION 4: INTERPRETATION. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, subsection, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, subsection, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

SECTION 5: SEVERABILITY. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, the remainder of the initiative and the application of such provision to other persons or circumstances shall not be affected thereby. We the People indicate our strong desire that: (i) the City Council use its best efforts to sustain and reenact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, and then adopting or reenacting such portion as necessary or desirable to permit the planning and development of the Project.

SECTION 6: CONSTRUCTION. This Initiative must be broadly construed in order to achieve the purposes stated in this Initiative. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Initiative.

Page 3 of 4
SECTION 7: ENFORCEABILITY. Repeal of any provision of the El Segundo Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8: VALIDITY OF PREVIOUS CODE SECTIONS. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the ESMC or other city ordinance by this Ordinance will be rendered void and cause such previous ESMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 9: EFFECTIVE DATE. This Initiative will enact and impose a general tax. Accordingly, it will be submitted to a general election on April 13, 2010 for voter approval. If a majority of voters vote in favor of this Initiative, it will become valid and binding ten days after the date that the City Council certifies the election results in accordance with Elections Code § 9217.

SECTION 10: The Mayor will sign this Initiative and the City Clerk will attest and certify to the passage and adoption of this Ordinance if a majority of the voters voting in the City’s general election on April 13, 2010 approve the proposition asking whether the voters approve this Initiative.

PASSED AND ADOPTED this ____ day of _________, 2010.

__________________________
Kelly McDowell, Mayor

ATTEST:

__________________________
Cindy Mortesen,
City Clerk

APPROVED AS TO FORM:

__________________________
Mark D. Hensley, City Attorney

Page 4 of 4
ORDINANCE NO. _____

AN INITIATIVE MEASURE AMENDING EL SEGUNDO MUNICIPAL CODE §§ 4-2-1, 4-2-3, AND 4-2-4 TO ALLOW ANNUAL INCREASES TO THE BUSINESS LICENSE TAX TO FUND GENERAL MUNICIPAL SERVICES INCLUDING, WITHOUT LIMITATION, POLICE PROTECTION AND CRIME SUPPRESSION SERVICES, FIRE PREVENTION AND SUPPRESSION SERVICES, AND PARK AND RECREATION FACILITIES AND SERVICES.

The people of the city of El Segundo do hereby ordain as follows:

SECTION 1: El Segundo Municipal Code (“ESMC”) § 4-2-1 is amended to read as follows:

"4-2-1: FEES PAID TO CITY:

A. The amount of license fee to be paid to the City by persons commencing or conducting any business subject to this Chapter shall be as provided are set forth in this Chapter."

B. Beginning on January 1, 2011, license fees imposed in this Title will be increased annually each January 1st on a percentage basis using the data set forth in the Cities Annual Report published annually by the California State Controller’s Office (“Report” or “Reports”) for “Police, Fire and Other Public Safety Expenditures” as reported by cities in accordance with Government Code § 53332 and 2 California Code of Regulations § 1141.3 (Safety Expenditures), and their successor statutes or regulations, calculated as follows:

1. Based upon the eleven most recently published Reports, the ten year average percentage increase is derived by comparing Safety Expenditures from each of the first ten of the eleven fiscal year Reports with the next fiscal year’s Reports for Safety Expenditures and then adding the ten separate annual percentage increases together and dividing the total by ten; and

2. Multiplying the ten year average percentage increase described in B.1. above by the existing license fees and adding this sum of to the amount of the current license fees imposed by the City for the prior calendar year.

C. Notwithstanding any other provisions of this code, license fees imposed in this Title will be increased by a minimum of one cent ($0.01) every two calendar years.
SECTION 2: ESMC § 4-2-3 is amended to read as follows:

"4-2-3: TAX REDUCTION. TAX CREDIT:"

A. Notwithstanding any other provision of this Title Tax Reduction. Except for Section 4-2-4 and increases imposed by Section 4-2-1(B), the amount of a business license tax imposed on any business by the this Title shall be reduced by ten percent (10%) and the remainder of such tax shall be reduced by an additional five percent (5%).

B. Notwithstanding the foregoing, a credit shall be granted against the tax imposed by this Section whenever a Tax Credit A business subject to the tax imposed by this Chapter is entitled to a tax credit against the tax imposed by Section 4-2-4 whenever it generates sales and/or use tax in the year immediately preceding the year in which the tax is due. The credit shall be is applied to the business registration tax due for the following year.

C. The credit shall be equal to fifty tax credit referred to in Section B, above is available as follows:

1. For calendar year 2011, the credit will equal up to forty (40%) percent (50%) of the portion of the sales and/or use tax generated which was awarded to the business and received by the City during the twelve (12) month period ending on June 30 preceding the date the tax is due. However, the amount of said credit shall under no circumstances;

2. For calendar year 2012, the credit will equal up to thirty (30%) percent of the sales or use tax generated by the business and received by the City during the twelve (12) month period ending on June 30 preceding the date the tax is due;

3. For calendar year 2013 and thereafter, the credit will equal up to twenty-five (25%) percent of the sales or use tax generated by the business and received by the City during the twelve (12) month period ending on June 30 preceding the date the tax is due."

D. Under no circumstances can the amount of the tax credit for any year be calculated to be greater than the total amount of tax due for any year under this Chapter."

SECTION 3: ESMC § 4-2-4(A)(4), captioned "Tax Credit:1-5) is amended to read as follows set forth below. Except as modified, all other provisions of ESMC § 4-2-4 remain the same:
4-2-4: BUSINESSES GENERALLY:

A. Unclassified Businesses; Fee Schedule: Every person engaged in a business not specifically mentioned or classified in this Chapter shall pay a license fee in accordance with the following schedule:

1. Employees: A basic fee of one-hundred-thirty-eight dollars ($138.00) per year, which shall cover the first ten (10) employees and one hundred twenty-seventeen dollars ($127.00) per year for each employee in excess of ten (10) employees; and

2. Floor Area: In addition, each such person shall pay a fee of twenty-five-one cents ($0.26) per square foot of floor area occupied for a business purpose in excess of five thousand (5,000) square feet. A fee of ten-nine cents ($0.10) per square foot shall be imposed on vacant space available for rent or lease for business purposes, said fee to be payable by the person with the right to possession of the property; and

3. Additional Location: In addition, each such person shall pay eleven-nine dollars ($11.99) per year for each additional business location within the City.

4. Tax Credit: Notwithstanding the forgoing, a credit shall be granted against the tax imposed by this Section whenever a business subject to the tax imposed by this Chapter generates sales and/or use tax in the year immediately preceding the year in which the tax is due. The credit shall be applied to the business registration tax due for the following year. The credit shall be equal to fifty-percent (50%) of the portion of the sales and/or use tax generated which was awarded to the City during the twelve (12) month period ending on June 30 preceding the date the tax is due. However, the amount of said credit shall under no circumstances be calculated to be greater than the total amount of tax due.

5. Credit For Sales And Use Tax Revenue: Notwithstanding the foregoing, a business which increases the amount of sales and use tax revenue received by the City from the business or its activities above its "baseline", as defined hereunder, shall receive a credit to the business license tax imposed under this Chapter equal to the dollar amount of the increase above the baseline. The amount of business license tax credit shall be determined annually and is subject to approval by the City Manager. Said credit shall be applied to the business license tax owed in the next fiscal year only; provided, that, in no event, shall the credit exceed the amount of business license tax owed.
a. Calculation Of Baseline: For the purposes of this subsection, the "baseline" for a business shall be calculated as follows:

(1) For the first fiscal year in which a credit is granted, the "baseline" shall equal the sum of sales and use tax received by the City from the business and its activities and the business license tax imposed by the City in the prior fiscal year.

(2) For each subsequent fiscal year, the baseline amount established under subsection A.6a(1) above shall be recalculated as follows: the sales and use tax component of the baseline shall be adjusted to reflect any increase from the prior fiscal year in the consumer price index as established in the report of consumer prices for all urban consumers for the Los Angeles-Anaheim-Riverside Standard Metropolitan Statistical Area. Said adjustment shall be based on the most recent month for which such price index figure is available on the date the adjustment is calculated. The business license tax component of the baseline shall be recalculated to equal the amount of business license tax imposed on the business under the fee schedule in effect at the time the recalculation is made, including any automatic increase established under this Code, provided that, in no event, shall the amount of business license tax be less than the amount under subsection A.6a(1) of this Section.

4. Intentionally omitted.

b. Eligibility: A business is not eligible to receive any business license tax credits under this subsection A.5 while the business is receiving a business license tax credit under Section 3-2-4 of this Code.

5. Intentionally omitted.

SECTION 4: INTERPRETATION. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, subsection, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, subsection, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts, or portions is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

SECTION 5: SEVERABILITY. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, the remainder of the initiative and the application of such provision to other persons or circumstances shall not be affected thereby. We the People indicate our strong desire that: (i) the City Council use its best efforts to sustain and reenact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a
manner consistent with the express and implied intent of this Initiative, and then adopting or reenacting such portion as necessary or desirable to permit the planning and development of the Project.

SECTION 6: CONSTRUCTION. This Initiative must be broadly construed in order to achieve the purposes stated in this Initiative. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Initiative.

SECTION 7: ENFORCEABILITY. Repeal of any provision of the El Segundo Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8: VALIDITY OF PREVIOUS CODE SECTIONS. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the ESMC or other city ordinance by this Ordinance will be rendered void and cause such previous ESMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 9: EFFECTIVE DATE. This Initiative will enact and impose a general tax. Accordingly, it will be submitted to a general election on April 13, 2010 for voter approval. If a majority of voters vote in favor of this Initiative, it will become valid and binding ten days after the date that the City Council certifies the election results in accordance with Elections Code § 9217.

SECTION 10: The Mayor will sign this Initiative and the City Clerk will attest and certify to the passage and adoption of this Ordinance if a majority of the voters voting in the City’s general election on April 13, 2010 approve the proposition asking whether the voters approve this Initiative.

PASSED AND ADOPTED this ___ day of __________, 2010.

________________________
Kelly McDowell, Mayor

ATTEST:

________________________
Cindy Mortesen,
City Clerk
APPROVED AS TO FORM:

Mark D. Hensley, City Attorney
RESOLUTION NO. _____

A RESOLUTION DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE BALLOT MEASURE REGARDING THE EL SEGUNDO UTILITY USERS TAX AND BUSINESS LICENSE TAX.

The City Council of the city of El Segundo resolves as follows:

SECTION 1: Pursuant to Elections Code § 9280, the City Clerk is directed to transmit a copy of the ballot measures regarding the utility users tax and business license tax to the City Attorney for an impartial analysis.

SECTION 2: Upon receiving the ballot measure, the City Attorney is directed to prepare an impartial analysis of the measures showing their effect, if any, on existing law and the operation of the measures. Such analysis must not be more than 500 words.

SECTION 3: The City Clerk is directed to have the City Attorney’s analysis printed before the arguments for and against the measures. Immediately below the impartial analysis, in not less than 10 point bold type, the City Clerk should have the following language printed: “The above statement is an impartial analysis of Measure ____. If you desire a copy of the legislation affected by this measure, please call the City Clerk’s office at (310) ______ and a copy will be mailed at no cost to you.”

SECTION 4: Pursuant to 42 U.S.C. § 1973aa-1a., the City Clerk will:

A. Translate the City Attorney’s analysis into Spanish;

B. Make translated copies of the City Attorney’s analysis publicly available;

SECTION 5: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 6: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this ___ day of ________________, 2009.

________________________________________
Kelly McDowell,
Mayor

[Documents and Settings\susiem\Local Settings\Temporary Internet Files\OLK75\City Attorney analysis - ES UUT.doc] November 24, 2009
Approved as to form:
Mark D. Hensley, City Attorney

By:

Karl H. Berger, Assistant City Attorney
RESOLUTION NO. _____

A RESOLUTION ESTABLISHING REQUIREMENTS FOR BALLOT
ARGUMENTS FILED WITH THE CITY CLERK TO BE INCLUDED WITH
VOTER INFORMATION FOR THE PREVIOUSLY CALLED MUNICIPAL
ELECTION ON APRIL 13, 2010.

The City Council of the city of El Segundo resolves as follows:

SECTION 1: Pursuant to Elections Code § 9281, qualified voters may submit
arguments for and against the ballot measures, in addition to rebuttal arguments, for the
previously called April 13, 2010 election on forms provided by the City Clerk.

SECTION 2: Arguments filed in accordance with this Resolution must comply with the
following requirements in accordance with Elections Code §§ 9282, 9283, 9285, and
9286:

A. Arguments must be in writing and not exceed three hundred (300) words
except for rebuttal argument which may not exceed two hundred and fifty
(250) words;

B. Arguments may be submitted by the City Council; any councilmember
authorized to submit an argument by the City Council; any individual voter
eligible to vote on the measures; any bona fide association of citizens; or any
combination of voters and associations;

C. Arguments must be typewritten in at least a 12 point font;

D. Arguments may not include underlining, italics, asterisks, or other, similar,
type of formatting;

E. Arguments must be accompanied by the printed name and signature or
printed names and signatures of the person or persons submitting it, or, if
submitted on behalf of an organization, the name of the organization and the
printed name and signature of at least one of its principal officers.

F. If more than five (5) signatures accompany an argument, only the first five (5)
will be printed.

G. Arguments for or against the ballot measures must be received in the City
Clerk’s office not later than _____________. Rebuttal arguments must be
received not later than _____________.

SECTION 3: Pursuant to 42 U.S.C. § 1973aa-1a, the City Clerk will:

-1-
ATTEST:

______________________________
Cindy Mortesen, City Clerk

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

By: ____________________________
   Karl H. Berger,
   Assistant City Attorney
BUSINESS LICENSE INDEXING

NOVEMBER 12, 2009
BUSINESS LICENSE INDEXING

- Business License Tax (BLT) last indexed 16 years ago
- Other major General Fund revenues have indexes/components that respond to the economy
  - Property Tax, Sales Tax, TOT and Franchise Tax
- BLT is the third largest General Fund revenue source in the City. In 1992-2001 BLT was the number one revenue producer
Business license liability.

Of this $2.1 million, $668,000 covered 50 companies' entire.

$2.1 million

Total Sales/Use Tax credits for FY 08-09 offset BLT by

From BLT

Sales/Use Tax Credits can offset up to 100%

Top 25 businesses generate 70% of the BLT

BUSINESS LICENSE INDEXING
Establish a ratio for BLT to cover General Fund costs

Phased Sales Tax reduction over three years to

Increasing Base Rate adjustment

Fixed Percentage Increase

CPI, Rolling 10-Year Average

Expenditure at 55% — Rolling 10-Year Average

State Public Safety Index (largest General Fund

O P T I O N S R E V I E WED

BUSINESS LICENSE INDEXING
average of 37% over the past 10 years. Public Safety costs in the City (down from an
Currently BLT revenue supports 27.4% of
across the State.
much faster than CPI in EL Segundo and
Historically, these costs have grown at a rate
General Fund Budget
General Fund revenues, utilizing 55% of the
Public Safety is the major expenditure of

BUSINESS LICENSE INDENTING
Public Safety costs from 2003 to the present, indexing BLT reductions, and significant increases in.

Key Factors in the reduction of this ratio --- NO
Business License Indexing
This type of indexing uses an escalator that directly affects safety costs.

Licensee tax to sustain a stable growth ratio to public business costs. Los Angeles County/LA City will allow the business to utilize existing total public safety costs for Los Angeles County/LA City.

An index utilizing total public safety costs to bridge the gap.

Sources to offset increasing costs to bridge this gap.

Existing General Fund revenues, and no new revenue exists in the ratio between public safety costs to business costs.

The decline in the ratio between public safety costs to business license index.

Factors impacting General Fund Gap.
Business License Tax Revenues

Ratio between Public Safety costs to...
Policy Considerations:

Business License IndeXing
AGENDA DESCRIPTION:
Consideration and possible direction to Planning and Building Safety staff to review and to prepare municipal code amendments to the existing off-street parking and loading requirements in El Segundo Municipal Code (ESMC) Chapter 15-15. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Receive staff presentation;
2. Direct staff regarding proceeding with further analysis and development of municipal code amendments to ESMC Chapter 15-15 regarding off-street parking and loading requirements; and/or
3. Alternatively, discuss and take other actions related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. City Council staff report dated April 3, 2007
2. Planning Commission Powerpoint presentation, dated November 12, 2009
3. Summary information on parking and loading standards research
5. Zoning Code Interpretations Pertaining To Off-Street Parking and Loading Requirements.

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:

1. Background

The City’s existing off-street parking and loading requirements have not been comprehensively updated since the late 1990’s. More recently, in 2006, the City Council approved a code text amendment to address the use of vehicle lifts on residential properties in the Single-Family Residential (R-1) and Two-Family Residential (R-2) Zones. However, a comprehensive update to these regulations is needed: 1) to ensure the orderly development of property in the City; 2) to provide adequate design and quantity of parking and loading facilities; 3) to facilitate well
designed development projects; and 4) to reflect the changing physical design needs and legal requirements.

In April 2007, in response to a staff request, the City Council directed staff to initiate research for the purpose of comprehensively updating the City’s parking and loading regulations (see Attachment 1). The specific direction included: a) incorporating code interpretations of the parking requirements into the municipal code where appropriate; b) permitting alternative design options and flexibility for commercial and industrial parking design; c) reducing excessive loading requirements for large-scale commercial projects such as Plaza El Segundo and Corporate Campus; d) incorporating certain uses and standards that are not addressed in the City’s regulations; and e) revising residential parking dimensions and design to improve its functionality and to eliminate inadequate parking access. The project was subsequently put on hold because of a high level of development activity throughout 2007 and 2008.

In September 2009, staff resumed the project and incorporated the update of the City’s parking and loading regulations in the 2009-2010 Planning and Building Safety Work Program. As part of its efforts to date, staff surveyed the regulations of other cities and solicited input from the Planning and Building Safety Advisory Committee (on September 21, 2009) and the Planning Commission. Staff gave a Powerpoint presentation to the Planning Commission at its November 12, 2009 meeting (Attachment 2).

II. Analysis

Planning staff proposes to evaluate the ESMC Chapter 15-15 in its entirety. In addition to the direction received from the City Council, the proposed update has the following objectives:

A. Improve the code organization and format. This will include reordering and/or consolidating sections of the parking and loading regulations into a more logical sequence where appropriate, as well as incorporate more extensive use of diagrams and illustrations to supplement and clarify written text.

B. Clarify and update existing code provisions. This will include incorporating interpretations of the code requirements into the code itself, clarifying conflicting standards, and updating standards to reflect current city needs and planning practices.

C. Incorporate new requirements regarding issues not addressed in the Code. This will include requirements regarding the required number parking and loading spaces for uses not addressed currently and requirements relating to parking design (e.g. ramp design, stall striping). New requirements are intended to modernize the parking and loading standards for today’s needs and to ensure the functionality and accessibility of parking and loading facilities.

D. Improve the code flexibility and grant staff more discretion in its application. This includes making the standards more flexible (e.g. allowing narrower parking aisles when parking stalls are wider), and giving the Director more discretion to approve minor deviations from the code standards when justified.
E. **Improve the predictability of code requirements for applicants and residents.** Improvements to the code organization, clearer provisions, and additional provisions on issues not addressed currently will make the permitting and development process much more predictable and efficient for residents, developers, and staff.

The primary issues that are anticipated to be addressed include, but are not limited to, the following:

A. **Required Number of Parking Spaces**

Staff is considering adding a parking requirement for the minimum number of spaces for data centers, live/work uses, and other uses. Some of these uses currently require a parking demand study with Director and/or Planning Commission review and this would reduce the time and expense of such studies if a reasonable fixed standard could be established as a requirement. In addition, staff is proposing to modify the requirements for certain uses, such as food-to-go, small restaurants without seating, churches, and other uses. Finally, staff proposes to clarify and expand the definitions of certain use categories. The intent is to make the code more user-friendly and to provide clear precise standards where feasible while maintaining a process to allow flexibility for unique uses through a parking demand study.

B. **Parking Development Standards**

**Residential parking spaces.** Staff proposes to amend the residential parking standards to measure the required garage dimensions using the interior dimensions, to standardize the width residential parking spaces, while providing an exception for substandard lots. In addition, staff proposes to set a maximum size limit for garages on single family residential lots. The City currently has three different width requirements for residential parking spaces and no maximum size limit for residential garages.

**Parking obstructions.** The City does not have requirements regarding permitted parking obstructions. Staff proposes to include certain allowances for both commercial and residential parking (e.g., support posts or columns adjacent to each end of a parking stall and overhead storage above residential parking spaces). This will give developers/designers more flexibility in their parking area layout, while maintaining functional parking space dimensions.

**Parking aisle width.** Staff proposes a flexible standard for parking aisle width with a minimum of 22 feet. This standard will allow developers/designers flexibility especially on narrow parcels with significant space constraints. Narrower aisle widths in conjunction with wider parking stall widths would still maintain adequate aisle width for two-way traffic and sufficient maneuverability in and out of parking stalls.

**Tandem parking spaces.** Staff proposes to prohibit the use of tandem parking spaces on multiple-family residential properties, with the exception of development projects that qualify for density bonuses pursuant to California Government Code Chapter 4.3, § 65915 (Incentives for lower income housing development, childcare facilities). Currently, the City allows tandem spaces in all residential zones up to 100 percent of the
required spaces. Only 20 percent of required spaces can be tandem in the commercial and manufacturing zones (excluding Smoky Hollow).

**Bicycle spaces.** The City currently requires bicycle spaces for commercial/industrial buildings over 48,000 square feet in size at a very low ratio. No bicycle spaces are required for residential projects. Staff proposes to lower the size threshold at which bicycle spaces would be required, to increase the required ratio (number of spaces required), and to introduce bicycle space requirements for multiple-family residential projects over a certain size. This is intended to encourage use of alternative transportation and to make it a viable alternative by providing for more bicycle parking.

**Driveway ramp standards.** The City currently has no driveway ramp standards and staff is unable to direct developers with regard to safe and efficient design of ramps. Staff proposes to establish requirements for maximum ramp slope and ramp transitions.

C. **Loading Space Standards**

i) Staff proposes to revise the development standards for loading spaces so that the requirement is based on the uses involved rather than established by zoning districts.

ii) Staff proposes to create two additional types of loading spaces for passenger loading and small truck loading with reduced dimensions, while maintaining the existing type of large truck loading space.

iii) Staff proposes incorporating passenger loading requirements for specified uses, such as schools and daycare facilities.

iv) Staff proposes to require fewer large truck loading spaces by replacing a portion of the required spaces with small truck loading spaces for hotels, offices, institutional and some industrial uses that are not dependent on large truck loading, particularly for uses/buildings below 100,000 square feet in size.

v) Mixed Use/Campus style projects. Staff proposes to reduce the loading requirement for large scale projects where a common loading area/facility can be provided. Approval of such exceptions would be subject to the Director’s discretion.

D. **Minor Exceptions – Director’s Discretion.** Staff believes that the Planning and Building Safety Director should be given limited authority to grant minor exceptions from the parking and loading requirements when justified. Such authority would give staff flexibility to address minor design issues related to specific properties or types of uses. Decisions could be administered through the administrative determination and/or through the adjustment process.

**Number of parking spaces.** The Director would be allowed to grant minor reductions in the number of spaces required. As an example, reductions in the number of parking spaces may be needed for minor design constraints for sites with existing buildings and to accommodate compliance with Title 24 accessibility requirements for ADA accessible ramps, and passenger and van ADA accessible parking stall dimensions (e.g. providing
the required number of ADA accessible spaces may reduce the total number of on-site spaces by a stall or two).

Parking and loading standards. The Director would allow small deviations from required standards, such as the width of driveways, or the dimensions of parking or loading spaces. As an example, minor deviations of parking stall widths for a limited number of spaces may be needed for parking lot design or redesign on small lots. (e.g. a reduction of a couple of inches may be necessary for a few spaces such as for the last stall on the end of each parking aisle).

Non quantitative standards. The Director would allow deviations from standards, such as paving materials or parking lot striping colors.

A copy of ESMC Chapter 15-15 and the existing Municipal Code interpretations are attached for your reference (Attachments 4 and 5 respectively).

As mentioned previously, staff solicited input from the Planning and Building Safety Advisory Committee and the Planning Commission. They support making the development standards more flexible, granting staff some discretion for minor deviations from code standards, and restructuring loading requirements.

III. Conclusion and Recommendation

Planning and Building Safety staff recommends that the City Council direct staff to review and to prepare ordinances to amend the existing off-street parking and loading requirements in El Segundo Municipal Code (ESMC) Chapter 15-15. Should the City Council direct staff to make amendments to the Municipal Code, staff would: 1) prepare the necessary text amendments, 2) conduct the appropriate environmental review, and 3) schedule the matter for public hearings before the Planning Commission followed by the City Council.
Consideration and possible action to Planning and Building Safety staff to review and to prepare municipal code amendments to the existing off-street parking and loading requirements in El Segundo Municipal Code (ESMC) Chapter 15-15 (Fiscal Impact None)

RECOMMENDED COUNCIL ACTION.

1. Receive staff presentation,
2. Direct staff regarding proceeding with further analysis and development of municipal code amendments to ESMC Chapter 15-15 regarding off-street parking and loading requirements, and/or
3. Alternatively, discuss and take other actions related to this item

BACKGROUND & DISCUSSION:

The Planning and Building Safety Department requests Council direction to review the existing off-street parking and loading requirements in ESMC Chapter 15-15 comprehensively and to propose municipal code amendments to meet the current needs of residential, commercial, and industrial uses.

(Continued on next page...)

ATTACHED SUPPORTING DOCUMENTS.

2. Zoning Code Interpretations Pertaining To Off-Street Parking and Loading Requirements

FISCAL IMPACT: None

Operating Budget: N/A
Amount Requested: N/A
Account Number: N/A
Project Phase: N/A
Appropriation Required: x No

ORIGINATED BY: Gary Chicots, Interim Director, Planning and Building Safety Department

REVIEWED BY: Jeff Stewart, City Manager

DATE: 3-27-07
DATE: 7/26/07

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BACKGROUND & DISCUSSION: (cont.)

The City's existing off-street parking and loading requirements have not been reexamined since the late 1990's. Some of the standards no longer meet the needs and operational characteristics of residential, commercial and industrial uses. For example, recent commercial office and retail projects, such as Plaza El Segundo at 850 S Sepulveda Boulevard and the Edge (part of the Corporate Campus site) at 850 N Nash Street, have shown that some of the existing off-street vehicle parking and loading requirements are not entirely appropriate for large-scale, campus-style developments. Also, existing standards for residential parking space configurations and accessibility are marginally functional.

Planning staff proposes to evaluate the ESMC Chapter 15-15 in its entirety. The primary issues that are anticipated to be addressed include but are not limited to the following:

**Width and depth of parking stalls, vehicle backup dimensions, and aisle dimensions for commercial, industrial, and residential uses.** The intent is to provide flexibility for commercial parking structure design to address different lot configurations for greater ease of ingress and egress to parking stalls and to provide options for alternative width and depth of parking stalls and aisle dimensions to achieve equivalent ease of access. Additionally, the standards for width and depth of parking spaces and vehicle backup dimensions, both in garages and in unenclosed on-grade configurations, will be evaluated to ensure that they meet the needs of single-family and multiple-family residential uses.

**Number and dimensional requirements of loading areas for commercial and industrial uses.** The intent is to provide adequate loading areas that are appropriate for the land uses on the properties rather than to structure requirements by zone.

**Driveway ramp standards.** The intent is to develop standards for driveway ramp design particularly addressing functionality and safety including where driveway ramps and pedestrian sidewalks or walkways intersect.

**Simplify and clarify code requirements.** The intent is to incorporate past interpretations into the code where applicable and to make the understanding of the requirements easier for the public.

**Establish requirements for minimum number of spaces for new categories of land uses.** The intent is to modernize the standards where appropriate relating to different land uses by adding standardized requirements for the minimum number of spaces for new categories of land uses where industry standards exist for such use categories rather than to require parking demand studies. Changes to the number of required vehicle spaces for residential and/or general commercial office and/or retail uses are not anticipated at this time.

The Planning and Building Safety Department presented this information at the Planning Commission meeting of March 22, 2007 for their information and to discuss both the proposed issues to be analyzed and any additional areas that they would recommend be studied.
BACKGROUND & DISCUSSION: (cont.)

Commission concurred that the parking and loading standards should be studied and evaluated. They did not recommend any specific additional areas for study, however they felt that parking and loading space dimensions and parking lot/parking structure design were especially important along with residential parking design. They also recommend that a comparison to other cities’ regulations be included.

A copy of ESMC Chapter 15-15 and the existing adopted Zoning Code interpretations are attached for your reference.

RECOMMENDATION AND FUTURE PROCESS

Planning and Building Safety staff recommends that the City Council direct staff to review and to prepare municipal code amendments to the existing off-street parking and loading requirements in El Segundo Municipal Code (ESMC) Chapter 15-15. Should the City Council direct staff formally to make amendments to the Municipal Code, staff would prepare the necessary text amendments and environmental review documents and schedule the matter for public hearings before the Planning Commission followed by the City Council. The entire process is anticipated to take approximately four months to complete.

P Planning & Building Safety Staff Reports 2007/2007 04 03 Parking Text Amend CC Report.doc
facilities (in quantity and design)

provide adequate parking and loading

properties

ensure the orderly development of

facilitate the development process

reflect changing circumstances

update parking and loading standards to:

Purpose
Allow alternative design options and flexibility appropriate.

Incorporate interpretations of the parking requirements into the municipal code where necessary.

In response to a staff request, the City Council directed staff to amend the City's parking and loading regulations to:

Since the 1990's, the City's regulations have not been updated comprehensively.
City Council Directions

- Eliminate inadequate parking access.
- Design to improve its functionality and to revise residential parking dimensions.
- Incorporate certain uses and standards that are not addressed in the City's regulations.
- Plaza El Segundo and Corporate & Campus.
- Reduce excessive loading requirements for large-scale commercial projects.
Objectives

- Facilitate predictability of code
- Make the code more flexible and grant
- Incorporate new provisions on issues
- Clarify and update existing provisions
- Improve code organization
- Requirements for applicants/customers

staff more discretion in its application
not addressed
Issue Areas

- Add/modify standards for uses not currently listed
- Number of spaces
- Parking stall, striping, and driveway dimensions
- Incentives for alternative transportation
- Shared/joint-use loading areas
- Create flexible parking lot/structure design
- Code parking and loading standards
300 square feet, and apply a 3-space minimum
category, maintain current requirement of 1 space per
Food-to-go uses. Separate from the commercial/office
1 space per 75 square feet (and a minimum of 3 spaces
parking requirements. Apply the restaurant standard
eliminate accommodations. Eliminate exemption from
Restaurant uses below 500 square feet without sit-down
adjustments (for increased visitor parking)
multiple family residential requirements with some
live/work uses. Include in the parking table and apply

1. Required Number of Parking Spaces

5 Major Topic Areas

Preliminary Recommendations
specific examples of uses
categories, such as 'commercial', to include several
Definitions: Create (or revise) definitions for use
be consistent with assembly uses and other cities' codes
category. Consider lowering the parking requirement to
institutions/facilities' and place in the public assembly use
-Church uses. Rename church uses to "Religious
square feet"
recent data center parking studies (1 space per 3,500
Data Center uses. Apply the standard established in

1. Required Number of Parking Spaces

Reconmendations
Preliminary

386
2. Parking dimensions and other standards

Recommendations

Preliminary
Sample Illustration of a Two-Car Garage

These areas are for required parking only.

Dimensions:
- Width: 18' 0"
- Height: 10' 0"
- Height: 10' 0"
Parking aisle width and a maximum of 25 feet. Increase of parking stall width. Set a minimum 22-foot foot reduction in the parking aisle width for every six-inch inch. Allow a one- one graduation scale for parking aisle width.

(3 feet above ground and 3.5 from the front end)

Parking space obstructions. Allow vertical obstructions.

2. Parking dimensions and other standards

Recommendations

Preliminary
Currently tandem parking is allowed in all residential
(R-3) developments.
- Prohibit tandem parking for multiple-family residential
tandem parking may exceed three spaces in depth
tandem parking spaces. If a valet service is provided
for tandem parking to three spaces. Reduce the maximum depth
tandem parking spaces and other standards.

2. Parking dimensions and other standards

Recommendations

Preliminary
residential projects. (Currently, no bicycle spaces are required for more units equal to 10% of the required vehicle parking minimum number of bicycle spaces for projects with 6 or more units, multiple family residential. Require a bicycle space.)

(4 spaces for each additional 48,000 sf.
Currently, 4 spaces are required for projects up to 48,000 square feet or above. Vehicle spaces for projects 15,000 square feet or above. Require a minimum number of bicycle spaces equal to 5% of the required projects up to 15,000 square feet. Set a 4-space minimum for bicycle spaces, commercial, set a 4-space minimum for

2. Parking dimensions and other standards

Recommendations

Preliminary
Introduce passenger loading requirements for specified uses (e.g., school, day care, etc.).

- Freight loading/deliveries
- Existing type of loading space (13' x 30') for large truck
- Loading/deliveries (12' x 25'), while maintaining the passenger loading (10' x 20') and small truck
- Create two additional types of loading spaces for than zoning districts
- Create loading requirements based upon use, rather than zoning districts

3. Loading space standards

Recommendations

Preliminary

402
3. Loading space standards

Recommended Preliminary

Spaces are required for buildings up to 100,000 sq. ft.
Freight loading spaces (Currently, 2 freight loading
spots) per every 100,000 sq. ft. thereafter, up to a maximum of 3
spots for buildings 100,000 sq. ft. up to 250,000 sq. ft. plus 1 additional freight loading space for
buildings 250,000 sq. ft. to 1,000,000 sq. ft.

2 small truck spaces for buildings or tenants up to 25,000 sq. ft.
1 small truck space for buildings or tenants up to 250,000 sq. ft.

Examples of loading space requirements:

Office

3. Loading space standards

Recommended Preliminary
in institutional buildings 100,000 sf.

Currently 3 freight spaces are required for hotel or additional 100,000 sf. for buildings over 100,000 sf.

plus 1 freight loading space for each 100,000 sf.

1 small truck space for buildings or tenants 25,000 to 15,000 sf.

1 small truck space for buildings or tenants up to b) Hotel and Institutional uses –

Examples of loading space requirements:

3. Loading space standards

Recommenadations

Preliminary
Currently, 2 freight loading spaces are required for buildings over 100,000 s.f., plus 1 freight loading space for each 100,000 sq. ft. to 100,000 s.f.

I freight loading space for buildings or tenants 25,000 sq. ft. and truck space minimum.

(c) Manufacturing

Examples of loading space requirements:

3. Loading space standards

Recommendations

Preliminary
through the existing Adjustment application process

Additional reductions/exceptions may be granted

subject to Director review and approval.

If a common loading area/facility is provided, the

number requirement may be reduced up to 25%.

\[ \text{The requirements for each building/tenant:} \]

\[ \text{Loading requirements will be the combined total of} \]

- Mixed use/campus style projects

Examples of loading space requirements:

3. Loading space standards

Recommenda
tions

Preliminary
Planning and Building Safety Director approval

- Ramp design may deviate from the standards subject to

  - Slope
  - Transition slope shall be no more than half of the ramp

  - More than a 6% slope

  - Require minimum 8-foot long transitions for ramps with

  - Set a maximum ramp slope of 20%

4. Vehicle ramp design standards

Recommendations

Preliminary
DRIVEWAY SLOPE STANDARDS

RECOMMENDATIONS

PRELIMINARY
width from 10 feet to 9 feet, and curbs, and parking aisles (e.g., reduction of loading
- Deviation of up to ten percent from the required
dimensions of parking or loading spaces, driveways, curbs
- Number of spaces. No more than 10% of 20 parking

- 5. Minor exceptions (Director level review)

Recommended
Preliminary
grasscrete) and parking lot striping colors.

- Driveway paving materials (asphalt, concrete, stone, etc. need discretion on non-quantitative standards, such as:
  - Could provide 900 square feet)
  - 1,000 square feet or landscaping in the vehicle use area dimensions (e.g., a commercial development that requires structure setbacks, minimum landscape areas and planter yard paving area, maximum light standard height, parking deviation of up to ten percent from the maximum front and adjustment process)

5. Minor exceptions (Director Level Review)

Recommender

Preliminary Recommendations
Preliminary

Recommendations

List of diagrams and figures

1. Parking space and parking aisle dimensions
2. Driveway and corner visibility
3. Residential parking back-up space
4. Truck turning radii
5. Loading space dimensions
6. Two-car garage layout and dimensions
7. Residential garage permitted encroachments
8. Commercial parking lot layout
9. Parking lot striping
Being Considered
Additional Topic Areas
Pedestrian circulation

Secondary uses

Definition of primary and

stations

Electric vehicle recharging

Driveway visibility

Properties

Parking location on

parking lot upgrades

Improvement thresholds

parking

Employee and customer

Management

Transportation demand

zones

parking in residential

Commercial vehicle

parking reductions

Criteria for administrative

Shared parking

Off-site parking

Being Considered

Additional Topic Areas
February, 2010
Draft Ordinance to the City Council in
Commission in January, 2010
Draft Ordinance to the Planning
Council on December 1, 2009
Present Information Item to the City

Tentative Schedule
- Additional Issues
- Comments on Issues Presented

Discussion
<table>
<thead>
<tr>
<th>Standards</th>
<th>Summary / Total / Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking space</td>
<td>Most common dimensions are 8.5' x 18.' Some cities have longer spaces, up to 20 feet. Compact parking is not allowed in 3 cities. But of the cities that allow them, many allow narrower spaces. Parallel spaces range from 8-9 feet in width by 22-30 feet in length. All cities surveyed used interior dimensions to measure residential garage space. The dimensions ranged from 9-10 feet in width for single and 19-20.5 feet in width for double. Depth ranged from 18 to 20 feet.</td>
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<tr>
<td>dimensions:</td>
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<td>Standard</td>
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<td>Compact</td>
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<td>Parallel</td>
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<td>Next in observation</td>
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<tr>
<td>Handicap and Access</td>
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<tr>
<td>Residential</td>
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<tr>
<td>Loading Space</td>
<td>The loading space sizes range from 8.5 x 18 (passenger size) to 14 x 60 x 15. Some of the cities surveyed do not have size requirements. They determine the loading needs/requirements on a case by case basis.</td>
</tr>
<tr>
<td>size:</td>
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<tr>
<td>Passenger</td>
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<td>Small</td>
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<tr>
<td>Large</td>
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<tr>
<td>Other Standards</td>
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<tr>
<td>Compact spaces:</td>
<td>Some of the cities surveyed do not allow compact spaces. Some cities allow up to 50% of residential spaces to be compact and up to 40% of nonresidential spaces to be compact. Some have a minimum number of spaces required to allow compact (10 spaces). In general, industrial uses were allowed to have a higher percentage of compact spaces than commercial uses. El Segundo does not allow them at all for retail uses.</td>
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<tr>
<td>Number allowed</td>
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<tr>
<td>Residential</td>
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<tr>
<td>Commercial</td>
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<td>Tandem spaces:</td>
<td>Some cities require an attendant in conjunction with tandem spaces. Some require an Administrative Use Permit. Some cities allow tandem parking for employees only, which limits the overall the percentage. Generally, the percentage of tandem spaces allowed ranges between 25 and 75% of nonresidential spaces and up to 50% of multi-family use spaces. Most cities</td>
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<td>Standards</td>
<td>Summary / Total / Average</td>
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<td></td>
<td>surveyed allow tandem spaces up to 2 or 3 cars in depth, whereas El Segundo allows up to 4 cars.</td>
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<tr>
<td>Depth</td>
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<tr>
<td>Wheelstops Location</td>
<td>Most cities require wheelstops or curbing (6&quot; x 6&quot;) at property lines, buildings, landscaping and walls. Wheelstops can be 2-3 feet inside a parking space.</td>
</tr>
<tr>
<td>Dimensions</td>
<td>No cities had parking requirements for motorcycles. Vehicle codes generally treat them as regular automobiles.</td>
</tr>
<tr>
<td>Motorcycle spaces</td>
<td></td>
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<tr>
<td>Number required</td>
<td>Some cities have no provisions on bicycles. The cities that do have requirements, differentiate between multiple-family residential and commercial uses. In general, 4 bicycles was the minimum number for commercial uses over 15,000 sf. Multi-family uses required 1 bicycle space per 6 units or 10% of the required number of car spaces. Generally, the bicycle space dimensions were 2' x 5' or 6', with a 6' height clearance. Some cities require a 5-foot clearance from the parking area. Some cities require a percentage (25% or more) of bicycle spaces to be enclosed inside a building, and/or to be secured upright without the need for chains or owner provided locks.</td>
</tr>
<tr>
<td>Location allowed</td>
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<tr>
<td>Dimensions: Width</td>
<td></td>
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<tr>
<td>Length</td>
<td></td>
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<tr>
<td>Bicycle spaces</td>
<td></td>
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<tr>
<td>Number required</td>
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<tr>
<td>Standards</td>
<td>Summary / Total / Average</td>
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<tr>
<td>Zone/Tie allowed</td>
<td>Some cities allow parking to encroach 50 to 100% into side and rear setbacks. In some cities, the parking has to be set back and or screened from the front. Some require at least a minimum amount of perimeter landscaping between parking and the front property line.</td>
</tr>
<tr>
<td>Drivers</td>
<td></td>
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<tr>
<td>Other</td>
<td></td>
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<tr>
<td>Parking setback</td>
<td></td>
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<tr>
<td>Enforcement</td>
<td></td>
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<tr>
<td>Commercial</td>
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<tr>
<td>Front</td>
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<tr>
<td>Street side</td>
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<tr>
<td>Site</td>
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<tr>
<td>Rear</td>
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<tr>
<td>Alley</td>
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<tr>
<td>Residential</td>
<td></td>
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<tr>
<td>Front</td>
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<tr>
<td>Site</td>
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<tr>
<td>Rear</td>
<td></td>
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<tr>
<td>Other</td>
<td></td>
</tr>
<tr>
<td>Parking space overhang</td>
<td>Most cities allow a 2-3 foot overhang (over landscaping), but that area cannot count towards required landscaping.</td>
</tr>
<tr>
<td>Parking vertical clearance</td>
<td>In most cities surveyed, the minimum clearance for residential uses is 6'8&quot; and for commercial 7 feet. Some cities require a clearance around parking spaces of 9 to 12 inches.</td>
</tr>
<tr>
<td>Standards</td>
<td>Summary / Total / Average</td>
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<tr>
<td>Permitted vertical obstructions</td>
<td>Curbs up to 18-inches are allowed around a parking space in some cities.</td>
</tr>
<tr>
<td>Permitted horizontal obstructions (Commercial)</td>
<td>Obstructions (walls, columns...) are allowed adjacent to parking spaces 3 to 5 feet from either end of a space</td>
</tr>
<tr>
<td>Permitted obstructions (Residential)</td>
<td>For residential uses, cabinets or other obstructions are allowed in an area 4.5 feet above ground and 3.5 feet from the front of a space</td>
</tr>
<tr>
<td>Residential garage openings</td>
<td>For single car garages the minimum width was 7.5 to 9 feet and for double between 15.5 and 16 feet. In some commercial and multi-family parking structures, garage doors are restricted to a 20-foot maximum width. In Pasadena, the openings depend on the aisle width.</td>
</tr>
<tr>
<td>Covered parking</td>
<td>Some cities require 100% of residential spaces to be enclosed in a garage. Some require only 50% of multi-family residential spaces to be enclosed. Some require single or multi-family spaces to be covered only (either garage or carport).</td>
</tr>
<tr>
<td>Striping: Single or double</td>
<td>Some cities have no striping provisions. Some require single and others double striping. One city specifically requires white striping, and another city requires colors that contrast the pavement color. The typical required width is 4 inches. If double striping is used, each stripe is located 6 inches from the edge of the space (1 foot between stripes).</td>
</tr>
<tr>
<td>Vehicle ramps: Slope</td>
<td>The maximum allowed slope is 15-20%. Some cities require transitions of a certain length and slope for ramps over a certain slope (e.g. 12.5%). Typically the transitions must be no more than 1/2 the slope of the main ramp (8%, 16%, then 8%). Few cities have ramp dimension requirements. One sets a minimum width of 14’ for single and 20’ for two-way traffic.</td>
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<tr>
<td>Standards</td>
<td>Summary / Total / Average</td>
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<tr>
<td>Parking lot slope</td>
<td>Most cities have a 5% maximum slope for parking areas.</td>
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<tr>
<td>Commercial drive aisle width</td>
<td></td>
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<tr>
<td>0-degree</td>
<td>0-degree: 12 feet one-way and 18 feet 2-way</td>
</tr>
<tr>
<td>30-degree</td>
<td>30-degree: 12-14 feet one-way, and 18-20 feet 2-way</td>
</tr>
<tr>
<td>45-degree</td>
<td>45-degree: 12-16 feet 1-way and 16-20 feet 2-way</td>
</tr>
<tr>
<td>60-degree</td>
<td>60-degree: 13-16 feet 1-way, and 16-21 feet 2-way</td>
</tr>
<tr>
<td>75-degree</td>
<td>75-degree: 16-19 feet 1-way, and 22-27 feet 2-way</td>
</tr>
<tr>
<td>90-degree</td>
<td>90-degree: 24-27 feet</td>
</tr>
<tr>
<td>Other</td>
<td>Other: Some cities have a graduated aisle width, based on the width of the parking spaces served. For example, for 75-90 degree parking one city allows a deviation of 3 feet from aisle width for every increase of 1 foot in stall width.</td>
</tr>
<tr>
<td>Residential drive aisle width</td>
<td></td>
</tr>
<tr>
<td>0-degree</td>
<td>0-degree: 9-12 feet 1-way, and 18-25 feet 2-way</td>
</tr>
<tr>
<td>30-degree</td>
<td>30-degree: 10-13 feet 1-way, and 19.5-25 feet 2-way</td>
</tr>
<tr>
<td>45-degree</td>
<td>45-degree: 13-14 feet 1-way, and 18-25 feet 2-way</td>
</tr>
<tr>
<td>60-degree</td>
<td>60-degree: 16-17 feet 1-way, and 17-25 feet 2-way</td>
</tr>
<tr>
<td>75-degree</td>
<td>75-degree</td>
</tr>
<tr>
<td>90-degree</td>
<td>90-degree: 22-27</td>
</tr>
<tr>
<td>Other</td>
<td>Other: typical turning radius for single-family garages is 25 feet</td>
</tr>
<tr>
<td>Parking stall depth</td>
<td></td>
</tr>
<tr>
<td>0-degree</td>
<td></td>
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<tr>
<td>0-30-degree</td>
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<td>45-degree</td>
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<td>60-degree</td>
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<td>75-degree</td>
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<td>90-degree</td>
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<td>Standards</td>
<td>Summary / Total / Average</td>
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</tr>
<tr>
<td>Driveway (curb-cut) widths</td>
<td>The minimum width is typically based on the number of spaces or units served by the driveway. The residential minimum ranges from 8-10 feet, if the number of spaces is 4-20 depending on the city. If more parking spaces are served, then the driveway has to be 2-way (18-20 feet) or two 1-way driveways are required. For commercial uses, the width ranges between 10 and 12 feet for lots with less than 15-20 spaces. If there are more than 15-20 spaces, the driveway/curb cut has to be 20-25 feet depending on the city. Some cities grant the Director some discretion over the driveway width.</td>
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<tr>
<td>Commerical</td>
<td></td>
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<tr>
<td>Maximum</td>
<td></td>
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<tr>
<td>Number of Curb cuts</td>
<td>The number is typically based on the lot frontage. Curb cuts in some cities have to be at least 5 feet from common lot lines. Curb cuts and driveways have to lead directly to required parking, and curb cuts not leading to parking, must be removed when there's new construction or additions. Staff is considering setting a minimum distance between driveways/curb cuts and a minimum distance from street corners.</td>
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<tr>
<td>Standards</td>
<td>Summary / Total / Average</td>
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</tr>
<tr>
<td>Driveway length (Residential)</td>
<td>Some cities set a minimum driveway length/setback for garages that front on a street or alley.</td>
</tr>
<tr>
<td>Maximum paving in Residential front setbacks</td>
<td>One city set a 25% maximum, except when the minimum driveway width results in more paving.</td>
</tr>
<tr>
<td>Driveway/paving material</td>
<td>Most cities set minimum thickness for paving and base material. Typically, they require 2 inches of asphalt or 4 inches of Portland cement. Similar material is allowed subject to Director approval. Some cities require decorative and/or permeable paving, such as stone, brick, stamped colored concrete, grasscrete... Others set maximum or minimum percentage of decorative paving. One city requires all residential driveways to use a minimum of 15% decorative paving. Some cities require a landscaping or other physical barriers between the driveway and the adjacent walkway or building.</td>
</tr>
<tr>
<td>Lighting</td>
<td>Some cities set a maximum height for light fixtures. That height can be the height of the building or 18 feet, for example. Other cities use a graduated height requirement, which is tied to the distance from the property line. Others set a maximum height (12 feet) when the property is within 25' from residential property. Typically, lights are required to reflect away from adjacent properties or right of ways. The minimum parking lot illumination ranges from 1 to 3 footcandles.</td>
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<tr>
<td>Setbacks</td>
<td></td>
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<tr>
<td>Standards</td>
<td>Summary / Total / Average</td>
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<tr>
<td>Parking Structure Standards: Setbacks</td>
<td>Parking structures typically can be built in side and rear yards. Cities have definitions for semi-subterranean structures. Semi-subterranean structures can typically project 3-4 feet above grade (to the top of finished floor above), but they must be screened. That includes any ventilation grills over 4 sf in area. In lieu of setbacks, the City of El Segundo has coverage standards. Subterranean structures can project 100% into side yards typically and in some cases all the way to the front property line, provided they are fully below grade. In some cities, commercial structures must have a landscape setback along street frontage and landscaping planters on upper levels. Some cities require architectural review of structures (detailed elevations, compatible with surroundings).</td>
</tr>
<tr>
<td>Clearance Projections</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
<tr>
<td>Drive-thru Standards:</td>
<td>Typical minimum length is 100 feet, and the width can be as little as 9 feet.</td>
</tr>
<tr>
<td>Width</td>
<td></td>
</tr>
<tr>
<td>Length</td>
<td></td>
</tr>
<tr>
<td>Recreational Vehicles</td>
<td>Recreational vehicles are typically allowed to park in the front yard for 72 hours during a month. They are not allowed to park in required parking spaces. They can park in the side or rear long term, but they must be screened by a 6-foot wall typically. Some cities simply prohibit recreational vehicle parking on residential properties.</td>
</tr>
<tr>
<td>Parking exceptions:</td>
<td>Tandem and compact parking, Attendant for tandem parking. Reduced parking for Joint/Shared parking. Design of entrances</td>
</tr>
<tr>
<td>Standards</td>
<td>Summary / Total / Average</td>
</tr>
<tr>
<td>-----------------</td>
<td>------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Landscaping</td>
<td>Minimum area: typically it is 5-10% of the parking area. In addition, cities require all unused portions of a lot to be landscaped. The amount of landscaping can also depend on the number of spaces in the parking lot. Some cities require a 5-foot planter along the perimeter of a property and as much as 10 feet along street frontages. The minimum width of planters ranges between 3 and 5 feet. Shades trees are required along street frontage at a rate of 1 tree per 20-25 feet of frontage. Additional trees are required within parking areas based on the parking lot area or the amount of landscaping provided. (For example, 1 tree per 3,000 sf of parking area, or 1 tree per 500 sf of landscaping provided). Some cities require a landscaped planter at the end of each parking aisle. Some allow a specific percentage of hardscape in the overall landscaping allowed in the parking area. Other cities do not have building perimeter landscaping (like El Segundo), except for one city that requires an 18-inch wide landscape planter between a driveway and a building edge.</td>
</tr>
<tr>
<td>Standards</td>
<td>Summary / Total / Average</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
<tr>
<td>Parking for screening</td>
<td>A 5' to 6.5-foot wall is typically required between a parking lot and adjacent residential properties. 36&quot;-42&quot; walls or hedges are required along street frontages.</td>
</tr>
<tr>
<td>Off-site parking</td>
<td>Allowed within a distance of 300-1000 feet from subject site unless valet service is provided. Typically a covenant and/or a lease agreement is required. In some cases the request is approved administratively by the director.</td>
</tr>
<tr>
<td>Shared Parking</td>
<td>Allowed typically upon submittal of a parking study, or adequate information regarding the uses involved. The request may be approved administratively or with administrative use permit.</td>
</tr>
<tr>
<td>Criteria for Admin - Parking Reduction</td>
<td>Basic criteria include: the characteristics of the uses involved, parking studies, availability of public parking, availability and proximity of transit, and ADA requirements.</td>
</tr>
<tr>
<td>Commercial vehicle parking in Residential zones</td>
<td>Not addressed in most cities. One city limits commercial vehicle parking to one vehicle with maximum dimensions of 8' x 20' x 8'</td>
</tr>
<tr>
<td>Trip Reduction and Transportation Demand</td>
<td>Requirements are similar to El Segundo's requirements, but some cities include them in the parking section of their code.</td>
</tr>
<tr>
<td>Percentage of customer vs Employee parking</td>
<td>Only Pasadena had such a provision. The purpose of the provision is to determine the maximum number of tandem spaces. It can also be used to determine employee parking for TDM purposes.</td>
</tr>
<tr>
<td>Two-car garage for residential additions</td>
<td>Most cities surveyed did not have such a provision in their parking code. Some cities set a threshold on the size of additions that trigger upgrading the garage/parking.</td>
</tr>
<tr>
<td>Location of parking</td>
<td>Some cities require parking to be set back or located in the rear portion of the property. Most prohibit backing up on to streets. One of the cities prohibits placing parking spaces within 10 feet of the street facing property line.</td>
</tr>
<tr>
<td>Standards</td>
<td>Summary / Total / Average</td>
</tr>
<tr>
<td>------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Shopping cart storage</td>
<td>Nct addressed in most cities. One city gives the Director/ZA the discretion to determine the requirement (number and location).</td>
</tr>
<tr>
<td>Driveway Visibility</td>
<td>The visibility triangle ranges from 5' x 5' to 5' x 50'. However, one city specifies the height as well (between 2.5' and 7.0'). The El Segundo requirement is 10' x 10' with height between 2.5' and 12'.</td>
</tr>
<tr>
<td>Electric recharge station</td>
<td>Two cities had provisions on this issue. One required a minimum of one charging station for developments over 15,000 sf, and additional charging stations can result in parking reductions, subject to Director approval. Another city requires 2 stations per 250 spaces. El Segundo does not have such provisions.</td>
</tr>
<tr>
<td>Primary vs accessory use</td>
<td>Some cities set limits on the extent/size of accessory uses in commercial buildings. For example, 10% office within an industrial building and 5% or 15,000 sf of retail space, whichever is less, in office buildings. Accessory uses that exceed these limits are required to provide parking at the higher ratio.</td>
</tr>
<tr>
<td>Mechanical lifts</td>
<td>One city allows mechanical lifts in all zones. El Segundo allows lifts w/CUP in the R-1 zone.</td>
</tr>
<tr>
<td>Pedestrian Circulation</td>
<td>One city requires walkways with direct access from the building to the public sidewalk. Projects with 100 or more spaces require crossing points (6' wide) outside vehilce use areas.</td>
</tr>
</tbody>
</table>
Chapter 15
OFF-STREET PARKING AND LOADING SPACES

15-15-1: PURPOSE:

The purpose of this Section is to provide for adequate off-street parking and loading standards, to assure that parking spaces shall be suitably maintained and available for the use of the occupants of the site and to mitigate associated on-street parking and traffic circulation problems throughout the City. (Ord. 1212, 11-16-1993)

15-15-2: GENERAL PROVISIONS:

A. Parking And Loading Required: No use or building shall be established, erected, enlarged or expanded unless on-site parking and loading facilities are provided and maintained as required by this Chapter.

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

C. Tire Stops: Bumpers or tire stops a minimum six inches (6") in height shall be provided in all parking lot areas abutting a building, structure, sidewalk, planting area, street or alley.

D. Tandem Spaces: All tandem parking spaces, where allowed, shall be clearly outlined on the surface of the parking facility.

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

F. Access By Alley: Where vehicular access is provided by an alley, parking may intrude into the required rear yard; provided, however, the amount of setback intruded upon shall be replaced by increasing the other required yards on-site by an equivalent amount.

G. Fractional Spaces: Where the application of the following cumulative parking schedules results in a fractional space, then the fractions shall be rounded to the nearest whole number.

H. Guest Parking: No required guest parking space for any residential use shall be located, in whole or in part, in any required front yard or front two-thirds (2/3) of any required side yard.

I. Maintenance And Compliance: No person, company or organization shall fail to maintain the facilities required to be provided by this Chapter, or by any applicable provision of prior laws, variance, use permit, or precise plan herefore or hereafter granted by the Planning Commission or City Council. No required parking shall be utilized in any manner so as to make it unavailable for the occupants, their clients or visitors of a building or use during the hours such building or use is normally occupied. This meaning shall not be construed to prohibit security devices.

J. Waiting Spaces: Waiting spaces, where required, are to be located adjacent or near to the required loading spaces in order to accommodate trucks waiting for loading dock space.

K. Loading Spaces:
1. Design: Loading spaces shall be designed so they will not interfere with vehicular circulation.

2. Site Location: Loading spaces shall be sited to avoid views from public streets. (Ord. 1245, 2-6-1996)

L. Pavement And Surfacing: All permanent on-site parking, loading, vehicle storage and vehicle sales areas shall be paved with approved concrete or asphaltic concrete. On-site parking areas to be used for no longer than one year shall be surfaced and maintained with an impervious material acceptable to the Director of Community, Economic and Development Services so as to eliminate dust and mud. All on-site parking areas shall be graded and drained so as to dispose of all surface water in accordance with the Uniform Building Code.

M. Lighting: Any lights provided to illuminate any parking area or vehicle sales areas as permitted by this code shall be arranged so as to direct the light away from any premises upon which a residential dwelling unit is located. (Ord. 1245, 2-6-1996; amd. Ord. 1315, 1-18-2000)

15-15-3: PARKING SPACES REQUIRED:

The number of on site parking spaces required for the establishment of a building or use shall be provided and thereafter maintained at the following ratios; provided, however, that for any building or use enlarged or increased in capacity, additional parking facilities shall be required only for such enlargement or increase. Additional parking facilities need not be provided in R zones unless such enlargement or increase results in the addition of a dwelling unit. Unless stated otherwise, parking shall be based on net floor area as defined in section 15-1-6 of this title.

A. Residential Uses:

<table>
<thead>
<tr>
<th>Residential Use</th>
<th>Number Of Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single-family and two-family dwellings</td>
<td>2 spaces for each unit and 1 additional space for dwelling units exceeding 3,000 square feet of gross floor area</td>
</tr>
<tr>
<td>2. Condominiums, residential co-ops and multiple-family dwellings</td>
<td>2 spaces for each unit plus 2 visitor spaces for the first 5 dwelling units and 2 visitor spaces for each additional 3 units (e.g., 1...5 units = 2 visitor spaces, 6...8 units = 4, 9...11 units = 6, 12...14 units = 8, etc.)</td>
</tr>
<tr>
<td>3. Lodging houses, rooming houses, and guesthouses</td>
<td>1 space for each sleeping room</td>
</tr>
</tbody>
</table>

(Ord. 1279, 10-7-1997)

B. Nonresidential Uses:

<table>
<thead>
<tr>
<th>Nonresidential Uses</th>
<th>Number Of Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Hospitals</td>
<td>1 1/2 spaces for each bed</td>
</tr>
<tr>
<td>2. Hotels</td>
<td>1 space for each of the first 100 rooms; 3/4 space for each of the next 100 rooms; and 1/2 space for each room above 200 rooms</td>
</tr>
<tr>
<td>3. Motels, auto courts, bed and breakfast inns, motor lodges, and tourist courts</td>
<td>1 space for each sleeping unit</td>
</tr>
<tr>
<td>4. Seniors communities, rest homes, convalescent homes</td>
<td>1 space for each 2 beds</td>
</tr>
<tr>
<td>5. Offices, commercial, video arcade, and food to go uses</td>
<td>1 space for each 300 square feet for the first 25,000 square feet</td>
</tr>
<tr>
<td></td>
<td>1 space for each 350 square feet for the second 25,000 square feet</td>
</tr>
<tr>
<td></td>
<td>1 space for each 400 square feet for the area in excess of 50,000 square feet</td>
</tr>
<tr>
<td>6. Restaurants, drive-through restaurants, bars and cocktail lounges</td>
<td>1 space for each 75 square feet, including outdoor dining areas if outdoor dining area exceeds 200 square feet or 20 percent of indoor square feet</td>
</tr>
<tr>
<td>Category</td>
<td>Space Requirements</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>7. Manufacturing, research and development (includes office with on site</td>
<td>1 space for each 500 square feet for the first 50,000 square feet</td>
</tr>
<tr>
<td>testing facilities)</td>
<td>1 space for each 1,000 square feet for the area in excess of 50,000 square feet</td>
</tr>
<tr>
<td>8. Medical/dental offices and clinics</td>
<td>1 space for each 200 square feet</td>
</tr>
<tr>
<td>9. Warehouses and storage buildings</td>
<td>1 space for each 1,000 square feet for the first 20,000 square feet</td>
</tr>
<tr>
<td></td>
<td>1 space for each 2,000 square feet for the second 20,000 square feet</td>
</tr>
<tr>
<td></td>
<td>1 space for each 4,000 square feet for the area in excess of 40,000 square feet</td>
</tr>
<tr>
<td>10. Automobile services, automobile repair garages, body shops, and service</td>
<td>2 spaces for each service stall plus 2 spaces for office. Additionally, a</td>
</tr>
<tr>
<td>stations</td>
<td>parking plan must be submitted for automobile service uses that include limited</td>
</tr>
<tr>
<td></td>
<td>automobile sales. The plan must demonstrate that the area for the display of</td>
</tr>
<tr>
<td></td>
<td>automobiles for sale will not encroach into required setbacks, parking spaces,</td>
</tr>
<tr>
<td></td>
<td>driveways, drive aisles, vehicle backup areas, landscaping, and any other required</td>
</tr>
<tr>
<td></td>
<td>use areas as required by this code</td>
</tr>
<tr>
<td>11. Schools, private:</td>
<td></td>
</tr>
<tr>
<td>a. Preschool, elementary through junior high level</td>
<td>1 space for each 1 classroom, plus 1 space for each employee and faculty member</td>
</tr>
<tr>
<td>b. High school level</td>
<td>7 spaces per classroom plus auditorium or stadium parking requirements</td>
</tr>
<tr>
<td>c. Adult level, college, business and trade</td>
<td>1 space for every 50 square feet of gross floor area or 1 space for every 3 fixed</td>
</tr>
<tr>
<td></td>
<td>seats - whichever is greater; or, as modified by a parking demand study</td>
</tr>
<tr>
<td>12. Places of public assembly including, but not limited to, theaters,</td>
<td></td>
</tr>
<tr>
<td>auditoriums, banquet facilities, meeting rooms, clubs, lodges and</td>
<td></td>
</tr>
<tr>
<td>mortuaries</td>
<td></td>
</tr>
<tr>
<td>a. With fixed seats</td>
<td>1 space for every 3 seats</td>
</tr>
<tr>
<td>b. Without fixed seats</td>
<td>1 space for every 30 square feet of floor area used for assembly purposes</td>
</tr>
<tr>
<td>13. Churches</td>
<td>1 space for every 4 seats</td>
</tr>
<tr>
<td>14. Cafes</td>
<td>1</td>
</tr>
<tr>
<td>a. Which equal 20 percent or less of the gross floor area of a multi-</td>
<td>1 space for each 300 square feet</td>
</tr>
<tr>
<td>tenant shopping center, office development or the commercial portion of</td>
<td></td>
</tr>
<tr>
<td>a mixed use development</td>
<td></td>
</tr>
<tr>
<td>b. Any portion of a cafe or any cumulative floor area of multiple cafes</td>
<td>1 space for each 75 square feet, including outdoor areas if outdoor</td>
</tr>
<tr>
<td>which exceed 20 percent of a multi-tenant shopping center, office</td>
<td>dining area exceeds 200 square feet</td>
</tr>
<tr>
<td>development, or the commercial portion of a mixed use development</td>
<td></td>
</tr>
</tbody>
</table>

Note:
1. Based upon the uniform building code, areas having fixed benches or pews shall have 1 seat for each 18 inches of length. Dining areas shall have 1 seat for each 24 inches of booth length, or major portion thereof.

(Ord. 1279, 10-7-1997; amd. Ord. 1286, 3-17-1998; Ord. 1395, 5-16-2006; Ord. 1425, 2-3-2009)

C. Compact Parking: Compact parking shall be allowed for office and industrial uses to a maximum of twenty percent (20%) of required parking spaces. Parking spaces provided in excess of the required number may be compact size.

Compact parking shall not be allowed for retail uses.

D. Parking Reductions:

1. The planning commission may reduce the required amount of parking in the SB, MM, Grand Avenue commercial and medium density residential zones up to ten percent (10%). (Ord. 1279, 10-7-1997)

2. The planning commission may modify the required number of parking spaces in any commercial or industrial zone, including in the Smoky Hollow specific plan area up to a maximum of ten percent (10%), based on the submittal of a parking demand study. Additionally, for any use for which the number of parking spaces is not listed, the director of community, economic and development services or planning commission shall specify the required number of spaces based on a parking demand study. A parking demand study shall include, but not be limited to, information specifying the number of employees, customers, visitors, clients, shifts, deliveries, parking spaces, or other criteria established by the director of community, economic and development services. (Ord. 1279, 10-7-1997; amd. Ord. 1315, 1-18-2000)

15-15-4: MIXED OCCUPANCIES:

In the case of mixed uses in a building or on a site, the total requirements for on site parking facilities shall be the sum of the requirements for the various uses computed. On site parking facilities for one use shall not be considered as providing required parking facilities for any other use. (Ord. 1212, 11-16-1993)

15-15-5: PARKING AREA DEVELOPMENT STANDARDS:

A. Stall Sizes And Aisle Widths:

1. The parking stall sizes shall be as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Width</th>
<th>Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonresidential:</td>
<td></td>
<td>8 1/2 feet</td>
</tr>
<tr>
<td>Dead end parking stall or adjacent to an obstruction</td>
<td>feet</td>
<td>18 feet</td>
</tr>
<tr>
<td>Compact parking spaces</td>
<td></td>
<td>8 1/2 feet</td>
</tr>
<tr>
<td>Residential (outside dimensions):</td>
<td></td>
<td>15 feet</td>
</tr>
<tr>
<td>Single-family residential (R-1)</td>
<td></td>
<td>10 feet</td>
</tr>
<tr>
<td>Mobile home in mobile home park</td>
<td></td>
<td>9 feet</td>
</tr>
<tr>
<td>Two-family residential (R-2)</td>
<td></td>
<td>9 feet</td>
</tr>
<tr>
<td>Two-family residential</td>
<td></td>
<td>8 1/2 feet</td>
</tr>
</tbody>
</table>

431
(Ord. 1257, 6-18-1996)

2. Aisle width for angled parking spaces shall not be less than the following:

<table>
<thead>
<tr>
<th>Angles Of Parking</th>
<th>Aisle Width Clear</th>
<th>Parking Stall Depth¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel to 30 degrees</td>
<td>12 feet</td>
<td>16 feet</td>
</tr>
<tr>
<td>45 degrees</td>
<td>15 feet</td>
<td>19 feet</td>
</tr>
<tr>
<td>60 degrees</td>
<td>18 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>90 degrees</td>
<td>25 feet</td>
<td>18 feet</td>
</tr>
</tbody>
</table>

Note:
1. Measured perpendicular to aisle.

Three feet (3') of the length of a parking space may overhang into a landscaped area if the landscaped area provides a six inch (6") tall curb. That portion of landscaping will not be considered as contributing to required landscaping.
STANDARD STALLS

<table>
<thead>
<tr>
<th>A Parking Angle</th>
<th>B Aisle Width Clear</th>
<th>C Parking Stall Depth</th>
<th>D Parking Stall Width</th>
<th>E Overall</th>
<th>F Tire Stop Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>12'</td>
<td>16'</td>
<td>16' 0'</td>
<td>44'</td>
<td>3'</td>
</tr>
<tr>
<td>45</td>
<td>15'</td>
<td>19'</td>
<td>11' 3 3/4&quot;</td>
<td>53'</td>
<td>4' to property line</td>
</tr>
<tr>
<td>60</td>
<td>18'</td>
<td>20'</td>
<td>9' 4 1/4&quot;</td>
<td>58'</td>
<td>2' in Smoky Hollow</td>
</tr>
<tr>
<td>90</td>
<td>25'</td>
<td>18'</td>
<td>6' 6&quot;</td>
<td>61'</td>
<td></td>
</tr>
</tbody>
</table>

(Ord. 1245, 2-6-1996)

3. Parking stall sizes for vehicle lifts is as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Width</th>
<th>Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family residential and two-family residential zones (outside dimensions):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>One vehicle lift space</td>
<td>12 feet</td>
<td>22 feet</td>
</tr>
</tbody>
</table>

(Ord. 1401, 10-3-2006)

B. Tandem Parking: Parking stalls in a tandem configuration are prohibited in all zones, except as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Allowable Tandem Parking Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>All residential zones</td>
<td>Restricted to 2 vehicles in tandem, in a designated parking space for use by occupants in the same dwelling unit</td>
</tr>
<tr>
<td>SB, MM, and Grand Avenue commercial</td>
<td>Tandem parking up to 4 cars deep shall be allowed with a travel lane on both ends. The following uses are allowed to have a certain percentage of tandem parking spaces</td>
</tr>
<tr>
<td>General retail</td>
<td>30</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>85</td>
</tr>
<tr>
<td>Offices</td>
<td>85</td>
</tr>
<tr>
<td>Research and development (includes office with on site testing facilities)</td>
<td>85</td>
</tr>
<tr>
<td>Restaurants</td>
<td>10</td>
</tr>
<tr>
<td>Warehousing</td>
<td>85</td>
</tr>
<tr>
<td>C-RS, C-2, C-3, MU-N, MU-S, M-1 and M-2</td>
<td>Tandem parking shall be allowed for office and manufacturing, except for structures under 15,000 square feet, in which case said use shall obtain a CUP</td>
</tr>
</tbody>
</table>

(Ord. 1272, 6-17-1997)
C. Covered Parking Requirements: All required parking spaces shall be covered in the following manner:

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Enclosure</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-family dwelling</td>
<td>Fully enclosed garage</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td>Fully enclosed 2 car garage</td>
</tr>
<tr>
<td>Multiple-family dwellings, including: condominiums, residential cooperatives, boarding houses, lodging houses and rooming houses</td>
<td>Covered structure (enclosed on 3 sides)</td>
</tr>
<tr>
<td>Visitor parking spaces need not be enclosed or covered.</td>
<td></td>
</tr>
</tbody>
</table>

(Ord. 1212, 11-16-1993)

D. Underground (Subterranean) Parking Facilities: The following maximum lot coverage shall apply to communal underground parking facilities:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Setbacks</th>
<th>Subsurface Area Of Lot Utilized</th>
<th>Height Of Garage Wall Above Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>No setbacks, provided facility is covered and subsurface</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Residential</td>
<td>Parking facility cannot intrude into required setbacks</td>
<td>75 percent</td>
<td>No more than 2 feet</td>
</tr>
<tr>
<td>Residential</td>
<td>Parking facility cannot intrude into required setbacks and the area surrounding the outside wall shall be landscaped</td>
<td>60 percent</td>
<td>No more than 5 feet and an average of not more than 4 feet</td>
</tr>
<tr>
<td>Residential</td>
<td>Parking facility cannot intrude into required setbacks and the area surrounding the outside wall shall be landscaped</td>
<td>40 percent</td>
<td>Over 5 feet</td>
</tr>
<tr>
<td>Commercial</td>
<td>No setbacks, provided facilities are completely subsurface and covered</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Industrial</td>
<td>No setbacks, provided facilities are subsurface and covered</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

(Ord. 1245, 2-6-1996)

E. Parking Of Licensed Recreational Vehicles And Habitable Vehicles:

1. Parking of any mobile home, camper, house trailer or other habitable vehicle outside of an authorized mobile home park or licensed recreational vehicle parking facility is prohibited except that such vehicles may be parked on any public property or right of way subject to any applicable parking restrictions including, without limitation, section 7-6-1 of this code, or on any developed residential lot as long as the vehicle, if parked in a front yard, is parked on a nonporous surface pad adequate to accommodate the parked vehicle.

2. A habitable vehicle parked on private property may be occupied for residential purposes for no longer than seventy two (72) hours (outside of an authorized mobile home park) within any thirty (30) day period. No habitable vehicle may be occupied for commercial purposes except as provided by section 13-1-2 (appendix chapter 31, division II) of this code. (Ord. 1261, 10-1-1996)

F. Entrances And Exits: The location and design of all driveway entrances and exits are subject to the approval of the director of planning and building safety and must comply with the criteria listed below:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Distance From Side Property Line</th>
<th>Curb Cut And Driveway Width</th>
</tr>
</thead>
</table>

http://www.sterlingcodifiers.com/codebook/getBookData.php?id=&chapter_id=37375&k...
11/18/2009
All zones; except R-1 and R-3 | n/a | Minimum 10 feet
| Maximum 30 feet

R-1 | n/a | Minimum 10 feet
| Maximum 20 feet for lots less than 50 feet in width and a maximum of 50 percent of the lot width for lots 50 feet or greater in width

R-3 | 5 feet minimum in front $\frac{2}{3}$ of lot. Entrance or exit on or from an alley may be less | Minimum 12 feet
| No more than 20 percent of lot width or maximum 30 feet

(Ord. 1401, 10-3-2006)


H. Vehicle Lifts: Vehicle lifts may be used by right to provide off street parking spaces on lots in the single-family residential (R-1) zone and the two-family residential (R-2) zone where the vehicle lifts provide parking in excess of the minimum number of required parking spaces subject to the standards in this section and in this chapter.

1. Vehicle lifts may be conditionally permitted for required off street parking spaces on lots in the two-family residential (R-2) zone subject to the following:
   a. The vehicle lift must be located only within a fully enclosed garage.
   b. A vehicle lift may only be used to store two (2) vehicles vertically where a minimum vertical height clearance from the floor to the ceiling plate of the garage is a minimum of fourteen feet (14') clear of obstructions.
   c. A vehicle lift must be designed and used as a designated parking space for use only by occupants in the same dwelling unit as the parking space located directly below the vehicle lift.
   d. A vehicle lift must be permitted only with a key locking mechanism.
   e. A vehicle lift must be permitted only if it is operated with an automatic shutoff safety device and is installed in accordance to manufacturer specifications.

2. Vehicle lifts may be conditionally permitted for required off street parking spaces on lots in the two-family residential (R-2) zone subject to the following:
   a. The vehicle lift must be used only on a lot less than forty five feet (45') in width.
   b. The vehicle lift must be located only within a fully enclosed garage.
   c. A vehicle lift must only be used to meet the minimum number of required off street parking spaces in addition to a minimum of two (2) fully accessible parking stalls located on the floor surface within a garage or garages.
   d. A conditional use permit subject to chapter 23 of this title must be obtained for use of a vehicle lift that is provided to meet the minimum number of off street parking spaces in the R-2 zone.
   e. A vehicle lift may only be used to store two (2) vehicles vertically where a minimum vertical height clearance from the floor to the ceiling plate of the garage is a minimum of fourteen feet (14') clear of obstructions.
   f. A vehicle lift must be designed and used as a designated parking space for use only by occupants in the same dwelling unit as the parking space located directly below the vehicle lift.
   g. A vehicle lift must be permitted only with a key locking mechanism.
   h. A vehicle lift must be permitted only if it is operated with an automatic shutoff safety device and is installed in
accordance to manufacturer specifications. (Ord. 1401, 10-3-2006)

15-15-6: LOADING AREA DEVELOPMENT STANDARDS:

Every building hereafter established, erected, enlarged or expanded for commercial, manufacturing or institutional purposes in the commercial or manufacturing zones listed below must be provided with loading space as set forth below. However, for any building or use enlarged or increased in capacity, additional loading spaces are required only for such enlargement or increase. All required loading spaces are in addition to the required on site parking spaces set forth in section 15-15-3 of this chapter and must be developed and maintained in accordance with section 15-15-2 of this chapter. Loading spaces may be provided either completely or partially within a building when such building is designated to include adequate ingress and egress to the loading spaces.

LOADING SPACE SIZES

Space Space Vertical
Width Depth Clearance
13 feet 50 feet 16 feet

NUMBER OF LOADING SPACES REQUIRED

<table>
<thead>
<tr>
<th>Zone</th>
<th>Building Floor Area</th>
<th>Loading Spaces Required</th>
<th>Waiting Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB &amp; MM</td>
<td>0 - 10,000 square feet</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10,000 - 25,000 square feet</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>C-3, CO, MU-N, MU-S, M-1, M-2</td>
<td>0 - 999 square feet</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1,000 - 25,000 square feet</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>C-3, C-4, CO, MU-S, MU-N, M-1, M-2, SB, MM</td>
<td>25,001 - 100,000 square feet</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>100,001 - 250,000 square feet</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Each additional 100,000 square feet or fraction thereof</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Over 1,000,000 square feet</td>
<td>1 for every 5 loading spaces. Each space 13'W x 50'L x 16'H.</td>
<td></td>
</tr>
<tr>
<td>C-4</td>
<td>0 - 25,000 square feet (single-tenant building)</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0 - 25,000 square feet (multi-tenant building)</td>
<td>1 for each tenant over 10,000 square feet</td>
<td></td>
</tr>
</tbody>
</table>

Required loading spaces for hotel or institutional uses must be provided as set forth in the following schedule:

<table>
<thead>
<tr>
<th>Building Floor Area</th>
<th>Loading Spaces Required</th>
<th>Waiting Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 999 square feet</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>1,000 - 15,000 square feet</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>15,001 - 75,000 square feet</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Each additional 100,000 square feet or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>fraction thereof.</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Over 1,000,000 square feet</td>
<td>1 for every 5 loading</td>
<td></td>
</tr>
<tr>
<td></td>
<td>spaces. Each space 13'W</td>
<td></td>
</tr>
<tr>
<td></td>
<td>x 50'L x 16'H.</td>
<td></td>
</tr>
</tbody>
</table>

Loading spaces within the boundaries of the Smoky Hollow specific plan should be located on the side or in the rear of buildings whenever possible. If located in the front yard, the loading platform must be set back from the front property line a minimum of 30 feet.

Commercial or manufacturing zoned lots or parcels that are less than 6,000 square feet in area must provide an on site loading space area that is not less than 12 feet wide and comprised of an area equal to not less than 8% of the lot or parcel area and in no case can such loading area be less than 360 square feet.

(Ord. 1382, 3-15-2005)

**15-15-7: PLAN PREPARATION AND PERMIT APPROVAL:**

A. A proposed parking area plan and, if applicable, the loading and waiting space area shall be submitted to the director of community, economic and development services at the time of the application for the building permit for the building for which the parking, loading, and waiting area is required. The plans shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping, and parking spaces in full compliance with code requirements.

B. No building permit shall be issued until the applicant has presented satisfactory evidence to the director of community, economic and development services that parking and loading facilities required by the provisions of this chapter will be provided and maintained. (Ord. 1212, 11-16-1993; amd. Ord. 1315, 1-18-2000)

**15-15-8: JOINT USE AND OFF SITE PARKING FACILITIES:**

All parking spaces shall be located on the same lot or building site as the use for which such spaces are required, except within the boundaries of the Smoky Hollow specific plan (see section 15-15-13 of this chapter); provided, that such parking spaces for nonresidential uses may be located off site on a different lot or lots, subject to a parking covenant approved by the planning commission, which shall be recorded in the office of the county recorder, prior to the issuance of any building permits; and, may include such conditions as the planning commission may impose. Off site parking for fewer than ten (10) parking spaces shall be subject to approval of the director of community, economic and development services, subject to a parking covenant, which shall be recorded in the office of the county recorder; and, may include such conditions as the director of community, economic and development services may impose. This off site parking may include the joint use of off site and on site parking spaces by mutually exclusive uses. (Ord. 1283, 11-18-1997; amd. Ord. 1315, 1-18-2000)

**15-15-9: SHARED PARKING; SMOKY HOLLOW:**

Shared parking facilities within the boundaries of the Smoky Hollow specific plan may be granted up to a twenty percent...
(20%) parking reduction for uses with significantly different peak hours of operation. Requests for shared parking must meet the following requirements:

A. A parking study shall be submitted by the applicant demonstrating that there will not exist substantial conflict in the peak hours of parking demand for the uses for which joint use is proposed;

B. The number of parking stalls which may be credited against the requirements of the structures or uses involved shall not exceed the number of stalls reasonably anticipated to be available during differing hours of operation;

C. A written agreement shall be drawn to the satisfaction of the city attorney and executed by all parties concerned assuring the continued availability of the number of stalls designed for joint use; and

D. This provision is suggested as an administrative guideline. The planning commission shall ultimately determine the size of the parking reduction. Twenty percent (20%) reductions should be rare. (Ord. 1212, 11-16-1993)

15-15-10: SITES WITH TRANSPORTATION SYSTEMS MANAGEMENT PLANS:

The number of required parking spaces (section 15-15-3 of this chapter) and parking facilities location for nonresidential uses (section 15-15-2 of this chapter) may be modified subject to approval of a transportation systems management plan pursuant to the procedures and requirements of chapter 16 or 17 of this title. (Ord. 1212, 11-16-1993)

15-15-11: APPLICABILITY OF CHAPTER IN C-RS ZONE:

In the C-RS zone, section 15-15-3 of this chapter, spaces required, shall be fully applicable to all buildings constructed or enlarged after January 1, 1971. All buildings constructed prior to January 1, 1971, which do not meet the requirements of this chapter may comply with these provisions in the following manner:

Existing uses in an existing building may change to any other use enumerated in the permitted uses section of the C-RS zone without providing additional on site parking spaces; provided, however, that all existing on site parking spaces provided in connection with the building or structure shall be continued and available for use with the subject building or structure. (Ord. 1245, 2-6-1996)

15-15-12: FAILURE TO MAINTAIN REQUIRED PARKING:

In the event on site parking and loading area facilities required to be provided under this code are not maintained for licensed vehicle parking and truck loading area purposes to the extent required, the director of community, economic and development services shall revoke and cancel the certificate of occupancy theretofore issued for such structure. However, if it appears that failure to maintain such required parking was reasonably beyond the control of the person required to maintain the same, the certificate of occupancy shall not be revoked until the owner has had at least ninety (90) days to reestablish the minimum required parking. In the event the certificate of occupancy is revoked, the premises covered thereby shall not be occupied or used for any purpose until a new certificate of occupancy has been issued. (Ord. 1212, 11-16-1993; amd. Ord. 1315, 1-18-2000)

15-15-13: OFF SITE PARKING; SMOKY HOLLOW SPECIFIC PLAN:

Required parking for a development within the boundaries of the Smoky Hollow specific plan may be located off the site under certain circumstances. Request for off site parking must meet the following requirements:
A. The off site parking shall be located so that it will adequately serve the use for which it is intended. In making this determination, the following factors, among other things, shall be considered:

1. Proximity of the off site parking facilities;

2. Ease of pedestrian access to the off site parking facilities; and

3. The type of use the off site parking facilities are intended to serve (i.e., off site parking) may not be appropriate for high turnover uses such as retail.

B. A written agreement shall be drawn to the satisfaction of the city attorney and executed by all parties concerned assuring the continued availability of the off site parking facilities for the use they are intended to serve. (Ord. 1212, 11-16-1993)
ZONING CODE INTERPRETATION

SUBJECT: Driveways – Entrance and Exit Widths in R-3 Zone

SECTION #: 20.54.050 F.

PAGE #: 251

In order to be consistent with the format and intent of the balance of this Section, the R-3 Zone Standards should read as follows:

<table>
<thead>
<tr>
<th>ZONE</th>
<th>DISTANCE FROM SIDE PROPERTY LINE</th>
<th>CURB CUT AND DRIVEWAY WIDTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-3</td>
<td>5 feet minimum in front 2/3rds of lot. Entrance or exit on or from alley may be less.</td>
<td>Minimum 12 feet. No more than 20% of lot width or maximum 30 feet. Maximum 30 feet or 20% of lot width, whichever is less.</td>
</tr>
</tbody>
</table>

(New text is shown as double underline and existing text as strikeout)


BY: Bret B. Bernard, AICP, Director
ZONING CODE INTERPRETATION

SUBJECT: Landscaping - General Provisions

SECTION #: 20.12.170 (Landscaping Requirements - General Provisions)

PAGE #: 53. 53-1, 53-2

This section applies to new commercial or industrial developments only, excluding Smoky Hollow, and does not apply to residential development.

Furthermore, any references made to this Section (for residential projects), no longer applies. Specifically, Sections 20.20.060 A.(R-1 Zone), 20.22.060 A.(R-2 Zone), 20.24.060 A.(R-3 Zone) and 20.45.060 A. (MDR Zones), which state that residential projects must comply with the General Provisions Chapter (Chapter 20.12). However, all other applicable general provisions still apply. (See AD 97-15, discussed at the August 18, 1997 Planning Commission meeting, for background information.)

DATE: 9/2/97

BY: Bret B. Bernard

AD: 97-15
ZONING CODE INTERPRETATION

SUBJECT: Loading Spaces - C-RS Zone

SECTION #: 20.31.080 (Off-Street Parking and Loading Spaces), 20.54.060 (Loading Area Development Standards)

PAGE #: 94, 251-253

These two sections discuss the requirements for off-street loading spaces in the C-RS Zone. The Zoning Code revision adopted on 11/18/97 (Ordinance No. 1283) eliminated the requirement for loading spaces in the C-RS Zone. Therefore, off-street loading spaces are no longer required in the C-RS Zone and existing businesses in the zone may eliminate existing loading spaces if desired and if not in violation of any project conditions.

DATE: 9 June 1998

BY: Bret B. Bernard
ZONING CODE INTERPRETATION

SUBJECT: Back Up Space (Aisle Width Clear) for Residential Parking

Section: 20.54.050 A.(2)

Page: 248

This section of the code requires a 25 foot back up space for 90° angle parking. For residential garages this 25 feet may be modified depending on the location of the existing residence and garage. Please refer to the descriptions below for determining the “buildable area” on lots in which a detached garage is located behind the residence.

Legal Non-Conforming

When the existing back up space between the house and the garage is less than 25 feet, the following procedure should be used to determine the buildable portion of the lot: a line should be drawn parallel to and 10 feet from the edge of the driveway furthest from the dwelling. A second line should be drawn to extend the rear portion of the house closest to the driveway into the driveway (i.e. showing the minimum back-up distance currently provided). The intersection of these two lines forms the maximum point to which new construction may be extended. A line should be drawn from this point to the required width of the garage (or the maximum width of the existing garage if it is substandard in width). This line will define the required back up space and the “no build” area where no new construction is allowed. (Please refer to the attached drawing “A.”)

Conforming or Exceeding Standard

When the existing back up space between the house and the garage is greater than or equal to 25 feet, a line should be drawn from the required width of the garage (or the maximum width of the existing garage if it is substandard in width) to a point that reflects the minimum required standards of the Code. This point is defined as follows: a line parallel to and 25 feet from the garage should be drawn. A second line, parallel to and 10 feet from the edge of the driveway furthest from the dwelling should be drawn. The intersection of these two lines reflects the minimum required standards of the Code and is the maximum point to which new construction of the house may be extended. The line connecting the garage and this point will define the required back up space and the “no build” area where no new construction is allowed. (Please refer to the attached drawing “B.”)

Date: November 15, 1999

By: James M. Hansen

zoning\back up space.zci
"A" (Legal Non-Conforming)

If garage is wider than 20', the width of 20' is used to establish the maximum extent of the addition.

Addition may not extend beyond this line.

Garage

22'

10'

House

Driveway

15'
"B" (Meets or Exceeds Standard)

If garage is wider than 20', the width of 20' is used to establish the maximum extent of the addition

addition may not extend beyond this line

garage

20' (or to edge of legal non-conforming garage)

25'

10'

driveway

16'
On March 26 and April 9, 1998, respectively, the Planning Commission determined that compact parking for hotels and recreational uses are permitted to a maximum of twenty (20%) percent of required parking spaces.

Given the lack of specificity in the Zoning Code regarding compact parking for non-retail commercial uses, and the similar parking operational characteristics between hotels and offices, the Planning Commission felt it would be appropriate to permit compact parking for hotels and recreational facilities in the same percentage as permitted office and industrial uses.
ZONING CODE INTERPRETATION

SUBJECT: Parking – Compact Spaces

SECTION #: 20.54.030 C. and 20.54.050 A. (1)

PAGE #: 246 and 247

Section 20.54.030 C. allows a maximum of 20% of required parking for certain uses to be compact spaces and any parking in excess of the required number may also be compact. Section 20.54.050 A. (1) requires compact spaces to be 8-1/2 feet wide by 15 feet deep. Compact Parking Spaces in excess of the required parking may not be reduced to less than these dimensions (8-1/2' by 15'). This interpretation was applied in July 1998 to 201 North Douglas. Plan Check #1009-97.


BY: Bret B. Bemard/AICP, Director
Parking spaces are required for outdoor dining areas at the same ratio required for all restaurants, which is 1 space per 75 square foot of net floor area. The walls which surround outdoor dining area are structures (20.08.855) and therefore the area is included as floor area. The exception for courts or atriums uncovered and open to the sky does not apply to outdoor dining areas.

DATE: March 28, 1996

BY: Sharon Hightower
Parking space and backup dimensions and standards for various angles (30, 45, 60, and 90 degrees) are provided within this Code Section; however, there are no standards provided for Parallel Parking Spaces, except for Smoky Hollow. Therefore, the following standards, which are used by Public Works for on-street parallel spaces shall apply:

<table>
<thead>
<tr>
<th>ZONE</th>
<th>STALL WIDTH</th>
<th>STALL DEPTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Zones (Except Smoky Hollow)</td>
<td>8' – 6&quot;</td>
<td>22'–24'</td>
</tr>
<tr>
<td>Small Business (SB), Medium Manufacturing (MM), and Grand Avenue Commercial Zones (GAC)</td>
<td>8' – 6&quot;</td>
<td>24'</td>
</tr>
<tr>
<td>End Stall Without Obstructions</td>
<td>8' – 6&quot;</td>
<td>17'</td>
</tr>
</tbody>
</table>

Public Works identifies 24 feet as ideal and 22 feet as a minimum depth.


BY: Bret B. Bernard, AICP, Director
Two parking spaces are required for each dwelling unit and one additional space for dwelling units exceeding 3000 sq. ft. of gross floor area. Sections 20.08.360 and 20.08.415, respectively, define dwelling unit and floor area. These sections are not clear if the intent is to include the square footage of an attached garage when calculating the gross floor area and determining the required number of parking spaces. The intent of the Planning Commission and City Council when adopting the one additional required space for dwelling units over 3,000 sq. ft. was to accommodate additional vehicles and storage normally associated with larger homes, which can accommodate more people. Therefore, when calculating if a dwelling unit is over 3,000 sq. ft. do not include the garage area.

Although the Zoning Code does not provide a definition of garage, the Uniform Building Code defines a garage as a building used to store motor vehicles. Any portion of a garage which cannot realistically be used to store a vehicle, such as a storage closet, workshop or a washer/dryer area, should not be calculated as part of the garage, but should be included as part of the dwelling unit. This interpretation also provides equity with lots that are developed with detached garages which are clearly not a part of the main building or dwelling unit, by not penalizing lots that are developed with attached garages.
ZONING CODE INTERPRETATION

SUBJECT: Allowances for Tire Stops and Overhangs in Residential Garages

Section: 20.54.050 A (1) and (2)

Pages: 247 and 248

Tire stops and overhangs (e.g. storage cabinets, room additions, etc.) may encroach into the minimum required depth of a residential garage space as follows:

**Tire stops** not more than 6 inches high may be located a maximum of 3 feet from the garage wall opposite the garage door. This height restriction allows the bottom of the car to easily fit over the tire stop so the car can pull as far forward as possible.

**Overhangs** may encroach into the garage space a maximum distance of 3 feet from the wall opposite the garage door, provided that they are a minimum of 42 inches above the garage floor. This height restriction allows the hood of the car to fit underneath of the overhang.

Date: November 18, 1999

By: James M. Hansen

zoning/tire stops.20

451
ZONING CODE INTERPRETATION

SUBJECT: Vehicular Parking in the Front Yard for lots with Alley Access in the R-1 and R-2 Zones

SECTION #: 20.20.100 (R-1), 20.22.100 (R-2), 10.28.200, 20.54.050 E.1.

PAGE #: 69, 77-2, 250

On April 8, 1999, the Planning Commission upheld the Director's decision to prohibit vehicular parking (and thus, parking pads) in the front yard of lots which have alley access and which are located in the R-1 and R-2 Zones.

DATE: 27 April, 1999

BY: Bret B. Bernard, AICP, Director

AD: 98-30
On April 9, 1998, the Planning Commission determined that tandem parking in the Corporate Office (CO) Zone is permitted for manufacturing and warehouse uses up to 20% of the required parking, but not permitted for office uses. The Zoning Code specifically permits tandem parking in all other commercial and manufacturing zones for office and manufacturing uses. The Commission determined the intent of omitting the CO Zone in 1993 was to prohibit tandem parking for the large multi-tenant parking structures in the zone. It was not intentionally adopted to limit tandem parking for existing non-conforming manufacturing and warehouse uses in the CO Zone.
Two (2) Visitor Parking Spaces are required for the first five (5) dwelling units and two (2) Visitor Spaces for each additional 3 units (e.g. 1-5 units = 2 visitor spaces, 6-8 units = 4,...) for Condominiums, Residential Co-ops, and Multi-Family dwellings. The definition of Multi-Family Dwellings and Condominiums indicates a minimum of three (3) dwelling units. Therefore, any number of dwelling units less than three (3) does not require visitor spaces, and this Section should read “(e.g. 3-5 units = 2 visitor spaces), as no visitor spaces are required for only one (1) or two (2) dwelling units.
The R-2 (20.22.060 A2) and R-3 (20.24.060 A2) Zones allow development of uses permitted in the R-1 and R-2 Zones, respectively, however, the use must be constructed in accordance with the parking requirements of the Zone where the property is located. The parking standards in Section 20.54.030 A relate to the residential use, not the zone, therefore, a single-family dwelling in an R-2 or R-3 Zone must meet the requirements of 20.54.030 A (1) (2 spaces for each unit + 1 additional space for dwelling units exceeding 3,000 square feet of gross floor area). The parking standards in Section 20.54.050 A relate to the zone, not the use, for the dimensions of the required parking. The parking standards in Section 20.54.050 C relate to the use, not the zone, therefore a single-family dwelling in an R-2 or R-3 Zone must provide parking in a fully enclosed garage. This distinction between dwellings (defined by Sections 20.08.340 through 20.08.355) as a use and residential zones defines the appropriate code sections to use for parking standards.
ZONING CODE INTERPRETATION

SUBJECT: Wheel stops

SECTION #: 20.54.090(2)(a)

PAGE #: 600-4

All parking, loading, vehicle sales and vehicle storage areas shall be provided with suitable barriers (i.e., wheel stops) located not less than four feet from a property line and not less than 6" in height.

Where parking areas are not adjacent to a sidewalk or other pedestrian area, steel cable guards, concrete parapets, curbs (or similar) designed to take the impact of a vehicle may be provided in lieu of standard wheel stops. Overhangs are not acceptable as wheel stops for required parking spaces.

* Note: Required landscape areas

DATE: 6-7-86

Y: ___
AGENDA DESCRIPTION:
Consideration and possible action regarding Council consensus to cancel the January 5, 2010 City Council Meeting (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
(1) Approve cancellation of the January 5, 2010 City Council Meeting;
(2) Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None

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

ORIGINATED BY: Cathy Domann
REVIEWED BY: Cindy Mortesen
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
The first regular 2010 City Council meeting is scheduled for Tuesday, January 5, 2010. Because City Hall will be closed for certain established holidays and because of the additional meeting workload and scheduled travel plans, it would be difficult to meet legal noticing requirements and to properly prepare for the meeting.

Traditionally, the first City Council meeting of the new year has been cancelled and therefore it is requested that Council consider cancelling the January 5, 2010 meeting.