AGENDA
EL SEGUNDO CITY COUNCIL
COUNCIL CHAMBERS - 350 Main Street

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

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

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

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

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

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, FEBRUARY 15, 2011 – 5:00 P.M.

Next Resolution # 4709
Next Ordinance # 1459

5:00 P.M. SESSION

CALL TO ORDER

ROLL CALL

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

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov’t Code §54956.9(a) -1- matter

1. City of El Segundo vs. City of Los Angeles, et. al. LASC Case No. BS094279

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code §54956.9(b): -2- Initiation of litigation pursuant to Government Code §54956.9(c): -1- matter.

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

APPOINTMENT OF PUBLIC EMPLOYEE (Gov’t. Code § 54957) -1- matter
Position/Title: City Manager

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov’t Code §54956.8): -0- matters
AGENDA
EL SEGUNDO CITY COUNCIL
COUNCIL CHAMBERS - 350 Main Street

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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, FEBRUARY 15, 2011 - 7:00 P.M.

7:00 P.M. SESSION

Next Resolution # 4709
Next Ordinance # 1459

CALL TO ORDER

INVOCATION – Pastor Brandon Cash, Oceanside Christian Fellowship

PLEDGE OF ALLEGIANCE – Council Member Suzanne Fuentes
PRESENTATIONS

ROLL CALL

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

A. PROCEDURAL MOTIONS

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

Recommendation – Approval.

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

C. UNFINISHED BUSINESS

1. Consideration and possible action to select the City of Lawndale to exchange the City of El Segundo’s Fiscal Year 2011-2012 and prior year unallocated Community Development Block Grant (CDBG) funds totaling $90,061 at an exchange rate of $0.70 per CDBG dollar, for a total of $63,042.70 in General Revenue Funds and to allocate the funds to the City’s Home Delivered Meals, Juvenile Diversion, Administration and Senior In-Home Care programs for Fiscal Year 2011-2012. (Fiscal Impact: $63,042.70).

Recommendation – (1) Adopt Resolution authorizing the exchange of CDBG funds with the City of Lawndale; (2) Authorize the City Manager to execute any and all contracts and documents, as to form approved by the City Attorney, necessary to complete the exchange of CDBG funds on behalf of the City; (3) Approve allocation of the funds for Home Delivered Meals, Juvenile Diversion, Administration and Senior In-Home Care projects for Fiscal Year 2011-2012; (4) Alternatively, discuss and take other possible action related to this item.
D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

E. CONSENT AGENDA

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

2. Warrant Numbers 2580880 to 2581076 on Register No. 9 in the total amount of $490,175.38 and Wire Transfers from 01/21/11 through 02/03/11 in the total amount of $1,177,281.33.

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

3. Regular City Council Meeting Minutes of February 1, 2011.

Recommendation – Approval.

4. Consideration and possible action regarding a modification to an Alcoholic Beverage Control (ABC) license for on-site sale and consumption of beer and wine to allow a 484 square-foot expansion of an existing restaurant (La Paz) with a Type 41 (On-sale Beer and Wine—Eating Place) located at 514 Center Street. Applicant: Jose Mendez, La Paz. (Fiscal Impact: None)

Recommendation – (1) Receive and file this report without objecting to the expansion of a Type 41 ABC license to the 484 square-foot addition of an existing restaurant at 514 Center Street; (2) Alternatively, discuss and take other possible action related to this item.

5. Consideration and possible action regarding a request from the El Segundo Education Foundation to waive the banner fees per El Segundo Municipal Code section 8-8-7 D1. (Fiscal Impact: $1,780)

Recommendation – (1) Approve the request to waive the user fees per El Segundo Municipal Code Section 8-8-7 D1; (2) Alternatively, discuss and take other action related to this item.
6. Consideration and possible action to approve a change order with Matthew and Stewart Company, Inc. for the repair of an 8-inch diameter sanitary sewer pipe at the intersection of Virginia Street and Walnut Ave. (Fiscal Impact: $34,116.22)

Recommendation – (1) Authorize the City Manager to approve a payment in the amount of $34,116.22 with Matthew and Stewart Company, Inc., for the removal and replacement of a 8" verified clay pipe and damaged asphalt; (2) Alternatively, discuss and take other action related to this item.

CALL ITEMS FROM CONSENT AGENDA

F. NEW BUSINESS

7. Consideration and possible action regarding the Fiscal Year 2009-2010 Yearend report and FY 2010-2011 First Quarter Financial Review. (Fiscal Impact: None)

Recommendation – (1) Receive and file FY 2009-2010 Yearend and FY 2010-2011 First Quarter Financial Review; (2) FY 2009-2010 --Reduce the scheduled transfer from the Economic Uncertainty Fund from $750,000 to $250,000; (3) FY 2010-2011 --Cancel the budgeted item from the Other Post Employment Benefit (OPEB) Trust drawdown of $750,000 and, alternatively, use a portion of the proceeds from the sale of Fire Station #2 in the Economic Uncertainty Fund to help balance the FY 2010-2011 Budget; Alternatively discuss and take other action related to this item

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY
I. REPORTS – CITY CLERK

8. Consideration and possible action regarding an initiative (the "Initiative") amending the El Segundo Municipal Code to transfer all functions of the El Segundo Fire Department to the Consolidated Fire Protection District of Los Angeles County (aka the Los Angeles County Fire Department). (Fiscal Impact: Unknown)

Recommendation – (1) Adopt a resolution certifying the Initiative as qualifying for the ballot; (2) OPTION ONE: Adopt Resolutions calling for a special election and requesting that the Los Angeles County Board of Supervisors provide election services to the City regarding the Initiative; consider adopting Resolutions regarding ballot arguments, City Attorney impartial analysis and rebuttal arguments; (3) OPTION TWO: Adopt Resolutions calling for a regular election and consider adopting Resolutions regarding ballot arguments, City Attorney impartial analysis and rebuttal arguments; (4) OPTION THREE: Adopt the Ordinance or schedule a Council Meeting within 10 days and consider adopting the Ordinance at that meeting; (5) Take such additional, related, action that may be desirable.

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fuentes –

Council Member Brann –

Council Member Jacobson –

Mayor Pro Tem Fisher –

Mayor Busch –
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MEMORIALS –

CLOSED SESSION

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REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)

ADJOURNMENT

POSTED:

DATE:  Feb. 10, 2011

TIME:  7:15 a.m.

NAME:  S. M. DeG
AGENDA DESCRIPTION:

Consideration and possible action to select the City of Lawndale to exchange the City of El Segundo’s Fiscal Year 2011-2012 and prior year unallocated Community Development Block Grant (CDBG) funds totaling $90,061 at an exchange rate of $0.70 per CDBG dollar, for a total of $63,042.70 in General Revenue Funds and to allocate the funds to the City’s Home Delivered Meals, Juvenile Diversion, Administration and Senior In-Home Care programs for Fiscal Year 2011-2012. (Fiscal Impact: $63,042.70).

RECOMMENDED COUNCIL ACTION:

1. Adopt Resolution authorizing the exchange of CDBG funds with the City of Lawndale;

2. Authorize the City Manager to execute any and all contracts and documents, as to form approved by the City Attorney, necessary to complete the exchange of CDBG funds on behalf of the City;

3. Approve allocation of the funds for Home Delivered Meals, Juvenile Diversion, Administration and Senior In-Home Care projects for Fiscal Year 2011-2012; and/or

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

ATTACHED SUPPORTING DOCUMENTS:

1. Resolution
2. CDBG Exchange Agreement
3. CDBG Exchange Worksheet with the City of Lawndale

FISCAL IMPACT:

Amount Budgeted: $63,042.70 - FY 2011/2012 estimated revenue received from CDBG Exchange of Funds totaling $90,061

Account Number: CDBG Fund 111-400-2778-6214 (Home Delivered Meals); 111-400-2743-6214 (Senior In-Home Care); 111-400-2779-6206 (General Administration); 111-400-2747-6214 (Juvenile Diversion)

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

BACKGROUND AND DISCUSSION:

On December 21, 2010, the City Council authorized staff to proceed with identifying an interested participating city under the Los Angeles Urban County’s Community Development Block Grant (CDBG) Program to begin negotiations for the exchange of the City’s proposed
Fiscal Year 2011-2012 CDBG allocation; establish a mutually agreeable exchange rate; and, return to the City Council with a resolution authorizing the exchange of CDBG funds. The City’s CDBG FY 2011-2012 allocation is estimated at approximately $85,683. Also, $4,378 in prior year unallocated CDBG funds have been identified for a total CDBG amount available to exchange of $90,061.

Staff solicited offers from participating cities through the Los Angeles County Community Development Commission (CDC). The City of Lawndale is interested in exchanging CDBG funds. The City of Lawndale offered $0.70 per CDBG dollar for a total amount of $63,042.70 to be received from the City of Lawndale in General Funds. In FY 2010-2011, the City of El Segundo completed an exchange of its CDBG funds with the City of La Mirada for $0.55/$1.00.

RECOMMENDED ACTION:

Staff recommends that the City Council accept the offer from the City of Lawndale and adopt the attached Resolution authorizing the exchange of the City’s CDBG funds at a rate of $0.70 per CDBG dollar for a total amount of $63,042.70 in General Funds. Following City Council action, all documents pertaining to the exchange of CDBG funds will be forwarded to the Los Angeles County Community Development Commission (CDC) for approval by the Los Angeles County Board of Supervisors. Once approved by the Los Angeles County Board of Supervisors, the CDC will process the transaction and issue the payment to the City. The process is anticipated to take approximately two to three months.

Proceeds from the exchange of CDBG funds will support the continuation of the City’s Home Delivered Meals, Juvenile Diversion, General Administration, and Senior In-Home Care projects for Fiscal Year 2011-2012. The proceeds have not been specifically allocated yet. The allocation of these revenues will be refined through the City’s 2011-2012 budget process. The proceeds will be placed in the Miscellaneous Revenue Account and they will be carried over to the 2011-2012 Fiscal Year.
RESOLUTION NO. _____

A RESOLUTION APPROVING THE EXCHANGE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG) FOR THE FISCAL YEAR 2011-2012 BETWEEN THE CITY OF EL SEGUNDO AND THE CITY OF LAWNDALE

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

SECTION 1: The City Council finds as follows:

A. The City Council of the City of El Segundo conducted a public hearing, pursuant to applicable law, on December 21, 2010, to consider the allocation of CDBG funds for the Fiscal Year (FY) 2011-2012;

B. The use of CDBG funds is strictly limited by law;

C. The City of El Segundo has executed a three-year Cooperation Agreement with the County of Los Angeles concerning CDBG funds for Fiscal Years 2009-2010, 2010-2011, and 2011-2012;

D. The City of El Segundo, a recipient of CDBG funds desires to exchange $85,683.00 of its FY 2011-2012 CDBG funds and $4,378.00 in prior year unallocated CDBG funds for $63,042.70 of General Funds with the City of Lawndale.

SECTION 2: The exchange of FY 2011-2012 CDBG funds between the City of El Segundo and the City of Lawndale (CDC) is hereby approved.

SECTION 3: In accordance with this Resolution, the City of El Segundo will exchange $85,683.00 of its FY 2011-2012 CDBG funds and $4,378.00 in prior year unallocated CDBG funds for $63,042.70 of General Funds with the City of Lawndale.

SECTION 4: The City Manager is authorized and directed to execute any and all documents necessary to complete the exchange of funds on behalf of the City of El Segundo.

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 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 15th day of February, 2011.

__________________________________________
Eric Busch,
Mayor

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

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, hereby certify that the whole number of members of the City Council of the City is five; that the foregoing Resolution No. ________ was duly passed and adopted by said City Council, approved and signed by the Mayor of said City, and attested to by the City Clerk of said City, all at a regular meeting of said Council held on the 15th day of February, 2011, and the same was so passed and adopted by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

________________________________________
Cindy Mortesen,
City Clerk

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

By: ______________________________________
Karl H. Berger
Assistant City Attorney
AGREEMENT FOR EXCHANGE OF
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

This Agreement is made and entered into as of ___________, 2011, by and
between the City of El Segundo and the City of Lawndale.

RECITALS

A. The City of El Segundo has renewed its a three-year cooperation agreement with
the County of Los Angeles concerning Community Development Block Grant

B. The City of Lawndale has executed a three-year reimbursable agreement with
the County of Los Angeles concerning CDBG funds for Fiscal year 2009-2010,

C. The City of El Segundo has unexpended CDBG Funds which could be made
available to the City of Lawndale in exchange for the assignment by the City of
Lawndale of the amount of its general funds indicated in Section 1 below, the
City of El Segundo is willing to assign unexpended CDBG funds to the City of
Lawndale.

D. The Cities now desire to enter into an agreement under which the City of
Lawndale would exchange $63,042.70 of its general funds for $90,061 of
unexpended entitlement of CDBG Funds for Fiscal Year 2010-2011 and 2011-
2012.

NOW, THEREFORE, the Cities agree as follows:

1. EXCHANGE. The City of El Segundo agrees to assign $90,061 of its
unexpended CDBG funds for Fiscal year 2010-2011 and 2011-2012 to the
City of Lawndale. In return, the City of Lawndale agrees to assign
$63,042.70 of its general funds to the City of El Segundo. The exchange
rate is $.70/100. The table below summarizes the amount to be
exchanged and any public service and/or administration authority to be
transferred to the City of Lawndale.

<table>
<thead>
<tr>
<th>FY</th>
<th>Amount</th>
<th>Public Service Authority Received</th>
<th>Administrative Authority Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2011-2012</td>
<td>$ 85,683.00</td>
<td>$12,852.00</td>
<td>$8,568.00</td>
</tr>
<tr>
<td>Unallocated Balance</td>
<td>$ 4,378.00</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$90,061.00</strong></td>
<td><strong>$12,852.00</strong></td>
<td><strong>$8,568.00</strong></td>
</tr>
</tbody>
</table>

2. CONSIDERATION. The City of El Segundo shall assign the agreed upon
CDBG Funds in one lump sum payment. The City of Lawndale shall assign the agreed
upon general funds to the City of El Segundo in one lump sum payment. The lump sum
payment shall be due and payable on or before July 31, 2011.
3. **BEST EFFORTS.** The City of El Segundo shall use its best efforts to obtain any consent required of any other governmental or administrative agency to effectuate the assignment of $90,061 of its CDBG Funds to the City of Lawndale. The City of Lawndale agrees to execute any and all additional documents which such agencies may request in connection with the assignment and receipt of the grant.

4. **TERM.** The Agreement is effective on the date above written and for such time as is necessary for both parties to complete their mutual obligations under this Agreement.

5. **TERMINATION.** Termination of this Agreement may be made by either party, so long as written notice of intent to terminate is given to the other party at least five (5) days prior to termination.

6. **NOTICE.** Notices shall be given pursuant to this Agreement by personal service on the party notified, or by written notice upon such party deposited in the custody of the United States Postal Service addressed as follows:

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

City of Lawndale
14717 Burin Avenue
Lawndale, CA 90260

7. **GOVERNING LAW.** This Agreement shall be governed by the laws of the State of California.

IN WITNESS WHEREOF, the parties have executed this Agreement the ______day of ______________, 2011

__________________________  ____________________________
JACK WAYT, City Manager      DAYLE KELLER, Interim City Manager
CITY OF EL SEGUNDO            CITY OF LAWNDALE

ATTEST:

__________________________  ____________________________
CINDY MORTESEN, City Clerk   PAULA HARTWILL, City Clerk
(seal)

APPROVED AS TO FORM:

__________________________  ____________________________
City Attorney               City Attorney
CDBG EXCHANGE OF FUNDS WORKSHEET

This worksheet is to be used for planning the exchange of Community Development Block Grant (CDBG) funds between jurisdictions participating in the Los Angeles County’s CDBG Program.

Completion of the worksheet will be the responsibility of the jurisdiction offering CDBG funds for exchange and will include only funding information specific to the two (2) jurisdictions exchanging funds (the exchanging and recipient jurisdictions). If additional exchanges are planned, involving jurisdictions other than those indicated below they must be identified on a separate form.

This exchange will involve actions between El Segundo (Exchanging Jurisdiction) and Lawndale (Recipient Jurisdiction) and must be approved by both participants’ governing bodies, as well as the Los Angeles County Board of Supervisor before becoming effective. Completion of this worksheet and approval by the Community Development Commission will formally start the authorization and approval process.

<table>
<thead>
<tr>
<th>CDBG FUNDS TO BE EXCHANGED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Funding</td>
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<tr>
<td>---</td>
</tr>
<tr>
<td>New Allocation FY 2011-2012</td>
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<tr>
<td></td>
</tr>
<tr>
<td>Prior Year Unallocated Funds</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>District Funds</td>
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<tr>
<td></td>
</tr>
</tbody>
</table>

Total Funding $ 90,061

Approval of the intent to exchange CDBG funding:

Kimberly Christensen 1/5/11
Exchanging Jurisdiction Date Recipient Jurisdiction Date

Approval of the availability of CDBG funds to be exchanged:

Raymond White
Community Development Commission Date
# CITY OF EL SEGUNDO
## PAYMENTS BY WIRE TRANSFER
### 1/21/11 THROUGH 02/03/11

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<th>Date</th>
<th>Payee</th>
<th>Amount</th>
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**DATE OF RATIFICATION: 02/15/11**

**TOTAL PAYMENTS BY WIRE:**

1,177,281.33

Certified as to the accuracy of the wire transfers by:

Deputy City Treasurer

Date

Director of Finance

Date

City Manager

Date

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, FEBRUARY 1, 2011 – 5:00 P.M.

5:00 P.M. SESSION

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

ROLL CALL

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

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

SPECIAL ORDER OF BUSINESS:

Mark Hensley announced that Council would be meeting in closed session pursuant to the items listed on the agenda and that the construction coordinator unpaid leave item and Government Code §54956.9(b) item had been deleted from the agenda.

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov’t Code §54956.9(a) -1- matter

1. City of El Segundo vs. City of Los Angeles, et. al. LASC Case No. BS094279

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code §54956.9(b): -1-
DELETED - Initiation of litigation pursuant to Government Code §54956.9(c): -0- matter.
PUBLIC EMPLOYMENT (Government Code § 54957) – 1- matter (Request for unpaid leave pursuant to El Segundo Municipal Code § 1-6-20). Position/Title: Construction Coordinator - DELETED

APPOINTMENT OF PUBLIC EMPLOYEE (Gov’t. Code § 54957) -1- matter
Position/Title: City Manager

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

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

Council recessed at 6:50 p.m.
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, FEBRUARY 1, 2011 - 7:00 P.M.

7:00 P.M. SESSION

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

INVOCATION – Pastor Rob McKenna, El Segundo Foursquare Church

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Bill Fisher

PRESENTATIONS

a. Mayor Pro Tem Fisher presented a Proclamation to Nancy Franklin, American Heart Association, proclaiming Friday, February 4, 2011, as National Wear Red Day.

ROLL CALL

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

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Cindy Topar, resident, spoke regarding the City of Santa Monica’s ban on use of single use plastic bags and asked Council to consider adopting such an Ordinance.

Loretta Frye, resident, spoke regarding the free income tax program being provided to low income people and seniors at the Joslyn Center.

Marc Rener, resident, spoke regarding agenda item no. 7, trash collection services.

Mike Robbins, resident, spoke regarding agenda item 6a Tree Musketeers request to waive permit and inspection fees and agenda item no. 7, trash collection services.
Adam Gerard, President Tree Musketeers, spoke regarding the upcoming Arbor Day Tree Planting Project and asking Council to consider waiving fees.

Ron Swanson, resident, spoke regarding trash fees.

James Castro, Consolidated Disposal Services, requested to meet with staff to address a possible three year contract extension.

Liz Garnholz, resident, spoke regarding agenda item no. 6a Tree Musketeers fee waiver, and agenda item no. 7 trash collection services, and Athletic Field revenue generation.

Gail Church, Executive Director, Tree Musketeers, spoke regarding agenda item no. 6a, request for fee waivers.

A. PROCEDURAL MOTIONS

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

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

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

C. UNFINISHED BUSINESS

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

E. CONSENT AGENDA

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

1. Approved Warrant Numbers 2580728 to 2580879 on Register No. 8 in the total amount of $828,479.21 and Wire Transfers from 01/06/11 through 01/20/11 in the total amount of $2,269,452.96. Authorized staff to release. Ratified: Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.

3. Accepted the project for the rehabilitation of Grand Avenue from Sepulveda Boulevard to Duley Road as complete. Project No.: PW 10-03 (Fiscal Impact: $338,365.52) Authorized the City Clerk to file a Notice of Completion in the County Recorder's Office.

4. Authorized acceptance of $39,810 in grant funding from the U.S. Department of Homeland Security, through the Office of Grants and Training, under Fiscal Year 2008 and 2009 State Homeland Security Grant Programs (SHSGP) to pursue regional training and radio programming. (Fiscal Impact: $39,810) Authorized the City Manager to sign Agreement Nos. 4119 and 4120 with the County of Los Angeles who will serve as grant administrator for both grants.

5. Waived second reading and adopted Ordinance No. 1458 approving Environmental Assessment EA 881, Specific Plan Amendment No. 10-01, and Zone Text Amendment ZTA 10-04 to amend the Smoky Hollow Specific Plan Land Use Plan and the El Segundo Municipal Code ("ESMC") regulating the permitted uses in the Small Business (SB) and Medium Manufacturing (MM) Zones. (Fiscal Impact: N/A)

6. Adopted Resolution No. 4708 amending the City's Flexible Benefit Plan Document and Summary Plan Description to reflect changes resulting from the Affordable Care Act of 2010 eliminating the reimbursement of over-the-counter medicine or drugs from the health spending account.

6a. PULLED FOR DISCUSSION BY COUNCIL MEMBER JACOBSON

MOTION by Mayor Pro Tem Fisher, SECONDED by Council Member Fuentes to approve Consent Agenda Items 1, 2, 3, 4, 5, and 6. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

CALL ITEMS FROM CONSENT AGENDA

6a. Consideration and possible action to approved the request from Tree Musketeers to waive the permit and inspection fees per El Segundo Municipal Code section 8-8-7 D1.

MOTION by Mayor Pro Tem Fisher, SECONDED by Mayor Busch to approve the request from Tree Musketeers to waive the permit and inspection fees per El Segundo Municipal Code section 8-8-7 D1. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0
F. NEW BUSINESS

7. Consideration and possible action to (1) determine which residential properties will receive City-provided trash collection services when the City’s current residential trash collection contract expires on July 31, 2011; (2) approve the Trash Subcommittee’s recommendation to bid out the contract for trash collection services and select one of the Subcommittee’s bidding options for a new trash collection contract to begin August 1, 2011. (Fiscal Impact: Unknown; fiscal impact to the City estimated at $444,906 to $561,000 depending on City Council Action(s) taken on this agenda item.)

Council Member Jacobson left the dais at 7:46 pm due to a conflict of interest regarding his ownership of an apartment building with more than two units.

Stephanie Katsouleas, Public Works Director, gave a report.

MOTION by Council Member Brann, SECONDED by Council Member Fuentes to direct staff to include City-provided trash services for all properties with more than two units, which currently put out trash cans, in the next residential trash hauling contract. MOTION PASSED BY THE FOLLOWING VOTE: AYES: MAYOR PRO TEM FISHER, COUNCIL MEMBERS BRANN AND FUENTES; NO: MAYOR BUSCH. 3/1

MOTION by Mayor Pro Tem Fisher, SECONDED by Council Member Fuentes to reconsider the MOTION. MOTION PASSED BY THE FOLLOWING VOTE: AYES: MAYOR BUSCH, MAYOR PRO TEM FISHER, COUNCIL MEMBER FUENTES; NO: COUNCIL MEMBER BRANN. 3/1

MOTION by Council Member Fuentes, SECONDED by Mayor Pro Tem Fisher to include City-provided trash services for three and four unit properties in the next residential trash hauling contract. MOTION PASSED BY THE FOLLOWING VOTE: AYES: MAYOR PRO TEM FISHER, COUNCIL MEMBERS BRANN AND FUENTES; NOES: MAYOR BUSCH. 3/1

Council Member Jacobson returned to the dais at 8:19 pm.

MOTION by Mayor Pro Tem Fisher to go out to bid with all four Subcommittee recommended options. MOTION FAILED FOR LACK OF SECOND.

MOTION by Council Member Brann, SECONDED by Council Member Fuentes to extend the current contract for up to three years and work with the current trash hauler to negotiate additional services and/or reduce current prices and if this can’t be accomplished then go out to bid.
COUNTER MOTION by Mayor Busch, SECONDED by Mayor Pro Tem Fisher to go out to bid with 3 year and 7 year options with no change in service. MOTION PASSED BY THE FOLLOWING VOTE: AYES: MAYOR BUSCH, MAYOR PRO TEM FISHER, COUNCIL MEMBER FUENTES; NOES: COUNCIL MEMBER BRANN AND JACOBSON. 3/2

G. REPORTS – CITY MANAGER - NONE

H. REPORTS – CITY ATTORNEY - NONE

I. REPORTS – CITY CLERK - NONE

J. REPORTS – CITY TREASURER - NONE

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fuentes – Spoke on the additional left turn lane at Main and Imperial. Spoke regarding recent event to get young people involved with Science, Technology, Engineering and Math hosted by the Los Angeles Air Force Base.

Council Member Brann – Spoke on the Da Vinci School Engineering Award.

Council Member Jacobson – Spoke regarding the need for volunteers for CPR Sunday.

Mayor Pro Tem Fisher – Spoke on McCormick and Schmick’s event for troops coming home from deployment in Iraq.

Mayor Busch – Spoke on recent hazardous waste and e-waste roundup sponsored by the County of Los Angeles Public Works Department and upcoming Tree Musketeers Arbor Day event.

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Loretta Frye, resident, spoke regarding the confusion on when the Fire Department will be watering trees.

Mike Robbins, resident, spoke regarding continuing trash pickup for three and four unit apartments.
MEMORIALS – NONE

CELEBRATION –
In celebration of the birth of Lillian Grace Dull, born January 26, 2011 at 2:00 a.m., weighing in at 8 lbs. 7 oz. and 20 inches long. Lillian is welcomed by a big sister, Ellen and the proud parents, Jill and Doug Dull of El Segundo. The proud grandparents are Carl and Nancy Jacobson.

CLOSED SESSION – NONE

ADJOURNMENT at 8:56 pm.

______________________________
Cathy Domann, Deputy City Clerk
CONSENT AGENDA

AGENDA DESCRIPTION:

Consideration and possible action regarding a modification to an Alcoholic Beverage Control (ABC) license for on-site sale and consumption of beer and wine to allow a 484 square-foot expansion of an existing restaurant (La Paz) with a Type 41 (On-sale Beer and Wine—Eating Place) located at 514 Center Street. Applicant: Jose Mendez, La Paz. (Fiscal Impact: N/A)

(Fiscal Impact: N/A)

RECOMMENDED COUNCIL ACTION:

1. Receive and file this report without objecting to the expansion of a Type 41 ABC license to the 484 square-foot addition of an existing restaurant at 514 Center Street.; and/or
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Crime and Arrest Statistics by Reporting Districts (RD)
2. Police Reporting Districts Map

FISCAL IMPACT: None

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<td>Additional Appropriation:</td>
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<td>Account Number(s):</td>
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ORIGINATED BY: Kimberly Christensen, AICP, Planning Manager
REVIEWED BY: Greg Carpenter, Planning and Building Safety Director
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

I. Background

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

II. Analysis

According to the most recent Crime and Arrest statistics report (January 2010 – June 2010,
Exhibit 1) prepared by the Police Department, the existing restaurant is located in Reporting District (RD) 206. Based on the January – June 2010 reported data prepared by the Police Department, the district had a total of 6 Part I crimes (criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson) and 11 Part II crimes for a total of 17 crimes. The Reporting District is not considered a high crime area and the Police Department and the Planning and Building Safety Department do not object to the expansion of the restaurant with a Type 41 ABC license for the proposed sale of beer and wine for consumption on and off the premises at the restaurant.

The existing restaurant currently has a Type 41 license. The original Type 41 license was approved by the city in 1999 for a restaurant on the same address. The license was transferred in 2005 to the current owners. This expansion of the restaurant requires the approval of an Administrative Use Permit (AUP) to expand alcohol use in the C-2 (Neighborhood Commercial). The approval of the ABC license request would be for the convenience of providing alcohol for sale within the restaurant for its patrons, and not a necessity. The hours to sell beer and wine in this location will be everyday between 9 a.m. and 9 p.m.

On January 20, 2011, the Director of Planning and Building Safety approved an Administrative Use Permit application (EA No. 900 and AUP No. 10-11) for 514 Center Street. The Director's decision was forwarded to the Planning Commission on January 27, 2011. On January 27, 2011 the Planning Commission chose to Receive and File the item with the conditions of approval.

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

III. Conclusion

Planning staff recommends that the Council receive and file this report without objecting to the expansion of an existing Type 41 ABC license the restaurant addition at 514 Center Street.
## PART I AND PART II CRIMES STATISTICAL REPORT
REPORTED PERIOD: JANUARY – JUNE, 2010

### HIGH CRIME AREA BY REPORTING DISTRICT

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**TOTALS:** 287, 618, 905

Number of Reporting Districts = 51
Total Part I Crimes and Part II Crimes = 905
City Average for all Reporting Districts (905 / 51) = 18

High Crime Area per B&P Code Section 23958.4 (18 x 120%) = 22
CITY OF EL SEGUNDO

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: January 27, 2011

SUBJECT: Environmental Assessment No. 900 and Administrative Use Permit No. 10-11

APPLICANT: Jose Mendez, owner of La Paz Restaurant

PROPERTY OWNER: LM Pacific Properties LLC

REQUEST: An Administrative Use Permit request to allow the expansion of on-site sale and consumption of alcohol at an existing restaurant (Type 41 Alcoholic Beverage Control (ABC) License).

PROPERTY INVOLVED: 514 Center Street

I. INTRODUCTION

The proposed project is a request for an Administrative Use Permit to allow the expansion of the on-site sales and consumption of beer and wine at the existing La Paz restaurant. The proposed hours to sell beer and wine are daily between 9 a.m. and 9 p.m. The proposed project is located at 514 Center Street in the Neighborhood Commercial (C-2) Zone. The property is located on the block bounded by Center Street on the west, Nevada Street on the east, Mariposa Avenue on the north, and Pine Avenue on the south.

III. ANALYSIS

The applicant is requesting approval of an Administrative Use Permit to allow the expansion of the area for sales and consumption of beer and wine at an existing restaurant. Sale of beer and wine will occur between the hours of 9 a.m. and 9 p.m. daily. The restaurant currently has a floor area of approximately 2,032 square feet and the proposed expansion of the dining area would add another 484 square feet. Approximately 1,886 square feet of the restaurant will be used as a dining area after expansion; the remainder includes the kitchen and accessory office space. The project proposes no structural change to the exterior of the building, building envelope, parking or landscaping. An internal opening will be provided between the existing restaurant and the adjacent tenant.
space. The applicant will not sell distilled spirits, malt liquor, single servings or any other variation.

The proposed project site is located in the Neighborhood Commercial (C-2) Zone. On February 24, 1999, the City Council did not protest the issuance of a Type 47 ABC license to sell beer and wine at the restaurant (Big John’s Coffee Shop) that previously occupied La Paz restaurant. According to the Department of Alcoholic Beverage Control (ABC), the license was transferred in 2005 to the current owners of the restaurant. The ABC license to sell beer and wine at a restaurant was then called a Type 47 license; ABC has since reclassified Type 47 licenses as Type 41 licenses for the sale of beer and wine at a restaurant. Pursuant to ESMC §15-5B-4(B), the expansion of the area for sale of alcohol require the approval of an Administrative Use Permit. This new application allows the City to impose additional conditions of approval detailed in the decision letter.

The surrounding land uses are as follows:

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<tr>
<th>Land Uses</th>
<th>Zone</th>
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<td>North: Center Street Elementary School</td>
<td>P-F</td>
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<td>South: Single-Family Residential</td>
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<td>East: Single-Family Residential</td>
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</tr>
<tr>
<td>West: Multi-Family Residential</td>
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</tr>
</tbody>
</table>

**Off-street Parking**

There are 92 existing off-street parking spaces on the shopping center used for restaurant, dentist office, residential, and other commercial uses. The combined net area of all the uses in the shopping center is approximately 21,000 square feet. The restaurant, including the 484-square foot addition converted from a commercial retail use, requires a minimum of 25 parking spaces based on the ratio of one parking space per 75 square feet of dining area. The 640 square-foot back part of the restaurant which includes the kitchen require another 3 spaces for a total of 28 parking spaces. There is sufficient parking space for all the uses on the shopping center including the expansion of the restaurant. The applicant will not alter the configuration of the existing parking and loading spaces.

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

The project application and plans were circulated to all departments and all comments are attached to the report. Staff has incorporated those comments as conditions of approval where appropriate.

IV. ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 3 categorical exemption (New Construction or Conversion of Small Structures). The project includes an alcohol license for an existing restaurant which results in a minor alteration in the operation of an existing building involving no expansion of the existing use. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. Moreover, the project is proposed to be built on a site of not more than five acres surrounded by urban uses. Further, the site has no value as habitat for endangered, rare, or threatened species. There are adequate utilities and public services to serve the project.

V. RECOMMENDATION

Planning staff recommends that the Planning Commission Receive and File Administrative Use Permit No. 10-11.

VI. EXHIBITS

A. Administrative Use Permit Approval Letter, dated January 20, 2011
B. Interdepartmental Comments
C. Administrative Use Permit application
D. Site Plan/Floor Plan

Prepared by: Bryan Fernandez, Assistant Planner

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

Greg Carpenter, Director
Planning and Building Safety Department
January 20, 2011

Jose Manuel Mendez
514 Center Street
El Segundo, CA 90245

RE: Environmental Assessment No. EA-900 and Administrative Use Permit (AUP) No. 10-11

Expansion of On-Site Sale and Consumption of Beer and Wine in to an existing restaurant (La Paz) for a Type 41 State of California Alcoholic Beverage Control License
Address: 514 Center Street, El Segundo, CA

Dear Mr. Mendez:

In accordance with El Segundo Municipal Code ("ESMC") Chapter 15-22, the Planning Division reviewed your application for the above-referenced project and the Director of Planning and Building Safety Department APPROVED Environmental Assessment No. EA-900 and Administrative Use Permit No. 10-11 for the on-site sale consumption of beer and wine at an existing restaurant at 514 Center Street. The following are the findings and facts in support of each finding for this decision:

FINDINGS AND FACTS IN SUPPORT OF FINDINGS:

Environmental Assessment No. EA-900

Finding 1

- The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 3 categorical exemption (New Construction or Conversion of Small Structures).
Facts in Support of Finding 1

1. The applicant proposes to expand an existing 2,032 square-foot restaurant by 484 square feet by converting an existing adjacent use. The property is in an urbanized development area where it has adequate access and all public services and facilities are available. The block is currently developed as a shopping center that includes restaurants, offices, and other retail uses, where there is adequate access and all public services and facilities are available. The site is in an area that is not environmentally sensitive. Therefore, the project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality.

Administrative Use Permit 10-11

Finding 1

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

Facts in Support of Finding 1

1. The applicant proposes to provide on-site sale and consumption of beer and wine inside La Paz restaurant and expand the alcohol use to the new 484 square-foot addition.

2. The location was previously granted a Type 47 ABC license to provide on-site sale and consumption of alcohol at a restaurant. The license was transferred to the current owners in 2005. The license to sell beer and wine at a restaurant was then called Type 47 that is now reclassified as a Type 41 license.

3. There are 92 existing off-street parking spaces on the shopping center used for restaurant, dentist office, residential, and other commercial uses. The combined net area of all the uses in the shopping center is approximately 21,000 square feet. The restaurant, including the 484-square foot addition converted from a commercial retail use, requires a minimum of 25 parking spaces based on the ratio of one parking space per 75 square feet of dining area. The 640 square-foot back part of the restaurant which includes the kitchen require another 3 spaces for a total of 28 parking spaces. There is sufficient parking space for all the uses on the shopping center including the expansion of the restaurant.

4. The General Plan Land Use designation for the site is Neighborhood Commercial. The zoning for the site is Neighborhood Commercial (C-2). Sale of alcohol is permitted in the Neighborhood Commercial (C-2) Zone with the approval of an Administrative Use Permit.
5. The Neighborhood Commercial (C-2) Zone permits, and the surrounding land uses include: restaurant, commercial retail, medical office, and residential.

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

7. On January 27, 2011 the El Segundo Planning Commission is scheduled to Receive and File the Administrative Use Permit request.

Finding 2

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

Facts in Support of Finding 2

1. The General Plan Land Use designation for the site is Neighborhood Commercial.

2. The zoning for the site is Neighborhood Commercial (C-2). The proposed use of on-site sale and consumption of beer and wine requires an Administrative Use Permit in accordance with ESMC § 15-5B-4(B).

3. The purpose of the Neighborhood Commercial (C-2) Zone is to provide for development of commercial establishments which serve a broad cross section of the city and surrounding area. The proposed use is consistent with this purpose of the zone in that sale of beer and wine is permitted in the Neighborhood Commercial (C-2) Zone.

4. The proposed use is consistent with the Land Use Element in that the Commercial Center Land Use Category is intended to permit a mixture of community-serving retail, restaurants and other commercial service uses in an integrated shopping center design to serve a broad cross-section of the City and surrounding area.

5. The proposed use is consistent with Land Use Element Goal LU4 in that it provides a stable tax base for the City through development of new commercial uses, and primarily within a mixed-use environment.

6. The proposed use is consistent with Land Use Element Objective LU4-1 in that it promotes the development of high quality retail facilities in proximity to major employment centers.

7. The surrounding land uses include: commercial retail, restaurant, office, and residential uses. The proposed sale of beer and wine will be compatible with the surrounding uses.
Finding 3

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

Facts in Support of Finding 3

1. The sale of beer and wine will be located inside an existing commercial building and will be constructed in accordance with all applicable codes and regulations. The project proposes no structural change to the exterior of the building, building envelope, parking or landscaping. Sufficient parking will be provided on-site in compliance with ESMC Chapter 15-15.

2. The surrounding land uses include commercial retail, restaurant, and residential use. The proposed sale of beer and wine and the restaurant is a permitted use within the C-2 Zone.

3. The proposed hours of operation are limited to 9:00 a.m. to 9:00 p.m. seven days a week. The beer and wine will be throughout the restaurant dining areas including the new 484 square-foot addition. No live entertainment is proposed. The proposed sale of beer and wine will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Finding 4

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

Facts in Support of Finding 4

1. The sale of beer and wine will not create any new impacts that would not be normally associated with the operation of a restaurant.

The proposed hours of operation and alcohol sales are limited from 9:00 a.m. to 9:00 p.m., seven days a week.

2. There are 92 existing off-street parking spaces on the shopping center used for restaurant, dentist office, residential, and other commercial uses. The combined net area of all the uses in the shopping center is approximately 21,000 square feet. The restaurant, including the 484-square foot addition converted from a commercial retail use, requires a minimum of 25 parking spaces based on the ratio of one parking space per 75 square feet of dining area. The 640 square-foot back part of the restaurant which includes the kitchen require another 3
spaces for a total of 28 parking spaces. There is sufficient parking space for all the uses on the shopping center including the expansion of the restaurant.

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

**Finding 5**

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

**Facts in Support of Finding 5**

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

**DIRECTOR OF PLANNING AND BUILDING SAFETY DEPARTMENT ACTION**

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

1. The hours of operation to sell beer and wine are limited to: 9:00 a.m. to 9:00 p.m. daily. Any change to the hours of operation or the hours that alcohol may be served is subject to review and approval by the Director of Planning and Building Safety.

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

3. Any subsequent changes to the floor plan and areas where alcohol will be served must be reviewed and approved to the satisfaction of the Director of Planning and Building Safety Department.

4. The applicant must obtain and maintain all licenses required by the Alcoholic Beverage Control Act (Business & Professions Code §§ 23310 et seq.). The applicant must obtain and maintain a Type 41 license.

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

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

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

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

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

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

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

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

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

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

11. The licensee must have readily identifiable personnel to monitor and control the behavior of customers inside the building premises. Staff must monitor activity outside in the parking lot and any adjacent property under the establishment's control to ensure the areas are generally free of people.
12. If complaints are received regarding excessive noise, parking availability, lighting, building access, and the like associated with the sale of beer and wine, the city may, in its discretion, take action to review the Administrative Use Permit, including without limitation, adding conditions or revoking the permit.

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

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

15. The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Environmental Assessment No. 900 and Administrative Use Permit No. 10-11. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of EA-900 or AUP 10-01, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of El Segundo's elected officials, appointed officials, officers, and employees.

PLANNING COMMISSION

This determination is scheduled to be received and filed by the Planning Commission at its January 27, 2011 meeting. Please be advised that this does not conclude the review process. The City Council will determine whether or not to protest the issuance of the ABC License (Type 41) at its meeting on February 15, 2011.

Should you have any questions, please contact Bryan Fernandez, Assistant Planner, at (310) 524-2343.

Sincerely,

Greg Carpenter, Director
Department of Planning and Building Safety

Cc: Victor Pelayo
AGENDA DESCRIPTION:
Consideration and possible action regarding a request from the El Segundo Education Foundation to waive the banner fees per El Segundo Municipal Code section 8-8-7 D1 (Fiscal Impact: $1,780.00)

RECOMMENDED COUNCIL ACTION:
1. Approve the request to waive the user fees per El Segundo Municipal Code Section 8-8-7 D1.
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Letter from the El Segundo Education Foundation

FISCAL IMPACT: Budget Adjustment Required
Amount Requested: $1,780.00 (requesting to be waived)
Additional Appropriation: No
Account Number(s):

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

BACKGROUND AND DISCUSSION:
The City of El Segundo has been approached by Mr. Adam Aberman, Executive Director for El Segundo Education Foundation requesting a fee waiver for the use of City banner poles on Main Street. The banners will celebrate the El Segundo Unified School District's 75th anniversary, increase the visibility of the foundation and rally community support. The banners will be hung at one of three locations on Main Street (300, 400 or 500 block) for ten (10) months starting in March, 2011.

While the City does not have a formal banner policy, banners (and their locations) are generally approved by the Public Works Department in accordance with El Segundo Municipal Code §15-18-12. Persons placing such banners must pay the City $178 for hanging and removing each banner. Fees proposed to be waived by the El Segundo Education Foundation equal $1,780.00 or $178.00 for each month.
February 1, 2011

Bill Fisher
City Councilman
City of El Segundo
350 Main Street
El Segundo, CA 90245

Dear Councilman Fisher:

Throughout 2011, the El Segundo Education Foundation will be celebrating the El Segundo Unified School District's 75th anniversary. The Foundation will be rallying the entire community to support El Segundo schools to help close the school district's budget deficit and to keep El Segundo schools among the best in California.

The Foundation has an extensive marketing plan to help increase the visibility of the Foundation and the support from the community. Beginning in March 2011, the Foundation would like to hang a banner every month at various locations throughout the City through 2011. The Foundation is requesting the City of El Segundo waive the $178 banner fee for each banner hanging which would ultimately help increase funding to the school district.

Thank you for considering this request.

Sincerely,

Adam Aberman
Executive Director
El Segundo Education Foundation
AGENDA DESCRIPTION:

Consideration and possible action to approve a change order with Matthew and Stewart Company, Inc. for the repair of a 8-inch diameter sanitary sewer pipe at the intersection of Virginia Street and Walnut Ave.
(Fiscal Impact: $34,116.22)

RECOMMENDED COUNCIL ACTION:

1. Authorize the City Manager to approve a payment in the amount of $34,116.22 with Matthew and Stewart Company, Inc., for the removal and replacement of a 8" verified clay pipe and damaged asphalt.

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

ATTACHED SUPPORTING DOCUMENTS:

FISCAL IMPACT: Included in Adopted Budget

Amount Requested: $34,116.22

Additional Appropriation: Yes

Account Number(s): 502-400-8204-8317

ORIGINATED BY: Maryam M. Jonas, Principal Engineer

REVIEWED BY: Stephanie Katsouleas, Public Works Director

APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

On October 14, 2010, the Public Works Department was notified by the City’s CCTV contractor, Advanced Sewer Technologies that it noticed a sewer pipe segment under the intersection of Virginia Street and Walnut Avenue that had a hole in the bottom and side of the pipe. Soil and void were both visible through the hole in the pipe. Upon inspection by the City staff, it was apparent that the hole and other severely cracked sections of the pipe required immediate repair.

On April 2010, the City awarded a contract to Matthew and Stewart Company (MASCO), Inc. for the replacement of sanitary sewer mains at various locations throughout the Smoky Hollow area, a project that was partially funded through a grant from the Environmental Protection Agency (EPA). In accordance with § 3-2.1 of the Standard Specifications for Public Works Construction, which is incorporated into the City’s standard public works contract, additional work can be initiated by the agency as the low bidder. Because of the health and safety concerns regarding the pipe, and the need for immediate action, MASCO was hired to repair the broken pipe on Virginia Street as a change order to its contract. Because the Virginia Street repair was
outside of the scope of the original contract, EPA funds cannot be used to pay for the work on Virginia Street.

The work performed by MASCO included removal of the damaged pipe and asphalt, replacement of the 8" verified clay pipe, compaction of the soil, installation of new pavement and traffic control. The pipe installation was completed on November 5, 2010 and the final paving was completed on December 23, 2010. Funds are available from the Sewer Capital Improvements project through the Sewer Enterprise Fund.
AGENDA DESCRIPTION:
Consideration and possible action regarding the Fiscal Year 2009-2010 Yearend report and FY 2010-2011 First Quarter Financial Review. (Fiscal Impact: none)

RECOMMENDED COUNCIL ACTION:
2. FY 2009-2010 --Reduce the scheduled transfer from the Economic Uncertainty Fund from $750,000 to $250,000.
3. FY 2010-2011 --Cancel the budgeted item from the Other Post Employment Benefit (OPEB) Trust drawdown of $750,000 and, alternatively, use a portion of the proceeds from the sale of Fire Station #2 in the Economic Uncertainty Fund to help balance the FY 2010-2011 Budget.
4. Alternatively discuss and take other action related to this item

ATTACHED SUPPORTING DOCUMENTS:
None

FISCAL IMPACT: Included in Adopted Budget
Amount Budgeted: $0
Additional Appropriation: N/A
Account Number(s): none

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

BACKGROUND AND DISCUSSION:

Fiscal Year 2009-2010 Yearend

General Fund Revenues and Expenditures

At the FY 2009-2010 third quarter review staff had projected that the General Fund would need an additional $750,000 in transfers from the Economic Uncertainty Fund to help reduce the yearend deficit and maintain the 20% fund policy. Based on the actual yearend revenues and expenditures, staff is recommending reducing that transfer to $250,000 which is sufficient for the City to maintain the General Fund Undesignated/Unreserved Fund Policy of 20% or
$11,202,040. The yearend numbers as reported are "unaudited" and may change slightly once the FY 2009-2010 financial audit is completed in April 2011. Uses for the balance in the Economic Uncertainty Fund will be brought forward during the FY 2011-2012 Strategic Planning Session.

General Fund Expenditures ended the year 8.2% below budget. This was accomplished through cost-saving measures implemented early in Fiscal Year 2009-2010.

The following actions were implemented to reduce expenditures:

- A retirement incentive was offered in October 2009 and 14 employees opted to retire effective January 2010. Many of those positions have remained vacant or are being filled with part-time employees with no benefits provided;

- A continued hiring freeze was instituted for all vacancies. For nine months of the FY 2009-2010, 34 positions remained frozen. Only critical positions were filled with the approval of the City Manager;

- By not backfilling fire personnel who are absent due to illness or vacation, a significant savings in overtime expense was achieved. The first reduction in October 2009 was from 19 constant manning to 17 and then in January 2010 staffing levels were further reduced to daily staffing of 14;

- Meetings were held with the City's bargaining groups to discuss the current financial challenges and the prospect of employee concessions;

- Non personnel expenditures were reduced.

As a result of these measures, expenditures came in $5,110,600 under the adopted budget. The following two tables show the General Fund's revenues and expenditures for FY 2009-2010.
Table 1 – FY 2009-2010 Yearend Revenues – Budget v. Actual

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Business License</td>
<td>8,995,900</td>
<td>9,305,100</td>
<td>309,200</td>
<td>3.44%</td>
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<tr>
<td>Sales &amp; Use Tax</td>
<td>9,315,000</td>
<td>7,230,750</td>
<td>(2,084,250)</td>
<td>-22.38%</td>
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<tr>
<td>Sales Tax in Lieu</td>
<td>3,742,900</td>
<td>2,837,200</td>
<td>(905,700)</td>
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<tr>
<td>Property Tax</td>
<td>6,350,000</td>
<td>6,291,150</td>
<td>(58,850)</td>
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<td>Transient Occupancy (TOT)</td>
<td>4,450,000</td>
<td>4,109,600</td>
<td>(340,400)</td>
<td>-7.65%</td>
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<tr>
<td>Charges for Services</td>
<td>3,562,700</td>
<td>3,238,550</td>
<td>(324,150)</td>
<td>-9.10%</td>
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<td>Electric Utility Tax</td>
<td>3,750,000</td>
<td>3,374,100</td>
<td>(375,900)</td>
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<tr>
<td>Franchise Tax</td>
<td>3,700,000</td>
<td>2,327,650</td>
<td>(1,372,350)</td>
<td>-37.09%</td>
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<tr>
<td>Cogeneraed Electric</td>
<td>2,100,000</td>
<td>1,290,400</td>
<td>(809,600)</td>
<td>-38.55%</td>
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<tr>
<td>License &amp; Permits</td>
<td>1,191,100</td>
<td>1,079,950</td>
<td>(111,150)</td>
<td>-9.33%</td>
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<tr>
<td>Gas Utility Tax</td>
<td>1,650,000</td>
<td>1,107,450</td>
<td>(542,550)</td>
<td>-32.88%</td>
</tr>
<tr>
<td>Interest on Investments</td>
<td>1,300,000</td>
<td>836,000</td>
<td>(464,000)</td>
<td>-35.69%</td>
</tr>
<tr>
<td>Other Revenues</td>
<td>4,491,150</td>
<td>4,267,300</td>
<td>(223,850)</td>
<td>-4.98%</td>
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<tr>
<td><strong>Total General Fund Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Net of Transfers</strong></td>
<td>54,598,750</td>
<td>47,295,200</td>
<td>(7,303,550)</td>
<td>-13.38%</td>
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<td><strong>Transfers In</strong></td>
<td>7,729,650</td>
<td>8,207,150</td>
<td>477,500</td>
<td>6.18%</td>
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<tr>
<td><strong>Total General Fund Revenues</strong></td>
<td>62,328,400</td>
<td>55,502,350</td>
<td>(6,826,050)</td>
<td>-10.95%</td>
</tr>
</tbody>
</table>

Table 2 – FY 2009-2010 Yearend Expenditures – Budget v. Actual

<table>
<thead>
<tr>
<th>Department</th>
<th>Fiscal Year 2009-2010 Budget Estimate</th>
<th>FY 2009-2010 Year-end Estimate</th>
<th>$ Savings (increases) - 2009-2010 Budget v. Year-end</th>
<th>% Savings (increases) - 2009-2010 Budget v. Year-end</th>
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</thead>
<tbody>
<tr>
<td>Elected Officials</td>
<td>$924,900</td>
<td>828,000</td>
<td>96,900</td>
<td>10.48%</td>
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<tr>
<td>Administrative Support</td>
<td>5,815,050</td>
<td>5,177,950</td>
<td>637,100</td>
<td>10.96%</td>
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<tr>
<td>Police</td>
<td>16,325,720</td>
<td>15,356,000</td>
<td>969,720</td>
<td>5.94%</td>
</tr>
<tr>
<td>Fire</td>
<td>15,706,900</td>
<td>13,591,650</td>
<td>2,115,250</td>
<td>13.47%</td>
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<tr>
<td>Communications Center</td>
<td>2,337,050</td>
<td>1,802,450</td>
<td>534,600</td>
<td>22.87%</td>
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<td>Planning/Building Safety</td>
<td>3,577,850</td>
<td>2,341,400</td>
<td>1,236,450</td>
<td>34.56%</td>
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<td>Public Works</td>
<td>6,104,830</td>
<td>5,296,750</td>
<td>808,080</td>
<td>13.24%</td>
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<tr>
<td>Recreation and Parks</td>
<td>4,610,400</td>
<td>4,509,100</td>
<td>101,300</td>
<td>2.20%</td>
</tr>
<tr>
<td>Library</td>
<td>2,296,450</td>
<td>2,110,000</td>
<td>186,450</td>
<td>8.12%</td>
</tr>
<tr>
<td>Nondepartment</td>
<td>4,128,250</td>
<td>6,053,500</td>
<td>(1,925,250)</td>
<td>-46.64%</td>
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<tr>
<td>Transfers to Other Funds</td>
<td>501,000</td>
<td>151,000</td>
<td>350,000</td>
<td>69.86%</td>
</tr>
<tr>
<td><strong>Total General Fund Expenditures</strong></td>
<td>$62,328,400</td>
<td>57,217,800</td>
<td>5,110,600</td>
<td>8.20%</td>
</tr>
</tbody>
</table>
First Quarter Financial Review Fiscal Year 2010-2011

Staff has reviewed all revenues and expenditures for the first quarter of Fiscal Year 2010-2011, with an emphasis on the General Fund, to determine if all sources and uses are on target with the originally adopted budget.

In these uncertain financial times it is extremely difficult to estimate budgetary goals with only one quarter of results but in analyzing the revenues for the first quarter compared to historical averages of the last 7 fiscal years most revenue streams were tracking fairly close with historical averages with the exception of Gas and Cogenerated Electric Utility User Taxes. While adjustments were made in the FY 2010-2011 adopted budget, the sluggish economy is continuing to impact these key revenues. The following actions were put in place during FY 2009-2010 and are continuing through FY 2010-2011:

- All employees in the City have taken a 12% reduction in salaries through the end of the fiscal year.

- 14 additional employees retired during the first quarter of FY 2010-2011, which brings the total vacancies to 46. Many of those positions will remain vacant or filled with part time employees with no benefits. Approval to fill vacant positions is at the discretion of the City Manager and only critical positions will be considered;

- Staff has been asked to review all consulting contracts and have made significant reductions over the past several years;

- By not backfilling fire personnel who are absent due to illness or vacation, a significant savings in overtime expense was achieved. The first reduction in October 2009 was from 19 constant manning to 17 and then in January 2010 staffing levels were further reduced to daily staffing of 14;

The revenue outlook is very guarded and expenditure reductions, most of which are temporary, are still the City’s main focus for meeting budget targets. The City is still facing a structural deficit with no new revenue growth projected. There will be more analysis performed after the Midyear Review and presented at the FY 2011-2012 Strategic Planning Session.
General Fund Revenues

General Fund revenues through the end of the first quarter are at 17.65% of total FY 2010-2011 budget. The following is a list of major General Fund revenues, and the performance of each source through the first quarter:

Table 3 – FY 2010-2011 Revenues – First Quarter

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Prior Year FY 2009-2010</th>
<th>Current Year Q1 FY 2010-2011</th>
<th>Variance to Prior QTR Over/Under</th>
<th>% change to SPLY*</th>
<th>Adopted Budget FY 2010-2011</th>
<th>% Received Q1 FY 2010-2011</th>
<th>% Received Q1 Historically</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business License</td>
<td>$ 549,102</td>
<td>554,544</td>
<td>5,442</td>
<td>0.99%</td>
<td>10,043,000</td>
<td>5.52%</td>
<td>6.82%</td>
</tr>
<tr>
<td>Sales &amp; Use Tax</td>
<td>2,156,182</td>
<td>1,724,513</td>
<td>(431,669)</td>
<td>-20.02%</td>
<td>8,185,000</td>
<td>21.07%</td>
<td>27.42%</td>
</tr>
<tr>
<td>Sales Tax in Lieu</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.00%</td>
<td>2,400,000</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Property Tax</td>
<td>2,477,684</td>
<td>2,205,739</td>
<td>(271,945)</td>
<td>-10.98%</td>
<td>6,188,800</td>
<td>35.64%</td>
<td>39.54%</td>
</tr>
<tr>
<td>Transient Occupancy (TOT)</td>
<td>990,346</td>
<td>772,933</td>
<td>(217,413)</td>
<td>-21.95%</td>
<td>3,890,000</td>
<td>19.87%</td>
<td>29.74%</td>
</tr>
<tr>
<td>Charges for Services</td>
<td>757,927</td>
<td>924,874</td>
<td>166,947</td>
<td>22.03%</td>
<td>3,510,850</td>
<td>26.34%</td>
<td>24.69%</td>
</tr>
<tr>
<td>Electric Utility Tax</td>
<td>838,501</td>
<td>1,010,594</td>
<td>172,093</td>
<td>20.52%</td>
<td>3,348,000</td>
<td>30.19%</td>
<td>35.09%</td>
</tr>
<tr>
<td>Franchise Tax</td>
<td>73,419</td>
<td>80,000</td>
<td>6,581</td>
<td>8.96%</td>
<td>2,350,000</td>
<td>3.40%</td>
<td>2.92%</td>
</tr>
<tr>
<td>Cogenerated Electric</td>
<td>368,056</td>
<td>226,752</td>
<td>(141,304)</td>
<td>-38.39%</td>
<td>1,400,000</td>
<td>16.20%</td>
<td>29.56%</td>
</tr>
<tr>
<td>License &amp; Permits</td>
<td>364,749</td>
<td>322,698</td>
<td>(42,051)</td>
<td>-11.53%</td>
<td>1,343,100</td>
<td>24.03%</td>
<td>27.15%</td>
</tr>
<tr>
<td>Gas Utility Tax</td>
<td>349,046</td>
<td>127,558</td>
<td>(221,488)</td>
<td>-63.46%</td>
<td>1,500,000</td>
<td>8.50%</td>
<td>26.02%</td>
</tr>
<tr>
<td>Interest on Investments</td>
<td>317,552</td>
<td>160,353</td>
<td>(157,199)</td>
<td>-49.50%</td>
<td>775,000</td>
<td>20.69%</td>
<td>32.48%</td>
</tr>
<tr>
<td>Other Revenues</td>
<td>200,734</td>
<td>595,422</td>
<td>394,688</td>
<td>196.62%</td>
<td>4,393,800</td>
<td>13.55%</td>
<td>20.27%</td>
</tr>
<tr>
<td><strong>Total General Fund Revenues</strong></td>
<td><strong>9,443,298</strong></td>
<td><strong>8,705,980</strong></td>
<td><strong>(737,318)</strong></td>
<td><strong>-7.81%</strong></td>
<td><strong>49,327,550</strong></td>
<td><strong>17.65%</strong></td>
<td><strong>23.21%</strong></td>
</tr>
<tr>
<td><strong>Net of Transfers</strong></td>
<td><strong>9,443,298</strong></td>
<td><strong>8,705,980</strong></td>
<td><strong>(737,318)</strong></td>
<td><strong>-7.81%</strong></td>
<td><strong>49,327,550</strong></td>
<td><strong>17.65%</strong></td>
<td><strong>23.21%</strong></td>
</tr>
<tr>
<td><strong>Drawdown of OPEB Trust</strong></td>
<td><strong>-</strong></td>
<td><strong>-</strong></td>
<td><strong>-</strong></td>
<td><strong>-</strong></td>
<td><strong>750,000</strong></td>
<td><strong>0.00%</strong></td>
<td><strong>-</strong></td>
</tr>
<tr>
<td><strong>Transfers In</strong></td>
<td><strong>1,932,426</strong></td>
<td><strong>634,000</strong></td>
<td><strong>(1,048,409)</strong></td>
<td><strong>-54.25%</strong></td>
<td><strong>2,336,000</strong></td>
<td><strong>27.14%</strong></td>
<td><strong>25.00%</strong></td>
</tr>
<tr>
<td><strong>Total General Fund Revenues</strong></td>
<td><strong>$ 11,375,724</strong></td>
<td><strong>9,339,980</strong></td>
<td><strong>(1,785,727)</strong></td>
<td><strong>-15.70%</strong></td>
<td><strong>52,413,550</strong></td>
<td><strong>17.82%</strong></td>
<td><strong>23.34%</strong></td>
</tr>
</tbody>
</table>

* SPLY – Same period last year
Sales & Use Tax generates approximately $8 million annually and is the City’s second largest revenue source. As of December 31, 2010, sales tax revenue had a total decrease of $431,669 or 20.0% decline compared to the prior year’s first quarter with 21.1% of budget received. The first quarter’s sales tax receipts indicate the sixth quarter in a row of negative revenue growth. Los Angeles County increased 3.7% and Southern California as a whole was up 4.0% compared to the same quarter last year. Business and industry tax revenues were down 1.4% to the same period last year plus a drop in refinery capital expenditures and a misallocation correction totaling $314,000 were primarily responsible for the decrease.

Business License Tax is the City’s largest General Fund revenue source, accounting for 18% of total revenues. The majority of this revenue stream is collected in January and February, and based on the preliminary numbers though the end of January this category is on target to meet the annual budget.

Property Tax is currently 11% or $271,945 under the same period last year. Based on Proposition 13 a negative CPI of 2% was assessed for calendar year 2010 so the City has experienced a reduction to the same period last year but is still on target to meet the FY 2010-2011 budget.

Transient Occupancy Tax (TOT) is currently 22% or $217,413 below the same period last year, with 19.9% of budget received. This revenue is still very sensitive to the overall economy but appears to be rebounding slightly compared to the last three quarters of FY 2009-2010. At this time TOT seems to be on target to meet budget. Staff will continue to monitor and report any changes due to the economic conditions at mid-year.

Cogenerated Electric is 38.4% or $141,304 lower than the same period last year with 16.4% of budget received. The fluctuation of the price of natural gas is the biggest impact affecting the price per megawatt hour. Staff has been told that production is approximately the same as first quarter last year.

Electric Utility Users Tax is 20.52% or $172,093 higher than the same period last year. Additionally, 30.2% of revenue has been received and it is projected that this revenue source will continue a strong performance to budget through this fiscal year.

Franchise Tax is currently on target when compared to the same period last year. The City has received 3.4% of total revenues in the first quarter, with the majority of this revenue coming from two payments that are received in April. The budget was reduced based on the fluctuation of the price of natural gas and staff still expects this revenue to be on target to meet budget at yearend.
Gas Utility Tax is currently at 8.5% of budget received and down 63.46% compared to the same period last year. The primary factors for the decline are the price of natural gas which is down 13% compared to the same quarter last year and usage at the power plant is down approximately 85% compared to same period last year. This decline is significant and more than was originally forecasted during the budget process. Historically, the City receives 26% in the first quarter so if this revenue continues this trend it is anticipated that Gas Utility Tax will not meet budget at yearend.

General Fund Expenditures

The General Fund expenditures through December 31st, 2010 are trending on budget and are above prior year first quarter results by 2.7% due to increases in workers compensation charges primarily in safety. The following is an analysis of General Fund expenditures by major categories:

Elected Officials and Administrative Support Services

This category, which consists of the City Council, City Clerk, City Treasurer, City Manager’s office, Finance and Human Resources, is currently on target with budget.

Nondepartment

Nondepartment expenditures are currently on target with budget.

Public Safety

The Fire Department in total is on target with budget. First-quarter expenditures totaled $3,795,121 or 27.63% of budget. The expenditure percentage trending remains the same in comparison to the same period last year.

The Police Department in total is on target with budget. First-quarter expenditures totaled $4,526,375 or 28.9% of budget. The expenditure percentage trending is slightly higher in comparison to the same period last year.

Both safety groups have been impacted by a significant increase in workers compensation costs. The result is an increase in the charges incurred by these two departments. We should also note that the first quarter expenditures take into account only a portion of the 12% concessions that were agreed to by members of these unions. We should expect to see higher expenditure savings within these two departments in the following quarters.

Planning and Building Safety

Expenditures for the first quarter are $522,690 or 20.71% of the budget. This department continues to adjust staff with consultant resources which will enable them to reduce expenditures if necessary due to the uncertain economic conditions.
Public Works

This function's General Fund divisions consist of Government Buildings, Engineering, Street Services, Street Maintenance, Traffic Safety, Solid Waste Recycling, Wastewater, Storm Drains, Equipment Maintenance and Administration. At the end of the first quarter this department is on target with actual expenditures at $1,133,058 or 21.20% of budget.

Recreational, Cultural and Information Services

The Recreation, Cultural and Information Services function includes the Recreation and Parks Department and the Library Department.

At the end of the first quarter the Recreation and Parks department is right on target with actual expenditures at $1,034,593 or 23.57% of budget. Currently, the Parks Division is $572,263 or 23.95% of budget and the Recreation Division is $462,330 or 23.12% of budget.

Library Services is on target with budget at $526,503 or 23.32% of expenditures realized through the first quarter.

Summary

With 25% of the fiscal year complete, General Fund expenditures are at 25.82% of budget and are generally on target. Year-to-date expenditures have increased 2.7% or $380,724 over the same period last year due to increased workers compensation costs.

Based on balances at budget adoption staff had recommended drawing down $750,000 from the OPEB Trust to help balance the FY 2010-2011 budget. The sale of Fire Station #2 netted $1.5 million, which was deposited into the Economic Uncertainty Fund. Staff recommends canceling the scheduled draw down from the OPEB Trust and withdraw the $750,000 from the Economic Uncertainty Fund.

Expenditures and revenues in all other funds appear to be on target with budget.
AGENDA DESCRIPTION:

Consideration and possible action regarding an initiative (the "Initiative") amending the El Segundo Municipal Code to transfer all functions of the El Segundo Fire Department to the Consolidated Fire Protection District of Los Angeles County (aka the Los Angeles County Fire Department). (Fiscal Impact: Unknown)

RECOMMENDED COUNCIL ACTION:

1. Adopt a resolution certifying the Initiative as qualifying for the ballot.
2. OPTION ONE: Adopt Resolutions calling for a special election and requesting that the Los Angeles County Board of Supervisors provide election services to the City regarding the Initiative; consider adopting Resolutions regarding ballot arguments, City Attorney impartial analysis and rebuttal arguments;
3. OPTION TWO: Adopt Resolutions calling for a regular election and consider adopting Resolutions regarding ballot arguments, City Attorney impartial analysis and rebuttal arguments;
4. OPTION THREE: Adopt the Ordinance or schedule a Council Meeting within 10 days and consider adopting the Ordinance at that meeting;
5. Take such additional, related, action that may be desirable.

ATTACHED SUPPORTING DOCUMENTS:

January 18, 2011 Staff Report
Resolution certifying the Initiative as qualifying for the ballot
Resolutions for Special and General Elections
Ordinance for adoption on Initiative

FISCAL IMPACT: Undetermined

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

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

BACKGROUND AND DISCUSSION:

At the meeting of January 18, Council requested the City Clerk return with cost estimates regarding the different election (special and general elections) options available to the Council for submitting the Initiative amending the El Segundo Municipal Code to transfer all functions of
the El Segundo Fire Department to the Consolidated Fire Protection District of Los Angeles County to the voters. The Council also directed the City Attorney’s Office to provide a report regarding what would likely happen if there was another petition circulated and submitted to the Council that required the City to transfer fire protection services to the County that included a request for a special election (the current initiative contains no such request).

Currently, neither the County of Los Angeles nor the Secretary of State have called an election for June 7, 2011. It was just reported in the newspaper that Congress Woman Jane Harman will likely be resigning and that a Special Election will be conducted to fill her seat if she resigns. That being said, the Council is required by law to take action on the initiative and may not call an election for consolidation with an election that has not been scheduled.

Council’s alternatives at this time are to direct a “Stand Alone” Special election to be scheduled for between May 14, 2011 and May 30, 2011 (May 17 or 24) or place it on the General Municipal election in April of 2012. A “Stand Alone” Special would cost a maximum of $60,000 to conduct. This is an estimate based on the April 2010 election with a small percentage increase. The costs for placing this issue on the ballot in April of 2012 are negligible. The only “hard” costs associated with the measure are the costs per page for the sample ballot.

There were statements made during the last Council Meeting that potentially another initiative petition could be circulated and submitted that would include a request for a special election. It is presumed that the intent of submitting such a petition would be to require that the Council call a Special Meeting.

If the City Council chooses to place the Fire Petition on the ballot for a special or regular election, rather than adopt the initiative by ordinance, the issue of transferring fire services to the County cannot be considered at a special election held within 12 months of that election. For example, if the Fire Petition is placed upon the ballot for the regular election in April 2012, the same issue cannot be placed on a ballot between April 2011 and April 2013. Consequently, it is unlikely that any initiative petition related to the subject matter of transferring fire services from the City to the County circulated during 2011 could qualify, based upon the current set of circumstances, for the ballot during such time period.

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1 Elections Code § 9218 (“the same subject matter shall not be voted upon twice within any 12-month period at a special election”; emphasis added); see Referendum Committee of Hermosa Beach v. City of Hermosa Beach (1986) 184 Cal.App.3d 152 (the Elections Code does not prevent a referendum election occurring within 12 months of an initiative election).
AGENDA DESCRIPTION:
Consideration and possible action regarding an initiative (the "Initiative") amending the El Segundo Municipal Code to transfer all functions of the El Segundo Fire Department to the Consolidated Fire Protection District of Los Angeles County (aka the Los Angeles County Fire Department). (Fiscal Impact: Unknown)

RECOMMENDED COUNCIL ACTION:
1. Adopt a resolution certifying the Initiative as qualifying for the ballot.
2. OPTION ONE: Adopt Resolutions calling for a special election regarding the Initiative, and consider adoption of Resolutions regarding ballot arguments, City Attorney impartial analysis and rebuttal arguments;
3. OPTION TWO: Adopt Resolutions calling for a regular election and consider adoption of Resolutions regarding ballot arguments, City Attorney impartial analysis and rebuttal arguments;
4. OPTION THREE: Adopt the Ordinance or schedule a Council Meeting within 10 days and consider Adoption of the Ordinance at that meeting;
5. OPTION FOUR: Continue consideration of the actions set forth in 2, 3 and 4 above, for a period not to exceed 30 calendar days, to a regular Council Meeting and request Staff to prepare a report pursuant to Elections Code § 9212.
6. Take such additional, related, action that may be desirable.

ATTACHED SUPPORTING DOCUMENTS:
1. Certification of the results of signature verification
2. Los Angeles County letter of verification
3. Resolution certifying the Initiative as qualifying for the ballot
4. Resolution giving notice of a Special or Regular Municipal Election
5. Resolution directing the City Attorney to prepare an impartial analysis
6. Resolution setting priorities for filing written arguments
7. Resolution requesting services from the Board of Supervisors
8. Ordinance amending the Municipal Code

FISCAL IMPACT: Undetermined

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

ORIGINATED BY: Cindy Mortesen, City Clerk
REVIEWED BY: Mark Hensley, City Attorney
APPROVED BY: Jack Wayt, City Manager
BACKGROUND AND DISCUSSION:

The Initiative Process

On May 13, 2010, Mr. Bryan Partlow requested a title and summary for a proposed initiative and a Notice of Intent to Circulate a Petition. The Notice was subsequently published in the El Segundo Herald on May 27, 2010. The City Attorney prepared the Title and Summary and it was provided to Mr. Partlow on May 20, 2010. Mr. Partlow began the collection of signatures. Elections Code Sections 9207 and 9208 address the time frame for collecting of signatures. The petitions were filed with the City Clerk’s office on November 10, 2010.

The City Clerk, as the elections official, determined on April 9, 2010 the number of registered voters in the City of El Segundo was 10,749. Upon examination of the petitions when filed it was determined that a total of 2260 signatures were gathered.

The Los Angeles County Registrar Recorder performed a random sampling of the petitions as authorized by Elections Code § 8084 and on December 13, 2010 reported to the City Clerk that of the number of signatures filed, the projected number of valid signatures is 2,039. This number is in excess of the required 15% (1,612). This number is reached by sampling 500 signatures, of that 500, 451 were determined sufficient 451 divided by 500 equals 90.2%. 90.2% of 2260 projects to 2,039 valid signatures.

Elections Code § 9214 allows for a Special Election to be called by the Council if the proponents have collected not less than 15% of the voters of the city and the initiative contains a request that the ordinance be submitted immediately to a vote of the people at a special election. The Initiative does not contain such a request for a special election. Consequently, the City is not required to hold a special election. However, the City Council may (if it chooses) call for a special election and place the matter on the ballot. Alternatively, the City Council may place the Initiative on the ballot for the next regular election.

Election Process/Decisions

Pursuant to Elections Code § 9214 Council may potentially set the Initiative for a special election within 88 to 103 days from the date that the Council decides to set the matter for election. Accordingly, should the Council take action on this item tonight, a Special Election could be held on the following dates: April 19, 2011 or April 26, 2011. In accordance with Elections Code § 1405, a special election could also be consolidated with the countywide primary election scheduled for June 7, 2011. The cost of a Stand Alone Special Election is approximately $60,000, a cost for a consolidated election is not available at this time. The next regular municipal election is scheduled for April 10, 2012.
In the event the Council desires to set the Initiative for an election, Staff has prepared the necessary Resolutions relating to the calling of the election, ordering the City Attorney to prepare the Impartial City Attorney's Analysis, and allowing for rebuttal arguments. Additionally, a Resolution has been prepared which allows for the Council to designate Council Members to prepare arguments against the Initiative.

Elections Code § 9219 allows the Council to designate Council Members to submit argument against the Initiative. The Council does not have to make such a designation.

The Council may, but is not obligated to, provide for; (1) the filing of rebuttal arguments to the initial arguments in favor of and against the Initiative; and, (2) the preparation of an Impartial City Attorney Analysis of the Initiative.

**Adoption of the Initiative as an Ordinance**

Elections Code § 9214 allows the Council to adopt the Initiative as an Ordinance at this meeting or within 10 calendar days of this meeting. If the Council adopts the Initiative as an Ordinance it will have the same effect as though it were adopted by the voters. The Council will not be able amend or repeal the Ordinance. Rather, such could only be accomplished by another properly certified initiative petition adopted by the Council or the voters.

**Report Ordered by the Council**

Elections Code § 9212, allows for Council to refer the proposed initiative measure to any city agency or agencies for a report on any or all of the following:

1. Its fiscal impact;
2. Its effect on the internal consistency of the city’s general and specific plans;
3. Its effect on the use of land;
4. Its impact on funding for infrastructure of all types;
5. Its impact on the community’s ability to attract and retain business and employment;
6. Its impact on the uses of vacant parcel of land;
7. Its impact on agricultural lands; open space, traffic congestion, existing business district, and developed areas designated for revitalization;
8. Any other matters the legislative body requests to be in the report.

The report shall be presented to the legislative body within the time prescribed by the Council, but no later than 30 days after the elections official certifies to the legislative body the sufficient of the petition.
RESOLUTION NO. _____

A RESOLUTION CERTIFYING THAT AN INITIATIVE ENTITLED AN INITIATIVE AMENDING THE EL SEGUNDO MUNICIPAL CODE TO TRANSFER ALL FUNCTIONS OF THE EL SEGUNDO FIRE DEPARTMENT TO THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY (AKA THE LOS ANGELES COUNTY FIRE DEPARTMENT) QUALIFIES FOR THE BALLOT.

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

SECTION 1: The City Council finds as follows:

A. On November 15, 2010, proponents of an initiative entitled "AN INITIATIVE AMENDING THE EL SEGUNDO MUNICIPAL CODE TO TRANSFER ALL FUNCTIONS OF THE EL SEGUNDO FIRE DEPARTMENT TO THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY (AKA THE LOS ANGELES COUNTY FIRE DEPARTMENT)" ("Initiative") submitted petitions to the City Clerk for signature verification;

B. On or about December 29, 2010, the City Clerk certified the Initiative as qualifying for the ballot including, without limitation, having signatures from not less than fifteen percent (15%) of the City's voters;

C. In accordance with Elections Code § 9214, the Initiative has sufficient signatures for a special election. However, the Initiative did not request a special election as required by Elections Code § 9214; and

D. Elections Code § 9214 requires (1) that the City Council, if it chooses, adopt an ordinance proposed by a qualified initiative; (2) place the proposed ordinance on the ballot; or (3) ask for a report on the effects of the proposed ordinance.

SECTION 2: Based upon the foregoing, the Initiative qualifies for an election. If approved by a separately adopted City Council resolution, the City Clerk is directed to place the Initiative on the ballot for the _______ [special or regular] municipal election.
SECTION 3: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this 18th day of January, 2011.

Eric Busch, Mayor

ATTEST:

Cindy Mortesen, City Clerk

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

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

A RESOLUTION CALLING A [SPECIAL OR REGULAR] MUNICIPAL ELECTION ON _____________ PURSUANT TO ELECTIONS CODE § 1410.

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

SECTION 1: Pursuant to Elections Code § 1410, the City Council calls for a [special or regular] municipal election to be held in the City of El Segundo on __________, for the purpose of voting on an initiative.

SECTION 2: Pursuant to Elections Code § 13120 the exact form of the questions to be voted on at the election as they should appear on the ballot are as follows:

<table>
<thead>
<tr>
<th>MEASURE P</th>
<th>Yes ☐</th>
<th>No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>SHALL THE ORDINANCE AMENDING THE EL SEGUNDO MUNICIPAL CODE TO TRANSFER ALL FUNCTIONS OF THE EL SEGUNDO FIRE DEPARTMENT TO THE CONSOLIDATED FIRE PROTECTION DISWTRICT OF LOS ANGELES COUNTY (AKA THE LOS ANGELES COUNTY FIRE DEPARTMENT) BE ADOPTED?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 3: The polls will open at 7 a.m. on election day and remain open until 8 p.m.

SECTION 4: El Segundo City Hall, located at 350 Main Street in El Segundo, is designated the Central Counting Place where all ballots of the election will be tallied.

SECTION 5: The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.
SECTION 6: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this 15th day of February, 2011

ATTEST:

Eric Busch, Mayor

Cindy Mortesen, City Clerk

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

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

A RESOLUTION REQUESTING THAT THE LOS ANGELES COUNTY BOARD OF SUPERVISORS PROVIDE ELECTION SERVICES TO THE CITY FOR THE ______________ SPECIAL ELECTION.

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

SECTION 1: Pursuant to Elections Code § 10002, the City Council requests that the Los Angeles County Board of Supervisors assist the City with its special election scheduled for ______________.

SECTION 2: The services requested by the City include the following:

A. Computer records of the names and addresses of all eligible registered voters in the City;

B. Provide additional election equipment and assistance to the City in accordance with California law.

SECTION 3: The City will reimburse Los Angeles County for services performed pursuant to this request and upon the City’s receipt of a County invoice.

SECTION 4: The City Clerk is directed to forward a certified copy of this Resolution to the Los Angeles Board of Supervisors and the Los Angeles County Clerk’s office.

SECTION 5: The City Clerk is directed to certify and adopt of this Resolution; record this Resolution in the book of the City’s original resolutions, and make a minute of this 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 remain effective unless repealed or superseded.

PASSED AND ADOPTED this 15th day of February, 2011

Eric Busch, Mayor

ATTEST:

Cindy Mortesen, City Clerk

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 AN ELECTION ON ____________________

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

A. Translate all ballot arguments into Spanish;
B. Make translated copies of ballot arguments 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 15th day of February, 2011.

ATTEST:

Cindy Mortesen, City Clerk

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

By: Karl H. Berger,
Assistant City Attorney

______________________________
Eric Busch, Mayor
RESOLUTION NO.

A RESOLUTION DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE BALLOT MEASURE REGARDING AMENDING THE EL SEGUNDO MUNICIPAL CODE TO TRANSFER ALL FUNCTIONS OF THE EL SEGUNDO FIRE DEPARTMENT TO THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY (AKA THE LOS ANGELES COUNTY FIRE DEPARTMENT).

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 measure regarding amending the El Segundo Municipal Code to transfer all functions of the El Segundo fire Department to the Consolidated Fire Protection District of Los Angeles County (AKA the Los Angeles County Fire Department) 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 measure showing its 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 P. If you desire a copy of the legislation affected by this measure, please call the City Clerk’s office at (310) 524-2307 and a copy will be mailed at no cost to you.”

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 15th day of February, 2011.

Eric Busch, Mayor

ATTEST:

Cindy Mortesen, City Clerk

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

By:
Karl Berger, Assistant City Attorney
ORDINANCE NO. ___

AN ORDINANCE ADOPTING AN INITIATIVE AMENDING THE EL SEGUNDO MUNICIPAL CODE TO TRANSFER ALL FUNCTIONS OF THE EL SEGUNDO FIRE DEPARTMENT TO THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY (AKA THE LOS ANGELES COUNTY FIRE DEPARTMENT) IN ACCORDANCE WITH ELECTIONS CODE § 9214(A).

The city council of the city of El Segundo does ordain as follows:

SECTION 1: In accordance with Elections Code § 9214(A), the City Council adopts the initiative attached as Exhibit "A," and incorporated by reference, submitted by the people.

SECTION 2: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 3: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

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

PASSED AND ADOPTED this ___ day of __________, 2011.

Eric Busch, Mayor
ATTEST:

Cindy Mortesen, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney
By:
Karl H. Berger, Assistant City Attorney
INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS
The El Segundo City Attorney has prepared the following title and summary of the chief purposes and points of the proposed measure:

AN INITIATIVE AMENDING THE EL SEGUNDO MUNICIPAL CODE TO TRANSFER ALL FUNCTIONS OF THE EL SEGUNDO FIRE DEPARTMENT TO THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY (AKA THE LOS ANGELES COUNTY FIRE DEPARTMENT)

The purpose of this initiative is to place on the ballot a proposed ordinance that amends the El Segundo Municipal Code ("ESMC") to transfer all functions of the City's existing fire department to the Consolidated Fire Protection District of Los Angeles County (aka The Los Angeles County Fire Department). The City's fire department is currently responsible for fire prevention; fire suppression; emergency medical services; and hazardous materials regulation.

This initiative measure is submitted to the people of El Segundo in accordance with the provisions of the California Elections Code Section 9200 et seq.

This initiative measure amends sections of the El Segundo Municipal Code; therefore, new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED LAW
SECTION 1. Title.

This measure shall be known and may be cited as The El Segundo Fire and Emergency Medical Service Preservation Ordinance.

SECTION 2. Findings and Declarations.

(1) Fire prevention, fire protection, paramedic and emergency medical services, and hazardous materials management are currently provided by the City of El Segundo's own municipal fire department.

(2) The City of El Segundo faces a multi-million dollar budget deficit in the next fiscal year. State law effectively requires the City of El Segundo to balance its budget each year. Raising taxes, however, is not the best way to close the budget deficit facing the City of El Segundo. Therefore, the City of El Segundo must consider all viable cost-cutting alternatives. To this end, the City Council directed the City Manager to request a feasibility study from the Los Angeles County Fire Department to assess the cost savings and enhanced emergency services which could be made available to the City of El Segundo by consolidating the fire services provided by the El Segundo Fire Department and the City's firefighters into the Los Angeles County Fire Protection District.

(3) The Los Angeles County Fire Department provides fire protection, emergency medical and related services to 57 cities in Los Angeles County and one (1) city in Orange County. Cities that have already adopted the regional approach to fire and paramedic protection offered by the Los Angeles County Fire Department save millions of dollars each year and benefit from improved service. Moreover, many cities have reduced their public employee pension liabilities through consolidation, which results in even more taxpayer dollars being saved. El Segundo's Fire Chief issued a report to the El Segundo City Council concluding that contracting with the Los Angeles County Fire Department for fire protection, emergency medical and hazardous materials management services would save El Segundo taxpayers millions of dollars each year and maintain quality service.

(4) The voters recognize that contracting with the Los Angeles County Fire Department for fire protection, emergency medical and hazardous materials management service would likely require as little of the effective date of the City of El Segundo's participation in the Consolidated Fire Protection District of Los Angeles County as determined by the Board of Supervisors of Los Angeles County, the City Council of the City of El Segundo to delete Sections 16-104, 16-105, 16-106, and 16-107 of the El Segundo Municipal Code, and, after such hearings as are required by law, to add a new section 16-101 adopting the then-latest version of the Los Angeles County Fire Code by reference. These changes will not diminish safety or quality of life of El Segundo residents and will facilitate the use of regional resources in those circumstances in which the use of out-of-area resources are needed to cope with a fire or other emergency.


13-1A-1: FIRE PREVENTION, FIRE PROTECTION, PARAMEDIC AND EMERGENCY MEDICAL

SERVICE AND HAZARDOUS MATERIALS MANAGEMENT

(1) The responsibility for the provision of fire prevention, fire protection, paramedic and emergency medical services and hazardous materials management in the City of El Segundo is hereby transferred from the El Segundo Fire Department to the Los Angeles County Fire Department subject to the provisions of this section.

(2) The El Segundo City Council shall take all necessary steps to effect the provision of fire prevention, fire protection, paramedic and emergency medical services and hazardous materials management in the City of El Segundo by the Consolidated Fire Protection District of Los Angeles County and otherwise carry out the provisions of subparagraph (1) of this section. All actions taken by the El Segundo City Council shall be in accordance with California Government Code Sections 55932 and 55933.

(3) The transfer of the fire prevention, fire protection, paramedic and emergency medical services and hazardous materials management from the El Segundo Fire Department to the Los Angeles County Fire Department shall take place on the effective date of the City of El Segundo's participation in the Consolidated Fire Protection District of Los Angeles County as determined by the Board of Supervisors in coordination with the Los Angeles County Fire Department and the City of El Segundo.

(4) The provisions of this Ordinance are intended to be one and severable. If any provision of this Ordinance, or part thereof, is found to be unconstitutional or invalid, the remaining provisions shall not be affected, but shall remain in full force and effect.