



AGENDA
EL SEGUNDO CITY COUNCIL
6:00 PM Regular Session
MARCH 2, 2021

DUE TO THE COVID-19 EMERGENCY, THIS MEETING WILL BE CONDUCTED PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDER N-29-20.
TELECONFERENCE VIA ZOOM MEETING

MEETING ID: 926 6548 4910
PIN: 562775

PUBLIC ADVISORY:
THE CITY COUNCIL CHAMBER WILL NOT BE OPEN TO THE PUBLIC

Drew Boyles, Mayor
Chris Pimentel, Mayor Pro Tem
Carol Pirsztuk, Councilmember
Scot Nicol, Councilmember
Lance Giroux, Councilmember

Tracy Weaver, City Clerk
Matthew Robinson, City Treasurer

Executive Team

Scott Mitnick, City Manager
Barbara Voss, Deputy City Manager
Bill Whalen, Police Chief
Sam Lee, Development Services Director
Elias Sassoon, Public Works Director
Melissa McCollum, Community Services Director

Mark Hensley, City Attorney
Joe Lillio, Chief Financial Officer
Chris Donovan, Fire Chief
Rebecca Redyk, HR Director
Charles Mallory, Info. Tech. Director

MISSION STATEMENT:

"Provide a great place to live, work, and visit."

VISION STATEMENT:

"A hub for innovation where big ideas take off."

How Can Members of the Public Observe and Provide Public Comments?

- Residents can watch the meeting live via Spectrum Channel 3 and 22, AT&T U-Verse Channel 99 and/or El Segundo TV at YouTube.com.
- Access remotely via Zoom from a PC, Mac, iPad, iPhone, or Android device or by phone. Use URL <https://zoom.us/j/92665484910> and enter PIN: 562775 or visit www.zoom.us on device of choice, click on “Join a Meeting” and enter meeting ID: 926 6548 4910 and PIN: 562775.
- Join by phone at 1-669-900-9128 and enter meeting ID and PIN.
NOTE: Your phone number is captured by the Zoom software and is subject to the Public Records Act, dial *67 BEFORE dialing in to remain anonymous.
- Note that you will be placed in a “listen only” mode and your video feed will not be shared with City Council or members of the public.
- For Public Communications and comments during Public Hearings, please notify meeting host by raising your virtual hand (see hand icon at bottom of screen) and you will be invited to speak. **(If you do not wish for your name to appear on the screen, then use the drop-down menu and click on “rename” to rename yourself “anonymous”)**
- Do not simultaneously use a microphone through Zoom and a cellphone/telephone, this combination results in audio problems.
- For electronic public comments on a specific agenda item, submit comments to the following e-mail address, with a limit of 150 words and accepted up until 30 minutes prior to the meeting: PUBLICCOMMUNICATIONS@elsegundo.org **in subject line please state the meeting date and item number.** Depending on volume of communications, emails will be read to Council during public communications.
- For Public Hearings: written communications will be accepted via email at PUBLICCOMMUNICATIONS@elsegundo.org both before the meeting and during open period of the Public Hearing.
- All written communication, documents, email addresses of attendees captured by Zoom software will be considered a public document subject to possible posting on the City’s website and are subject to disclosure under the Public Records Act.

Additional Information:

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 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, members of 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 state: your name, residence, and organization/group you represent, if desired. Please respect the time limits.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk’s Office at 310-524-2305. 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, MARCH 2, 2021 - 6:00 P.M.
REGULAR SESSION**

CALL TO ORDER

INVOCATION – Bridge South Bay

PLEDGE OF ALLEGIANCE – Council Member Pirsztuk

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 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 City Council to take action on any item not on the agenda. City Council and/or City Manager will respond to comments after Public Communications is closed.*

CITY MANAGER FOLLOW-UP COMMENTS

SPECIAL PRESENTATIONS

- a) American Red Cross Month Proclamation

- b) COVID-19 Update

A. PROCEDURAL MOTIONS

Read all Ordinances and Resolutions on the Agenda by Title Only.

Recommendation – Approval.

B. CONSENT CALENDAR

1. Regular City Council Meeting Minutes of February 16, 2021

Recommendation – Approval

2. Warrant Demand Register for Period of February 07, 2021 through February 18, 2021

Recommendation – Ratify Payroll and employee benefit Checks; Checks released early due to contracts or agreement; Emergency disbursements and/or adjustments; and Wire Transfers. Approve the following Warrant Demand Register; Warrant numbers 3034517–3034607, 3034608–3034709 and 9001870–9001871.

3. Utility Locating and Marking Services for City-Owned Utilities in the Public Right-of-Way, Location Verification of Existing Fiber Optic Lines and Other City-Owned Utilities in the Public Right-of-Way

Recommendation: 1) Adopt Resolution to approve plans and specifications for utility locating and marking services to locate City-owned utilities for various construction activities in or around public right-of-way, 2) Adopt Resolution to approve plans and specifications for location verification of existing fiber optic lines and other City-owned utilities in public right-of-way and, 3) Authorize staff to advertise the projects for bids.

4. Adopt Amendment to Model Floodplain Management Ordinance

Recommendation: Second reading and adoption of proposed ordinance amending the City’s Floodplain Management Ordinance.

5. Construction Contract with All American Asphalt and Professional Services Agreement with KOA for Construction Inspection and Testing for the FY 2020-21 Pavement Rehabilitation Project

Recommendation: 1) Authorize the City Manager to execute a standard Public Works Contract with All American Asphalt in the amount of \$892,000 for FY 20/21 Pavement Rehabilitation, Project No. PW 21-01, and authorize an additional \$90,000 for construction related contingencies; and, 2) Authorize the City Manager to execute a standard Professional Services Agreement, with KOA Corporation in the amount of \$73,600 for construction inspection and testing services and authorize an additional \$7,400 for construction related contingencies.

6. Establish Salaries for Part-time Classifications

Recommendation: Adopt resolution to establish the Basic Monthly Salary Range for the job classifications of: Fire Marshal (Part-time), Battalion Chief (Part-time) and Police Assistant II (Part-time).

7. Administrative Use Permit No. 20-03 to Allow the Sale of Beer, Wine, and Distilled Spirits for On-Site Consumption at Jame Enoteca Restaurant Located at 241 Main Street

Recommendation: Receive and file.

8. Administrative Use Permit No. 20-04 to allow Alcohol Sales for Off-site Consumption at the Unocal 76 Gas Station Located at 770 North Pacific Coast Highway

Recommendation: Receive and file.

9. Conclude Golf Course Subcommittee

Recommendation: Approve the conclusion of the Golf Course Subcommittee due to the closure of The Lakes at El Segundo Golf Course on February 14, 2021.

10. Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year 2018-19 Comprehensive Annual Financial Report

Recommendation: Receive and file.

11. Second Reading and Adoption of Ordinance No.1622 Setting the City's Water and Wastewater Rates for Fiscal Year (FY) 2020-21 through FY 2024-25.

Recommendation: Conduct second reading and adopt Ordinance No. 1622 setting the amount of water and wastewater rates and charges pursuant to safety codes section 5471 and El Segundo Municipal Code Section 11-1-5.

C. PUBLIC HEARINGS

D. STAFF PRESENTATIONS

12. Regional Park Place Transportation Project & Regional Aviation Boulevard Bikeway/ Greenway Project Update

Recommendation: 1) Receive update presentation on proposed Regional Park Place Transportation Project, Regional Aviation Boulevard Bikeway/Greenway Project, and funding options (for both one-time construction and recurring maintenance) and 2) Direct City Manager to: Evaluate funding options and pursue funding applications (including use of an Enhanced Infrastructure Financing District [EIFD]); Work with applicable funding participants (Los Angeles County, Los Angeles County Metropolitan Transportation Authority, local businesses/property owners, interest groups, consultants, etc.); and Report back to City Council with recommendations by August 17, 2021.

13. 2020 Crime Summary

Recommendation: Receive and file.

14. Proposed FY 2021-22 State Budget Overview

Recommendation: Receive and file.

E. COMMITTEES, COMMISSIONS AND BOARDS PRESENTATIONS

F. REPORTS – CITY CLERK

G. REPORTS – CITY TREASURER

H. REPORTS – COUNCIL MEMBERS

Council Member Giroux –

Council Member Nicol -

Council Member Pirsztuk -

Mayor Pro Tem Pimentel –

Mayor Boyles –

I. REPORTS – CITY ATTORNEY

J. REPORTS/FOLLOW-UP – CITY MANAGER

CLOSED SESSION

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

REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)

MEMORIAL

ADJOURNMENT

POSTED:

DATE: February 25, 2021

BY: Tracy Weaver

TIME: 10:00 AM

Proclamation

City of El Segundo, California

WHEREAS, March is **American Red Cross Month**, a special time to honor the kindness of our neighbors who aid families in need every day in El Segundo, across the United States and around the world. Their dedication touches millions of lives each year as they carry out the organization's 140-year mission of preventing and alleviating suffering; and

WHEREAS, During the trying times of the coronavirus pandemic, people have stepped up to help others in need, whether it was responding to this year's record-breaking disasters across the country or rolling up their sleeves to give blood when our country faced a severe blood shortage; and

WHEREAS, Here in El Segundo, families have relied on Disaster Response volunteers for comfort and hope while coping with Home Fire and other Disasters. The American Red Cross serving Greater Long Beach, South Bay, Metro & Southeast Los Angeles volunteers have supported local families in other ways too. Including supplying local hospitals with blood and convalescent plasma as a treatment for COVID-19. This lifesaving work is vital to strengthening our community's resilience. Nearly 200 years since the birth of American Red Cross founder Clara Barton, we dedicate this month of March to all those who continue to advance her noble legacy, and we ask others to join in their commitment to care for people in need.

NOW, THEREFORE, on this 2nd day of March, 2021, the Mayor and Members of the City Council of the City of El Segundo, California, hereby proclaim the month of March as **AMERICAN RED CROSS MONTH**, and encourage all citizens to support the American Red Cross Los Angeles Region and its noble humanitarian mission.



A handwritten signature in blue ink, appearing to read "Drew Boyles", is written over a white background.

Mayor Drew Boyles

*Mayor Pro Tem Chris Pimentel
Council Member Scot Nicol*

*Council Member Carol Pirsztuk
Council Member Lance Giroux*

COVID – 19 Update

Chief Donovan

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, FEBRUARY 16, 2021 - 6:00 P.M.
This meeting was conducted virtually via Zoom conferencing

CALL TO ORDER - Virtually by Mayor Boyles at 6:00 PM

INVOCATION – The Bridge, Pastor Rob McKenna

PLEDGE OF ALLIGENCE – Mayor Pro Tem Pimentel

ROLL CALL

Mayor Boyles - Present via teleconferencing
Mayor Pro Tem Pimentel - Present via teleconferencing
Council Member Pirsztuk - Present via teleconferencing
Council Member Nicol - Present via teleconferencing
Council Member Giroux - Present via teleconferencing

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5-minute limit per person, 30-minute limit total)

Tracy Weaver, City Clerk, read email comments into the record received prior to the meeting due to Safer at Home restrictions.

The following emails were read into the record by City Clerk supporting item #D6 regarding sending letters of support to allow youth sporting activity and competition Governor Newsom and Los Angeles County Board of Supervisor: Reed Abrams, Chris Johnson, Porter Robbins, Walt Puffer, Sondra and Tim Abrams, Shayna & Charley Finney, and Erica Beradi.

Tracy Miller-Zarneke’s email supports item #B3.

CITY MANAGER FOLLOW-UP COMMENTS – (Related to Public Communications)

SPECIAL PRESENTATIONS: None

A. PROCEDURAL MOTIONS

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

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

B. CONSENT CALENDAR

1. Approve Regular City Council Meeting Minutes of February 2, 2021.
2. PULLED BY MAYOR PRO TEM PIMENTEL

3. PULLED BY COUNCIL MEMBER GIROUX
4. PULLED BY MAYOR PRO TEM PIMENTEL

MOTION by Mayor Pro Tem Pimentel, SECONDED by Council Member Giroux, approving Consent Agenda item 1. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

PULLED ITEMS:

2. Approve Warrant numbers 3034109 – 3034188 and 9001781 – 9001825 on Register No. 7b in the total amount of \$336,714.46 and wire transfer from 12/28/2020 through 1/03/2021 in the total amount of \$345,455.33. Warrant numbers 3034189 – 3034300 and 90011826 – 9001826 on Register No. 8a in the total amount of \$418,234.29 and wire transfer from 1/04/2021 through 1/10/2021 in the total amount of \$709,943.76 and wire transfer from 1/11/2021 through 1/ in the total amount of \$2,107,415.76. Ratified Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.

Mayor Pro Tem Pimentel pulled to further explain the City's operating and pension costs.

MOTION by Mayor Pro Tem Pimentel, SECONDED by Council Member Giroux, approving warrants, ratifying Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

3. Authorize the City Manager to execute an agreement with California Green Business Network (CAGBN) to secure a \$30,000 grant from the state to start a green business program in El Segundo.
(Fiscal Impact: \$30,000.00)

Elias Sassoon, Public Works Director, Josephine Fleming, CAGBN and Tracey Miller-Zarneke, Environmental Committee Chair answered Council's questions regarding the item.

Council Discussion

MOTION by Council Member Nicol, SECONDED by Council Member Pirsztuk authorizing the City Manager to execute an Agreement No. 6020, with California Green Business Network (CAGBN) to secure a \$30,000 grant from the state to start a green business program in El Segundo. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

4. Approve ratifying waiver agreement allowing CenterCal additional time to enter into a construction contract regarding the golf course improvements portion of the Topgolf project at the Lakes at El Segundo (400 S. Pacific Coast Highway, El Segundo, CA 90245)
(Fiscal Impact: None)

Mark Hensley, City Attorney explained the waiver agreement. CenterCal would like to make changes/upgrades to The Lakes at El Segundo Golf Course that are not stated in the original agreement.

MOTION by Mayor Pro Tem Pimentel, SECONDED by Council Member Giroux approving the ratification of the waiver Agreement No. 6021, allowing CenterCal additional time to enter into a construction contract regarding the golf course improvements portion of the Topgolf project at the Lakes at El Segundo MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

C. PUBLIC HEARINGS:

5. Conduct public hearing related to Proposition 218 majority protest process for proposed City water and wastewater rate adjustments for Fiscal Year 2020-2021 through Fiscal Year 2024-2025.
(Fiscal Impact: Increases as follows; Water: FY20-21 0%, FY 21-22 3%, FY 22-23 3%, FY 23-24 3%, and FY 24-25 3%. Wastewater: FY20-21 9%, FY 21-22 9%, FY 22-23 9.5%, FY 23-24 9.5%, and FY 24-25 9.5%.

Mayor Boyles stated this was the time and place to conduct a public hearing regarding Proposition 218 majority protest process for proposed City water and wastewater rate adjustments for Fiscal Year 2020-2021 through Fiscal Year 2024-2025.

City Clerk Weaver stated that proper notice had been given in a timely manner and that written communication has been received in the City Clerk's office and council was copied.

Joe Lillio, Chief Financial Officer, gave a presentation on the item.

Public Comment: None

Mayor Boyles stated this is the time to hand any and all outstanding protest ballots to the Deputy City Clerk, once the Public Hearing is closed, no ballots may be received.

MOTION by Council Member Pirsztuk, SECONDED by Council Member Nicol to close the public hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Tracy Weaver, City Clerk, certified the number of protest ballots received.

The following was read into record:

The total number of protest ballots mailed or provided to property owners eligible to file a protest ballot was 4206 water and 4155 for wastewater. The number of valid protest ballots received by the City at the end of February 16, 2021 public hearing was 1092 for water and 989 for wastewater. The total number of protest ballots received that were not properly filled out was 55 for water and 56 for wastewater. The total number of protest ballots returned as undeliverable was 109. The number of valid protest ballots required to prevent adoption of the proposed water charges is 2104 or more and for wastewater charges is 2079 or more. Because the number of valid protest ballots received by the City does not represent a majority of property owners eligible to protest, the City Council may adopt the proposed water and wastewater charges.

Council Discussion

Joe Lillio, Chief Financial Officer and Elias Sassoon, Public Works Director and Dale Burgoyne, Hyperion Plant representative answered Councils questions.

Mark Hensley, City Attorney, read by title only:

RESOLUTION NO. 5248

A RESOLUTION DECLARING THE RESULTS OF THE PROCEEDINGS FOR ADOPTING WATER AND WASTEWATER CHARGES IN ACCORDANCE WITH ARTICLE XIII OF THE CALIFORNIA CONSTITUTION

MOTION by Mayor Boyles, SECONDED by Council Member Giroux to adopt Resolution No. 5248. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Mark Hensley, City Attorney, read by title only:

ORDINANCE NO. 1622

AN ORDINANCE SETTING THE AMOUNT OF WATER AND SEWER REAES AND CHARGES PURSUANT TO HEALTH AND SAFETY CODE §5471 AND EL SEGUNDO MUNICIPAL CODE §11-1-5.

Mayor Boyles introduced the Ordinance. Second reading and possible adoption of the Ordinance is scheduled for March 2, 2021.

D. STAFF PRESENTATIONS:

6. Receive and file COVID-19 Update, 2) Ratify January 29, 2021 Amendment to City Administrative Order # 1 to Address COVID-19, 3) Authorize Mayor to sign and send letters of support to allow youth sporting activity and competition to Governor Newsom and Los Angeles County Board of Supervisor, and 4) Adopt resolution designating the first Monday in March as "COVID-19 Memorial Day". (Fiscal Impact: None)

Randy Collins, Emergency Manager reported on the item.

Council Discussion

Council Consensus to receive and file the COVID-19 update.

MOTION by Council Member Nicol, SECONDED by Council Member Pimentel ratifying the January 29, 2021 amendment to City Administrative Order #1 to address COVID-19. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

MOTION by Council Member Giroux, SECONDED by Council Member Pirsztuk authorizing the Mayor to sign and send letters (revised per Council discussion) of support to allow youth sporting activities and competition. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Mark Hensley, City Attorney read by title only.

RESOLUTION NO. 5249

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO, CALIFORNIA, SUPPORTING THE DESIGNATION OF THE FIRST MONDAY IN MARCH AS 'COVID-19, MEMORIAL DAY" IN REMEMBRANCE OF THOSE WHO HAVE LOST THEIR LIVES AND IN HONOR OF THOSE WHO CONTINUE TO SUFFER FROM THE IMPACTS OF THIS VIRUS.

MOTION by Council Member Giroux, SECONDED by Council Member Pirsztuk adopting Resolution No. 5249. MOTION PASSED BY VOICE VOTE. 4/1 YES: Boyles Giroux Nicol Pirsztuk NO: Pimentel

7. Authorize City Manager to enter into an Exclusive Negotiating Agreement (ENA) with Many Mansions to serve as City's Affordable Housing Services Provider to develop and manage affordable housing units, services, and programs. (Fiscal Impact: See narrative on agenda staff report)

Scott Mitnick, City Manager and Kathe Head, Housing Consultant presented and answered questions on the item.

Rick Schroeder and Alexander Russell with Many Mansions answered Councils questions.

Council Discussion

MOTION by Council Member Giroux, SECONDED by Council Member Nicol authorizing the City Manager to enter into an Exclusive Negotiating Agreement (ENA) No. 6022, with Many Mansions. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

8. Receive and file Fiscal Year 2019-2020 Citywide Budget Year-End Report.
(Fiscal Impact: None)

Scott Mitnick, City Manager, introduced the item.

Joe Lillio, Chief Financial Officer gave a presentation.

Council Discussion

Council Consensus to receive and file the presentation.

9. Introduce a proposed ordinance amending City's Model Floodplain Management Ordinance and place on the March 2, 2021 City Council agenda for second reading and adoption.
(Fiscal Impact: None)

Scott Mitnick, City Manager introduced the item.

Elias Sassoon, Public Works Director gave a presentation.

Council Discussion

Mark Hensley, City Attorney read by title only.

ORDINANCE NO. 1623

AN ORDINANCE AMENDING THE MODEL FLOODPLAIN MANAGEMENT ORDINANCE FOR SPECIAL FLOOD HAZARDS WITHIN THE CITY IN ORDER TO MAINTAIN ELIGIBILITY WITH THE NATIONAL FLOOD INSURANCE PROGRAM (ENVIRONMENTAL ASSESSMENT NO. 812)

Council Member Nicol introduced the Ordinance. Second reading and possible adoption of the Ordinance is scheduled for March 2, 2021.

E. COMMITTEES, COMMISSIONS AND BOARDS PRESENTATIONS: None

F. REPORTS – CITY CLERK – Passed

G. REPORTS – CITY TREASURER – Not present

H. REPORTS – COUNCIL MEMBERS

Council Member Giroux – Passed

Council Member Nicol – Passed

Council Member Pirsztuk – Passed

Mayor Pro Tem Pimentel – Passed

Mayor Boyles – Mentioned an update regarding the future of the Jr. Lifeguard program for Summer 2021 would be forthcoming in the next 20-30 days and attended South Bay Cities Council of Governments meeting.

I. REPORTS – CITY ATTORNEY – Passed

J. REPORTS/FOLLOW-UP – CITY MANAGER – Commented on upcoming agenda items for the March 2, 2021 City Council meeting.

MEMORIAL – None

ADJOURNED at 10:13 PM

Tracy Weaver, City Clerk

TITLE:

Warrant Demand Register for Period of February 07, 2021 through February 18, 2021.

RECOMMENDATION:

Ratify Payroll and employee benefit Checks; Checks released early due to contracts or agreement; Emergency disbursements and/or adjustments; and, Wire transfers. Approve the following Warrant Demand Register: Warrant numbers 3034517 through 3034607, 3034608—3034709, and 9001870- 9001871.

FISCAL IMPACT:

The warrants presented were drawn in payment of demands included within the Adopted FY2020-21 Budget and total \$4,186,093 (\$1,435,910.04 in check warrants and \$2,750,182.96 in wire warrants).

BACKGROUND:

California Government Code Section 37208 provides general law cities flexibility in how budgeted warrants, demands, and payroll are audited and ratified by their legislative body. Pursuant to Section 37208 of the California Government Code, warrants drawn in payment of demands certified by the City's Chief Financial Officer and City Manager as conforming to the authorized expenditures set forth in the City Council adopted budget need not be audited by the City Council prior to payment, but may be presented to the City Council at the first meeting after delivery.

In government finance, a warrant is a written order to pay that instructs a federal, state, county, or city government treasurer to pay the warrant holder on demand or after a specific date. Such warrants look like checks and clear through the banking system like checks. Warrants are issued for payroll to individual employees, accounts payable to vendors, to local governments, and to companies or individual taxpayers receiving a refund.

DISCUSSION:

The attached Warrant Listing delineates the warrants that have been paid for the period identified above. The Chief Financial Officer certifies that the listed warrants were drawn in payment of demands conforming to the adopted budget and that these demands are being presented to the City Council at its first meeting after the delivery of the warrants.

Warrants
March 2, 2021
Page 2 of 2

CITY STRATEGIC PLAN COMPLIANCE:

Goal 5: Champion Economic Development and Fiscal Sustainability:

Objective B: El Segundo approaches its work in a financially strategic & responsible way.

ORIGINATED BY: Joseph Lillio, Chief Financial Officer

REVIEWED BY: Barbara Voss, Deputy City Manager *BV*

APPROVED BY: Scott Mitnick, City Manager *BV (for SM)*

ATTACHED SUPPORTING DOCUMENTS:

1. Warrant register 10a
2. Warrant register 10b

CITY OF EL SEGUNDO
WARRANTS TOTALS BY FUND

3034517 - 3034607

DATE OF APPROVAL: AS OF 03/02/2021

REGISTER #10a

001	GENERAL FUND	195,893.59
104	TRAFFIC SAFETY FUND	-
106	STATE GAS TAX FUND	11.52
108	ASSOCIATED RECREATION ACTIVITIES FUND	-
109	ASSET FORFEITURE FUND	-
111	COMM. DEVEL. BLOCK GRANT	-
112	PROP "A" TRANSPORTATION	-
114	PROP "C" TRANSPORTATION	-
115	AIR QUALITY INVESTMENT PROGRAM	-
116	HOME SOUND INSTALLATION FUND	-
117	HYPERION MITIGATION FUND	-
118	TDA ARTICLE 3 - SB 821 BIKEWAY FUND	-
119	MTA GRANT	-
121	FEMA	-
120	C.O.P.S. FUND	-
122	L.A.W.A. FUND	-
123	PSAF PROPERTY TAX PUBLIC SAFETY	-
124	FEDERAL GRANTS	-
125	STATE GRANT	-
126	AP CUPA Program Oversight Surcharge	16,892.82
128	SB-1	-
129	Certified Access Specialist Program (CAS)	-
130	AFFORDABLE HOUSING	900.00
131	COUNTY STORM WATER PROGRAM	-
202	ASSESSMENT DISTRICT #73	-
301	CAPITAL IMPROVEMENT FUND	70,075.63
302	INFRASTRUCTURE REPLACEMENT FUND	-
405	FACILITIES MAINTENANCE	-
501	WATER UTILITY FUND	6,547.92
502	WASTEWATER FUND	293,601.36
503	GOLF COURSE FUND	-
504	PARK VISTA	-
505	SOLID WASTE	-
601	EQUIPMENT REPLACEMENT	-
602	LIABILITY INSURANCE	59.04
603	WORKERS COMP. RESERVE/INSURANCE	28.14
701	RETIRED EMP. INSURANCE	-
702	EXPENDABLE TRUST FUND - DEVELOPER FEES	-
703	EXPENDABLE TRUST FUND - OTHER	2,600.00
708	OUTSIDE SERVICES TRUST	2,392.50
	TOTAL WARRANTS	<u>\$ 588,902.31</u> ✓

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Information on actual expenditures is available in the Director of Finance's office in the City of El Segundo.

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

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

CODES:

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

For Ratification:

A = Payroll and Employee Benefit checks

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

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

CHIEF FINANCIAL OFFICER

[Signature]
2-10-2021

CITY MANAGER

NOTES
[Signature]
2-23-21

DATE:

DATE:

**CITY OF EL SEGUNDO
 PAYMENTS BY WIRE TRANSFER
 02/08/21 THROUGH 02/14/21**

<u>Date</u>	<u>Payee</u>		<u>Description</u>
2/8/2021	ExpertPay	1,670.75	EFT Child support payment
2/9/2021	Cal Pers	571,798.87	EFT Health Insurance Payment
2/10/2021	West Basin	1,742,015.36	H2O payment
2/11/2021	Lane Donovan Golf Ptr	18,962.05	Payroll Transfer
02/01/20-02/07/21	Workers Comp Activity	23,872.04	SCRMA checks issued
02/01/20-02/07/21	Liability Trust - Claims	4,174.39	Claim checks issued
02/01/20-02/07/21	Retiree Health Insurance	11,034.45	Health Reimbursement checks issued
		<u>2,373,527.91</u>	

**DATE OF RATIFICATION: 02/11/21
 TOTAL PAYMENTS BY WIRE:**

2,373,527.91

Certified as to the accuracy of the wire transfers by:

Dino Maramba JD 2/11/21
 Treasury & Customer Services Manager Date

Joseph [Signature] 2-10-2021
 Director of Finance / Chief Financial officer Date

Andrew Vess 2-23-21
 City Manager Date

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.

CITY OF EL SEGUNDO
WARRANTS TOTALS BY FUND

3034608 - 3034709
9001870 - 9001871

DATE OF APPROVAL: AS OF 03/02/2021

REGISTER #10b

001	GENERAL FUND	437,670.41
104	TRAFFIC SAFETY FUND	-
106	STATE GAS TAX FUND	65.42
108	ASSOCIATED RECREATION ACTIVITIES FUND	-
109	ASSET FORFEITURE FUND	1,646.46
111	COMM DEVEL BLOCK GRANT	-
112	PROP "A" TRANSPORTATION	-
114	PROP "C" TRANSPORTATION	-
115	AIR QUALITY INVESTMENT PROGRAM	-
116	HOME SOUND INSTALLATION FUND	-
117	HYPERION MITIGATION FUND	-
118	TDA ARTICLE 2 - SB 021 BIKEWAY FUND	-
119	MTA GRANT	-
121	FEMA	-
120	C O P S FUND	-
122	L.A.W.A FUND	-
123	PSAF PROPERTY TAX PUBLIC SAFETY	-
124	FEDERAL GRANTS	182,098.23
125	STATE GRANT	4,830.08
126	AP CUPA PROGRAM OVERSIGHT SURCHARGE	204.09
128	SB-1	-
129	CERTIFIED ACCESS SPECIALIST PROGRAM	-
130	AFFORDABLE HOUSING	-
131	COUNTY STORM WATER PROGRAM	-
202	ASSESSMENT DISTRICT #73	-
301	CAPITAL IMPROVEMENT FUND	28,350.00
302	INFRASTRUCTURE REPLACEMENT FUND	-
405	FACILITIES MAINTENANCE	-
501	WATER UTILITY FUND	56,813.22
502	WASTEWATER FUND	77,599.55
503	GOLF COURSE FUND	3,223.50
504	PARK VISTA	541.40
505	SOLID WASTE	-
601	EQUIPMENT REPLACEMENT	-
602	LIABILITY INSURANCE	392.44
603	WORKERS COMP. RESERVE/INSURANCE	30.31
701	RETIRED EMP. INSURANCE	258.75
702	EXPENDABLE TRUST FUND - DEVELOPER FEES	35,282.87
703	EXPENDABLE TRUST FUND - OTHER	6,000.00
708	OUTSIDE SERVICES TRUST	-
TOTAL WARRANTS		<u>\$ 847,007.73</u>

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Information on actual expenditures is available in the Director of Finance's office in the City of El Segundo.

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

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

CODES:

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

For Ratification:

A = Payroll and Employee Benefit checks

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

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

CHIEF FINANCIAL OFFICER

DATE:

Joseph Lillio

Digitally signed by Joseph Lillio
DN: cn=Joseph Lillio, o=City of El Segundo,
ou=Chief Financial Officer,
email=jllilio@elsegundo.org, c=US
Date: 2021.03.23 11:23:17 -0800

CITY MANAGER

DATE:

Richard Kess
2-23-21

VOID CHECKS DUE TO ALIGNMENT:
N/A

VOID CHECKS DUE TO INCORRECT CHECK DATE:

VOID CHECKS DUE TO COMPUTER SOFTWARE ERROR:

NOTES

TITLE:

Utility Locating and Marking Services for City-Owned Utilities in the Public Right-of-Way, Location Verification of Existing Fiber Optic Lines, and Other City-Owned Utilities in the Public Right-of-Way

RECOMMENDATION:

1. Adopt Resolution to approve plans and specifications for utility locating and marking services to locate City-owned utilities for various construction activities in or around public right-of-way;
2. Adopt Resolution to approve plans and specifications for location verification of existing fiber optic lines and other City-owned utilities in public right-of-way;
3. Authorize staff to advertise the projects for bids.

FISCAL IMPACT:

The total of the two projects is estimated to be \$178,000 for FY 2020-21 which includes contract cost estimate of \$78,000 annually (\$234,000 over three years) for locating and marking of City-Owned utilities, and one-time utilities investigation cost estimate of \$100,000.

Utility Locating and Marking Services Annual Cost Summary	
Description	Budget
Project Budget	
Water	\$50,000
Sewer	18,000
Additional Appropriation	
Gas Tax	10,000
Total Project Budget	\$78,000
Description	Expenditures
Annual contract cost estimate	\$78,000
Annual Project Costs	\$78,000

Utility Investigation & Location Verification Cost Summary	
Description	Budget
Project Budget	
Water	\$20,000
Sewer	20,000
Additional Appropriation	
Gas Tax	60,000
Total Project Budget	\$ 100,000
Description	Expenditures
Construction cost estimate	\$ 100,000
Total Project Costs	\$ 100,000

Amount Budgeted: \$108,000
 Additional Appropriation: Appropriate \$70,000 from Gas Tax
 Account Number: \$70,000 from #501-400-7103-8206
 \$38,000 from #502-400-4301-6215
 \$70,000 from Gas Tax (account to be determined by Finance)

BACKGROUND:

California Government Code 4216 requires that all contractors contact the Underground Service Alert (USA) notification center prior to any construction activities within, and/or around public easements and public right-of-way. The Code also requires public agencies and utility entities that own, operate, and maintain any buried underground utility infrastructure to locate and mark these utilities on the ground surface when requested by USA to allow the excavation to be performed safely. A new code enacted in July 2020 requires mandatory reporting utilizing the Electronic Positive Response (EPR) system through the USA notification center. The new requirement was initially effective as of January 2021; however, this deadline was extended to January 2022.

The City of El Segundo owns, operates, and maintains underground utilities such as water lines, sanitary sewer lines, traffic signals and fiber optic lines. Consequently, the City is required to locate and mark these utilities upon request. Under the new requirement, the City will be required to utilize the Electronic Positive Response online system to locate and reply to each request before excavation work begins.

DISCUSSION:

The City receives daily requests to locate its utilities and is required by law to respond and mark these utilities within two business days with an accuracy of 24 inches. The City does not currently have enough certified staff and equipment to accomplish this task per the new code. Staff recommends that the City utilize the professional services of a

certified contractor to locate and mark the City-owned utilities for various construction activities in or around public right-of-way.

Further, many of the City’s fiber optic line drawings are not accurate and the exact location of these fiber optics must be investigated. In some areas the exact locations of City-owned water and sanitary sewer lines are not known. Sometimes the accuracy of the in-house utility data/records needs to be verified by detection equipment or by potholing. It is recommended that the City utilize the professional services of a certified contractor to perform this task. These contractors will have the trained and certified staff with special tools, equipment, and expertise to survey and locate the utilities accurately, and update the City’s underground utility plans, if needed.

With Council’s authorization, the anticipated schedule for locating City-owned utilities is as follows:

March 2021	Advertising and Bid Process
April 2021	Contract Award
May 2021	Investigation beginning
October 2021	Investigation completion

CITY STRATEGIC PLAN COMPLIANCE:

Goal 4: Develop Quality Infrastructure and Technology

Objective A: El Segundo’s physical infrastructure supports an appealing, safe, and effective City.

Goal 1: Enhance Customer Service and Engagement

Objective A: City services are convenient, efficient, and user-friendly for all residents, businesses, and visitors.

PREPARED BY: Arianne Bola, Senior Associate Engineer

REVIEWED BY: Elias Sassoon, Public Works Director

APPROVED BY: Barbara Voss, Deputy City Manager 

ATTACHED SUPPORTING DOCUMENTS:

1. Resolution approving the plans and specifications for utility locating and marking services, PW 20-09.
2. Resolution approving the plans and specifications for location verification of existing fiber optic lines and other City-owned utilities in public right-of-way, PW 20-16.
3. Vicinity Map
4. Location Map

RESOLUTION NO. __

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR UTILITY LOCATING AND MARKING SERVICES TO LOCATE CITY OWNED UTILITIES FOR VARIOUS CONSTRUCTION ACTIVITIES IN OR AROUND PUBLIC RIGHT-OF-WAY, PROJECT NO. PW 20-09, PURSUANT TO GOVERNMENT CODE § 830.6 AND ESTABLISHING A PROJECT PAYMENT ACCOUNT.

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

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

- A. The City Engineer prepared plans and specifications for PW 20-09, Utility Locating and Marking Services (“Project”) to locate City utilities for various construction activities in public Right-of-Way. These plans and specifications are complete. Services related to the Project may begin;
- B. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 with regard to the plans and construction of the Project.

SECTION 2: *Design Immunity; Authorization.*

- A. The design and plans for the Project are determined to be consistent with the City’s standards and are approved.
- B. The design approval set forth in this Resolution occurred before actual work on the Project construction commenced.
- C. The approval granted by this Resolution conforms with the City’s General Plan.
- D. The City Engineer, or designee, is authorized to act on the City’s behalf in approving any alterations or modifications of the design and plans approved by this Resolution.
- E. The approval and authorization granted by this Resolution is intended to avail the City of the immunities set forth in Government Code § 830.6.

SECTION 3: *Project Payment Account.* For purposes of the Contract Documents administering the Project, the City Council directs the City Manager, or designee, to establish a fund containing sufficient monies from the current fiscal year budget to pay for the Project (“Project Payment Account”). The Project Payment Account is the sole source of funds available for the Contract Sum, as defined in the Contract Document administering the Project.

SECTION 4: The City Clerk is directed to certify the adoption of this Resolution.

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

PASSED AND ADOPTED this ____ day of _____, 2021.

Drew Boyles, Mayor

ATTEST:

Tracy Weaver, City Clerk

APPROVED AS TO FORM:

_____ for
Mark D. Hensley
City Attorney

RESOLUTION NO. __

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR LOCATION VERIFICATION OF EXISTING FIBER OPTICS AND OTHER CITY OWNED UTILITIES IN PUBLIC RIGHT-OF-WAY, PROJECT NO. PW 20-16, PURSUANT TO GOVERNMENT CODE § 830.6 AND ESTABLISHING A PROJECT PAYMENT ACCOUNT.

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

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

- A. The City Engineer prepared plans and specifications for PW 20-16, Location Verification of existing Fiber Optics and other City owned utilities in public Right-of-Way Project (“Project”). These plans and specifications are complete. Services related to the Project may begin;
- B. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 with regard to the plans and construction of the Project.

SECTION 2: *Design Immunity; Authorization.*

- A. The design and plans for the Project are determined to be consistent with the City’s standards and are approved.
- B. The design approval set forth in this Resolution occurred before actual work on the Project construction commenced.
- C. The approval granted by this Resolution conforms with the City’s General Plan.
- D. The City Engineer, or designee, is authorized to act on the City’s behalf in approving any alterations or modifications of the design and plans approved by this Resolution.
- E. The approval and authorization granted by this Resolution is intended to avail the City of the immunities set forth in Government Code § 830.6.

SECTION 3: *Project Payment Account.* For purposes of the Contract Documents administering the Project, the City Council directs the City Manager, or designee, to establish a fund containing sufficient monies from the current fiscal year budget to pay for the Project (“Project Payment Account”). The Project Payment Account is the sole source of funds available for the Contract Sum, as defined in the Contract Document administering the Project.

SECTION 4: The City Clerk is directed to certify the adoption of this Resolution.

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

PASSED AND ADOPTED this ____ day of _____, 2021.

Drew Boyles, Mayor

ATTEST:

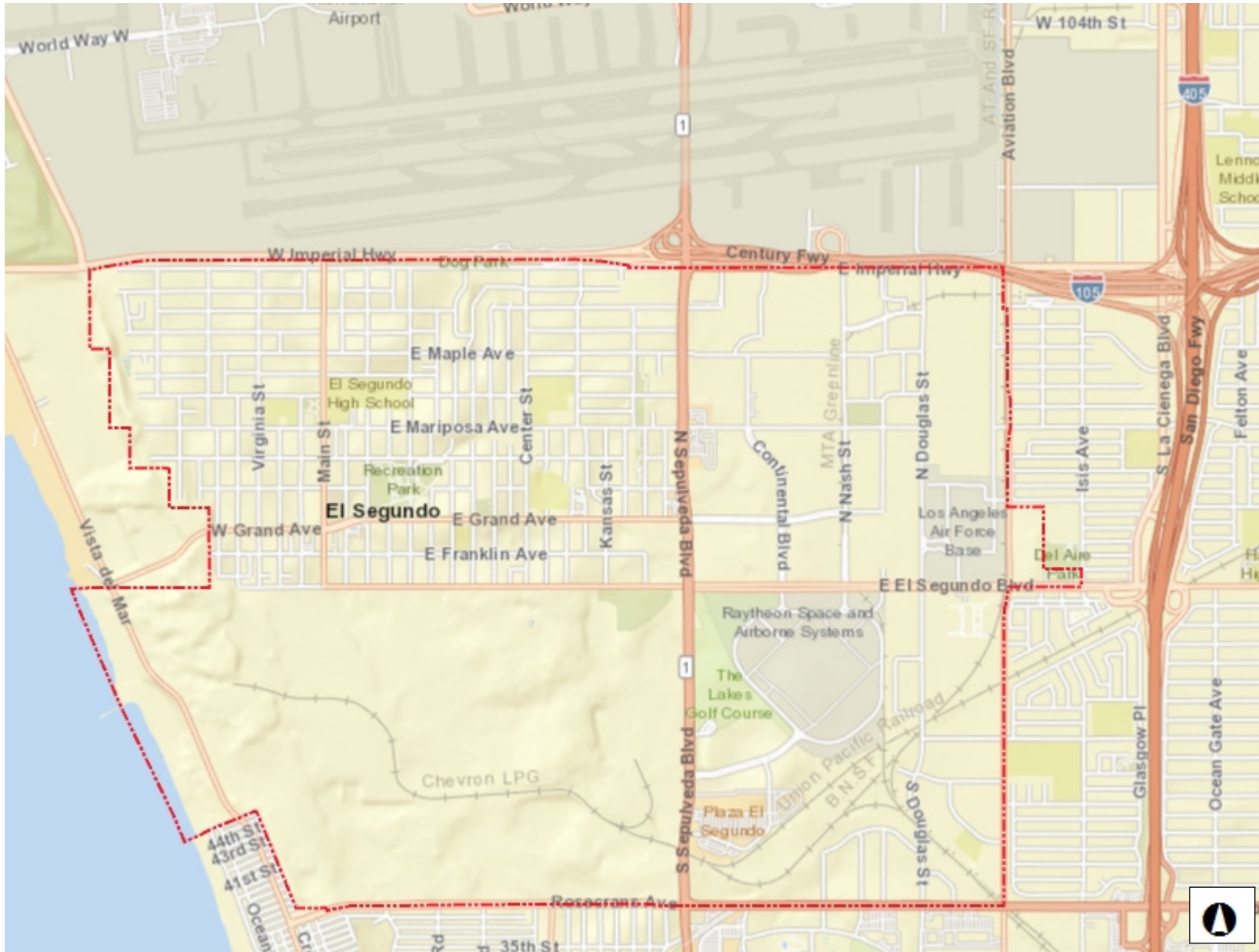
Tracy Weaver, City Clerk

APPROVED AS TO FORM:

_____ for
Mark D. Hensley
City Attorney



PW 20-09 Utilities Locating and Marking and PW 20-16 City of El Segundo Vicinity Map



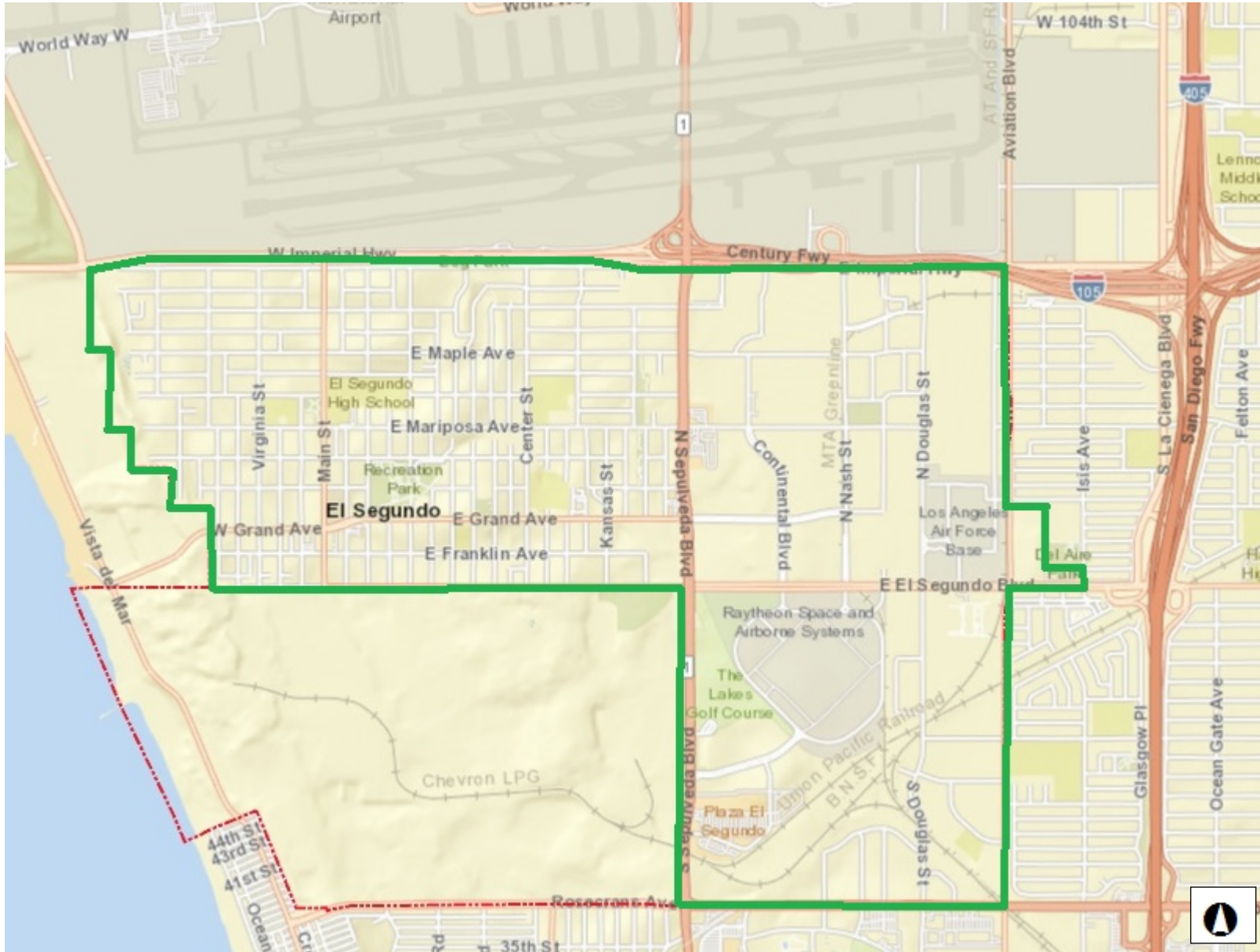
6,018.7 0 3,009.33 6,018.7 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. The City of El Segundo will not be held responsible for any claims, losses or damages resulting from the use of this map.



PW 20-09 Utility Locating and Marking and PW 20-16 City of El Segundo Location Map



6,018.7 0 3,009.33 6,018.7 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. The City of El Segundo will not be held responsible for any claims, losses or damages resulting from the use of this map.

TITLE:

Adopt Amendment to Model Floodplain Management Ordinance

RECOMMENDATION:

Second reading and adoption of proposed ordinance amending the City's Floodplain Management Ordinance.

FISCAL IMPACT:

No direct fiscal impact to the City for updating the City's Floodplain Management Ordinance. However, there are indirect financial benefits to the City, residents and businesses to ensure federal flood insurance protection that would not be provided without updating this ordinance.

ENVIRONMENTAL CONSIDERATION:

This Ordinance is categorically exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000 et seq., the "CEQA Guidelines") because it consists of an action taken by the City to ensure the maintenance and protection of the environment. Accordingly, the Ordinance constitutes a Class 8 exemption pursuant to CEQA Guidelines § 15308.

BACKGROUND / DISCUSSION:

In 2009, the City Council adopted floodplain management regulations via Ordinance No. 1427. Floodplain management regulations that comply with federal regulations must be adopted for City residents to be eligible to purchase federally-subsidized flood insurance.

On December 9, 2020, FEMA reviewed the City's floodplain management ordinance and determined that it must be amended to comply with federal requirements. FEMA has advised the City that the ordinance must be adopted by April 20, 2021. If the ordinance is not adopted by the deadline, the City will be placed into the NFIP Suspension status and removed from the program. Therefore, City staff recommend the City Council adopt the ordinance which makes one technical amendment to the existing ordinance.

On February 16, 2021, the City Council introduced the ordinance. This action is the second reading of the ordinance. If adopted by the City Council, the ordinance will take effect in 30 days.

ATTACHMENTS:

- A. Proposed Ordinance
- B. Ordinance No. 1427 (adopted March 3, 2009)

PREPARED BY: Elias Sassoon, Public Works Director 

REVIEWED BY: Mark D. Hensley, City Attorney

APPROVED BY: Barbara Voss, Deputy City Manager 

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MODEL FLOODPLAIN MANAGEMENT ORDINANCE FOR SPECIAL FLOOD HAZARDS WITHIN THE CITY IN ORDER TO MAINTAIN ELIGIBILITY WITH THE NATIONAL FLOOD INSURANCE PROGRAM (ENVIRONMENTAL ASSESSMENT NO. 812)

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

SECTION 1. The City Council finds and determines as follows:

- A. The special flood hazard areas of El Segundo are subject to periodic inundation which results in life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare;
- B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses;
- C. The National Flood Insurance Program (“NFIP”) is a Federal program which was enacted to mitigate flood losses through national community enforced building and zoning requirements. The NFIP provides federally-backed flood insurance protection for property owners in communities, such as the City of El Segundo, that participate in the NFIP. The NFIP is administered by the Federal Emergency Management Agency (“FEMA”);
- D. In order for City residents to be eligible to purchase federally-subsidized flood insurance, cities must adopt floodplain management regulations which meet or exceed the requirements set forth in Title 44, Part 60 of the Code of Federal Regulations;
- E. In March 2009, the City Council adopted floodplain management regulations via Ordinance No. 1427;
- F. On December 9, 2020, FEMA reviewed the City’s floodplain management ordinance and determined that it must be amended to comply with the minimum requirements of the NFIP;
- G. To ensure that City residents remain eligible to purchase federally-subsidized flood insurance, the City Council desires to adopt this ordinance.

SECTION 2. *Environmental Assessment.* The City Council determines that this ordinance is categorically exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and the regulations

promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the “CEQA Guidelines”) because it consists of an action taken by the City to ensure the maintenance and protection of the environment. Accordingly, the Ordinance constitutes a Class 8 exemption pursuant to CEQA Guidelines § 15308.

SECTION 3. The City of El Segundo’s Floodplain Management Regulations, attached as “Exhibit A” to Ordinance No. 1427, are amended to add the following section:

“1.05 STATUTORY AUTHORIZATION.

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of El Segundo of Los Angeles County does hereby adopt the following floodplain management regulations.”

SECTION 4. The City Manager is authorized to promulgate such administrative policies and procedures that may be required to implement this ordinance.

SECTION 5. *Validity of Previous Code Sections.* If the entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the ESMC or other regulation by this Ordinance will be rendered void and cause such ESMC provision or other regulation to remain in full force and effect for all purposes.

SECTION 6. *Enforceability.* Repeal or amendment of any previous Code Sections does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7. *Severability.* 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 provision or application and, to this end, the provisions of this Ordinance are severable.

SECTION 8. The City Clerk, or her duly appointed deputy, 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 9. *Effective Date.* This Ordinance will become effective on the 31st day following its passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2021.

Drew Boyles, Mayor

ATTEST:

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

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. ____ was duly introduced by said City Council at a regular meeting held on the ____ day of _____, 2021, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the ____ day of _____, 2021, and the same was so passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Tracy Weaver, City Clerk

APPROVED AS TO FORM:

Mark D. Hensley, City Attorney

ORDINANCE NO. 1427

AN ORDINANCE ADOPTING THE MODEL FLOODPLAIN MANAGEMENT ORDINANCE FOR SPECIAL FLOOD HAZARDS WITHIN THE CITY IN ORDER TO MAINTAIN ELIGIBILITY WITHIN THE NATIONAL FLOOD INSURANCE PROGRAM (ENVIRONMENTAL ASSESSMENT NO. 812).

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

SECTION 1: The City Council finds and declares that:

- A. The special flood hazard areas of El Segundo are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare;
- B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses;
- C. In order for City residents to be eligible to purchase federally-subsidized flood insurance, cities must adopt floodplain management regulations which meet or exceed the requirements set forth in Title 44, Part 60 of the Code of Federal Regulations;
- D. On December 12, 2008 the City of El Segundo filed an application for an Environmental Assessment (EA-812) for Floodplain Management Regulations for areas of special flood hazards within the City of El Segundo;
- E. The City reviewed the project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"), and the City's Environmental Guidelines (City Council Resolution No. 3805, adopted March 16, 1993);
- F. On February 17, 2009, the City Council held a public hearing regarding the Ordinance for Floodplain Management Regulations. Based on the evidence submitted during the City Council public hearing, staff recommendations, and Council deliberations, it is in the public interest to

adopt this Ordinance;

- G. The adoption of this Ordinance will allow residents of the City of El Segundo to remain eligible to purchase flood insurance through the National Flood Insurance Program. The Ordinance meets the minimum standards set forth in Title 44, Section 60.3 of the Code of Federal Regulations;

SECTION 2: General Plan Consistency. The Floodplain Management Ordinance is consistent with General Plan Goals, Objectives and Policies related to the Public Safety Element of the General Plan. Specifically, the amendment is consistent with Public Safety Element Goals, Objectives and Policies that include: Goal PS2, Policy PS2-1.4 "Identify potential high-risk inundation coastal areas and manage them to reduce risk." and Goal PS5, Objective PS5-1 "It is the Objective of the City of El Segundo that the City improve flood control systems and provide adequate protection in areas subject to inundation." The Floodplain Management Ordinance complies with PS2 in that the Floodplain Ordinance regulates construction in order to protect human life and health and minimize damage to structures in special flood hazard areas identified and mapped by the Federal Emergency Management Agency (FEMA). The Floodplain Management Ordinance complies with PS5 in that it requires that new construction in areas vulnerable to floods be protected against flood damage.

SECTION 3: Coastal Plan Consistency. The City of El Segundo coastal zone consists of an area of approximately 50 acres in area. The linear extent of beach frontage is slightly less than one mile and the coastal zone in this area is approximately 200 yards in width. The special flood hazard area appears to be roughly contiguous with the portion of the City's coastal zone designated as "shoreline" area within the City's Local Coastal Program (LCP). The Floodplain Management Ordinance does not conflict with the City's adopted LCP policies regarding development in that no additional uses or change to the uses allowed within the shoreline area of the coastal zone will result from the adoption of the Ordinance. The LCP allows for the construction of beach facilities, such as lifeguard towers and rest room facilities and allows for above or below grade facilities required as part of the operation of coastal dependant energy facilities. The Floodplain Management Ordinance's effect is limited to requiring that any new construction or substantial improvement to existing structures will have to comply with the "standards of construction" identified in the Ordinance.

SECTION 4: Environmental Assessment. The City Council determines that this Ordinance is Categorically Exempt from review under the California Environmental Quality Act (California Public Resources Code §§21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines") because it consists of an action taken the City to ensure the maintenance and protection of the environment. Accordingly, the Ordinance constitutes a Class 8 exemption pursuant to CEQA Guidelines § 15308.

SECTION 5: The Model Ordinance for Floodplain Management, attached as Exhibit "A,"

and incorporated by reference, is adopted. The City Manager is authorized to promulgate such administrative policies and procedures that may be required to implement this Ordinance.

SECTION 6: 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 7: *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: Repeal or amendment of any provision of the ESMC will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

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

SECTION 10: 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 11: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this 3rd day of March 2009.



Kelly McDowell, Mayor

ATTEST:

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

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 1427 was duly introduced by said City Council at a regular meeting held on the 17th day of February, 2009, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 3rd day of March, 2009, and the same was so passed and adopted by the following vote:

AYES: **McDowell, Busch, Brann, Fisher, Jacobson**
NOES: **None**
ABSENT: **None**
ABSTAIN: **None**


Cindy Mortesen, City Clerk

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

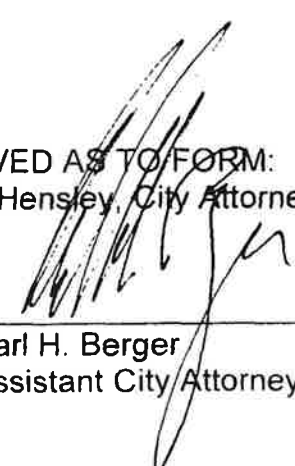
By: 
Karl H. Berger
Assistant City Attorney

EXHIBIT "A"
FLOODPLAIN MANAGEMENT REGULATIONS

SECTION 1.0
PURPOSE AND METHODS

1.1 STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.2 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this ordinance includes regulations to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters,
- D. Control filling, grading, dredging, and other development which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"A zone" - see "Special flood hazard area"

"Accessory structure" means a structure that is either:

1. Solely for the parking of no more than 2 cars; or
2. A small, low cost shed for limited storage, less than 150 square feet and \$1,500 in value.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" - See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

"Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

"**Breakaway walls**" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

"**Building**" - see "**Structure**".

"**Coastal high hazard area**" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE, or V.

"**Development**" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"**Encroachment**" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"**Existing manufactured home park or subdivision**" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 26, 2008

"**Expansion to an existing manufactured home park or subdivision**" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"**Flood, flooding, or flood water**" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood-related erosion.

"**Flood Boundary and Floodway Map (FBFM)**" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source - see "Flooding."

"Floodplain Administrator" is the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see the applicable FEMA Technical Bulletins TB-1, TB-3 and TB-7

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway "

"Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

"Fraud and victimization" as related to [Section 6.0](#), means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"**Hardship**" as related to **Section 6** means the exceptional hardship that would result from a failure to grant the requested variance. The City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"**Highest adjacent grade**" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"**Historic structure**" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"**Levee**" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"**Levee system**" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"**Lowest floor**" means the lowest floor of the lowest enclosed area, including basement (see "**Basement**" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
 - a. The flood openings standard in **Section 5.1.C.3**;
 - b. The anchoring standards in **Section 5.1.A**;
 - c. The construction materials and methods standards in **Section 5.1.B**; and
 - d. The standards for utilities in **Section 5.2**.
2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "**Basement**" definition). This prohibition includes below-grade garages and storage areas.

"**Manufactured home**" means a structure, transportable in one or more sections, which is built on a permanent

chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale

"Market value" is defined in the City of El Segundo substantial damage/improvement procedures. See Section 4.2.B.1.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after September 26, 2008, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 26, 2008.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One-hundred-year flood" or "100-year flood" - see **"Base flood "**

"Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"Public safety and nuisance" as related to Section 6, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sand dunes" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Sheet flow area" - see **"Area of shallow flooding "**

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"V zone" - see **"Coastal high hazard area."**

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance

"Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**SECTION 3.0
GENERAL PROVISIONS**

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of El Segundo.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for Los Angeles County, California and Incorporated Areas" dated September 26, 2008, with accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's), dated September 26, 2008, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Council by the Floodplain Administrator. The study, FIRM's and FBFM's are on file at the Department of Planning and Building Safety, 350 Main Street, El Segundo, CA.

3.3 COMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of El Segundo, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

3.7 SEVERABILITY.

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

**SECTION 4.0
ADMINISTRATION**

4.1 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The City Manager or his/her authorized designee is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions.

4.2 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

A. Permit Review.

Review all development permits to determine:

1. Permit requirements of this ordinance have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of El Segundo; and
5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

C. Review, Use and Development of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with **Section 3.2**, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer **Section 5**.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations"

D. Notification of Other Agencies.

1. Alteration or relocation of a watercourse:
 - a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation.
 - b. Submit evidence of such notification to the Federal Emergency Management Agency; and
 - c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
2. Base Flood Elevation changes due to physical alterations:
 - a. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
 - b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 5.1.C.1 and Section 5.4 (lowest floor elevations);
2. Certification required by Section 5.1.C.2 (elevation or floodproofing of nonresidential structures);
3. Certification required by Sections 5.1.C.3 (wet floodproofing standard);
4. Certification of elevation required by Section 5.3.A.3 (subdivisions and other proposed development standards);
5. Certification required by Section 5.6.B (floodway encroachments);
6. Information required by Section 5.7.F (coastal construction standards); and
7. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. Map Determination.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special

flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.

F. Remedial Action.

Take action to remedy violations of this ordinance as specified in Section 3.3.

G. Biennial Report.

Complete and submit Biennial Report to FEMA.

H. Planning.

Assure community's General Plan is consistent with floodplain management objectives herein.

4.3 DEVELOPMENT PERMIT

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 3.2. Application for a development permit shall be made on forms furnished by the City of El Segundo. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in Section 3.2 or Section 4.2.C;
6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 5.1.C.2 of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 5.1.C.2.

C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 5.1.C.3 of this ordinance and detailed in FEMA Technical Bulletins 1 and 7.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 4.2.E of this ordinance.

4.4 APPEALS.

The City Council of the City of El Segundo shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

**SECTION 5.0
PROVISIONS FOR FLOOD HAZARD REDUCTION**

5.1 STANDARDS OF CONSTRUCTION.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods.

All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. **Residential construction.**

All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

- a. In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.
- b. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least 2 feet above the highest adjacent grade if no depth number is specified.
- c. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated to or above the base flood elevation; as determined under **Section 4.2.C.**

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. **Nonresidential construction.**

All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with **Section 5.1.C.1** or:

- a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under **Section 5.1.C.1**, so that the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and
- c. Be certified by a registered civil engineer or architect that the standards of **Section 5.1 C.2.a & b** are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. **Flood openings.**

All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

- a. For non-engineered openings:
 1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one foot above grade;
 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
 4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
- b. Be certified by a registered civil engineer or architect.

4. **Manufactured homes.**

- a. See **Section 5.4.**

5. **Garages and low cost accessory structures.**

a. Attached garages

1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See **Section 5.1.C.3**. Areas of the garage below the BFE must be constructed with flood resistant materials. See **Section 5.1.B**.
2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

b. Detached garages and accessory structures.

1. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in **Section 2**, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
 - a) Use of the accessory structure must be limited to parking or limited storage;
 - b) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - d) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - e) The accessory structure must comply with floodplain encroachment provisions in **Section 5.6**; and
 - f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with **Section 5.1.C.3**.
2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in **Section 5.1**.

5.2 STANDARDS FOR UTILITIES.

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
 1. Infiltration of flood waters into the systems; and
 2. Discharge from the systems into flood waters
- B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

5.3 STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT.

- A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:
 - 1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
 - 2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
 - 3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
 - a. Lowest floor elevation
 - b. Pad elevation
 - c. Lowest adjacent grade.
- B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

5.4 STANDARDS FOR MANUFACTURED HOMES.

- A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:
 - 1. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - 2. Within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map, meet the requirements of **Section 5.7**.
- B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of **Section 5.4.A** will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
 - 1. Lowest floor of the manufactured home is at or above the base flood elevation; or
 - 2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

5.5 STANDARDS FOR RECREATIONAL VEHICLES.

- A. All recreational vehicles placed in Zones A1-30, AH, AE, V1-30 and VE will either:
 - 1. Be on the site for fewer than 180 consecutive days; or
 - 2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - 3. Meet the permit requirements of Section 4.3 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 5.4.
- B. Recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 5.5.A and Section 5.7.

5.6 FLOODWAYS.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of El Segundo.
- B. Within an adopted regulatory floodway, the City of El Segundo shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- C. If Sections 5.6.A & B are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 5.

5.7 COASTAL HIGH HAZARD AREAS

Within coastal high hazard areas, Zones V, V1-30, and VE, as established under Section 3.2, the following standards shall apply:

- A. All new residential and non-residential construction, including substantial improvement/damage, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.
- B. All new construction and other development shall be located on the landward side of the reach of mean high tide.
- C. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 2 of this ordinance. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
- D. Fill shall not be used for structural support of buildings.
- E. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
- F. The Floodplain Administrator shall obtain and maintain the following records:
 1. Certification by a registered engineer or architect that a proposed structure complies with Section 5.7.A; and
 2. The elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

**SECTION 6.0
VARIANCE PROCEDURE**

6.1 NATURE OF VARIANCES.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City Council of the City of El Segundo to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

6.2 CONDITIONS FOR VARIANCES.

- A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 4 and 5 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 2 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.

- E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Los Angeles County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

6.3 APPEAL BOARD.

- A. In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the:
1. Danger that materials may be swept onto other lands to the injury of others;
 2. Danger of life and property due to flooding or erosion damage;
 3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
 4. Importance of the services provided by the proposed facility to the community;
 5. Necessity to the facility of a waterfront location, where applicable;
 6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. Compatibility of the proposed use with existing and anticipated development;
 8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
 10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
 11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

- B. Variances shall only be issued upon a
1. Showing of good and sufficient cause,
 2. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and
 3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "**Public safety and nuisance**"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.
- C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 6.3.A through 6.3.D are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
- D. Upon consideration of the factors of Section 6.2.A and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

TITLE:

Construction Contract with All American Asphalt and Professional Services Agreement with KOA for Construction Inspection and Testing for the FY 2020-21 Pavement Rehabilitation Project

RECOMMENDATION:

1. Authorize the City Manager to execute a standard Public Works Contract with All American Asphalt in the amount of \$892,000 for FY 20/21 Pavement Rehabilitation, Project No. PW 21-01, and authorize an additional \$90,000 for construction related contingencies; and,
2. Authorize the City Manager to execute a standard Professional Services Agreement, with KOA Corporation in the amount of \$73,600 for construction inspection and testing services and authorize an additional \$7,400 for construction related contingencies.

FISCAL IMPACT:

The total cost of the project is estimated to be \$1,063,000 for construction and construction inspection and testing. Funding sources are as follows:

Project Cost Summary		
Description	Budget	Notes
STPL Metro grant	\$ 294,217.83	Per 2020/21 budget
Water fund	200,000	From reservoir recoating
SB-1 fund	650,000	
Total Project Budget	\$ 1,144,217.83	
Expenditures		
Description	Expenditures	
Construction contract	\$892,000	With Alternate Bid
Inspection	73,600	
Contingencies	97,400	
Total Project Costs	\$1,063,000	
Unspent fund	81,217.83	
Total Project Budget	\$1,144,217.83	

Amount Budgeted: \$1,144,217.83
 Additional Appropriation: No.
 Account Number(s): \$294,217.83 from #119-400-8203-8432
 \$200,000 from #501-400-7103-8206
 \$650,000 from #128-400-8203-8432

BACKGROUND:

On December 15, 2020, City Council adopted the plans and specifications for the FY 2020-21 Pavement Rehabilitation Project and authorized staff to advertise for construction bids for 2” grind and overlay on the following streets.

1. W. Pine Avenue from Hillcrest Street to Main Street (Average PCI of 54)
2. E. Pine Avenue from Main Street to Arena Street (Average PCI of 44)
3. E. Walnut Street from Center Street to California Street (Average PCI of 50)
4. E. Acacia Avenue from Center Street to California Street (Average PCI of 47)
5. W. Maple Avenue from Loma Vista Street to Virginia Street (Average PCI of 68)
6. E. Maple Avenue from Main Street to Eucalyptus Drive (Average PCI of 69)
7. W. Mariposa Avenue from Main Street to Bungalow Drive (Average PCI of 70)
8. W. Holly Avenue from Virginia Street to Richmond Street (Average PCI of 58)
9. W. Franklin Avenue from Whiting Street to Richmond Street (Average PCI of 65)
10. Indiana Court from E. Maple Avenue to Street End (Average PCI of 45)

In addition, recoating of the 6 million gallon water reservoir hilltop parking lot is included in this project.

DISCUSSION:

On January 26, 2021, the City Clerk received and opened six (6) bids as follows:

Contractor	Base bid	Alternate bid (replace 8 corner ramps at Pine Ave./Richmond St. & Pine Ave./Standard St.)
All American Asphalt	\$838,000	\$54,000
Hardy and Harper, Inc.	\$917,000	\$56,000
Sequel Contractors, Inc.	\$967,380	\$41,600
Onyx Paving Company, Inc.	\$996,000	\$48,000
Palp, Inc. DBA Excel Paving Company	\$1,022,222	\$40,000
United Paving Company	\$1,486,221	\$29,504

The lowest responsive bidder is All American Asphalt. Staff checked references and the contractor’s license status and found them satisfactory. All American Asphalt has successfully completed similar projects for the City and other public agencies.




KOA has provided inspection and testing services on resurfacing projects for the City over the past few years and staff finds them to be competent and professional, and their rates appropriate for the services to be provided.

Staff recommends that City Council approve the recommended actions as noted. With Council's authorization, construction is anticipated to commence in April 2021 and be substantially completed in July 2021.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 4: Develop and Maintain Quality Infrastructure and Technology

Objective A: El Segundo's physical infrastructure supports an appealing, safe and effective community.

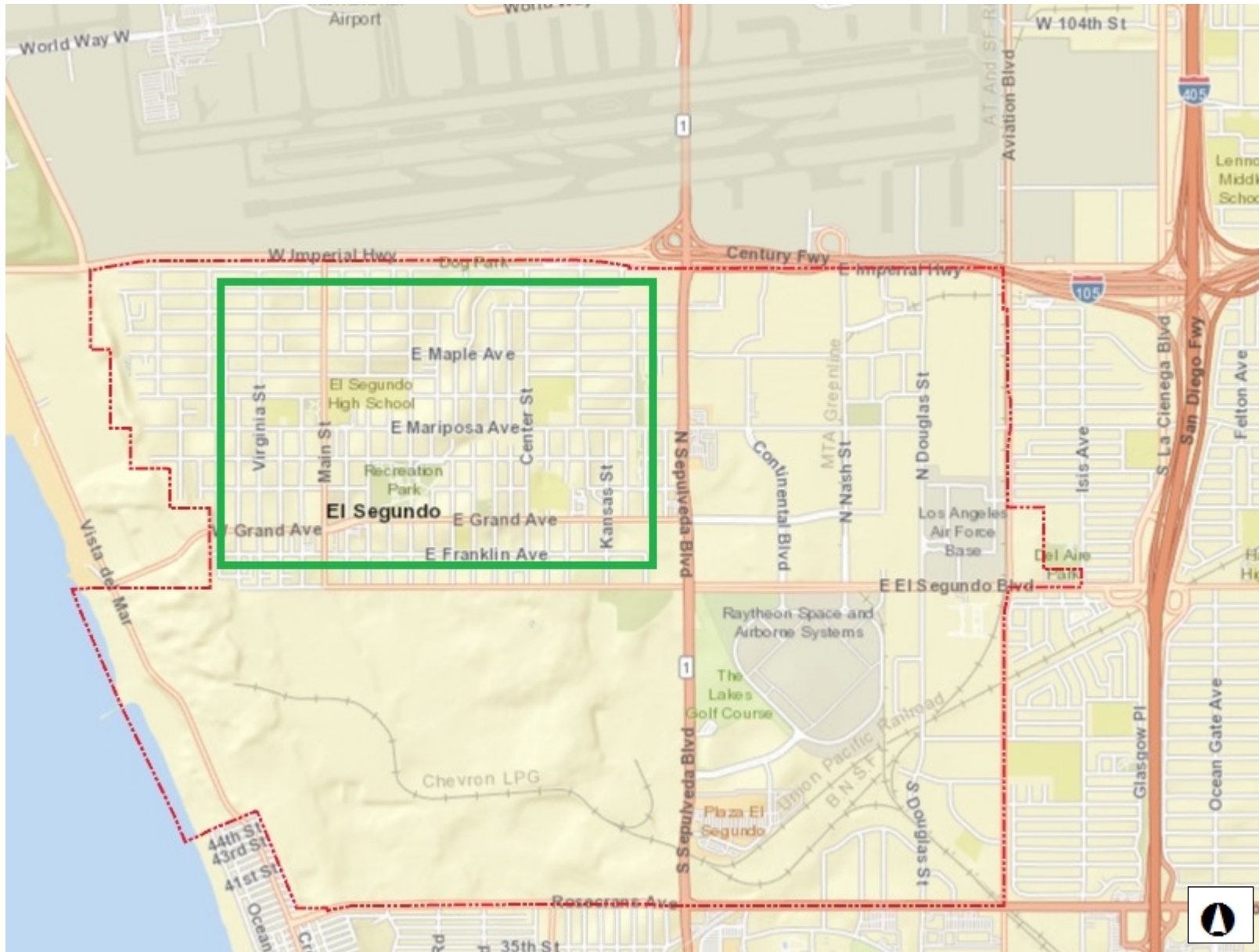
PREPARED BY: James Rice, Associate Engineer 
REVIEWED BY: Elias Sassoon, Public Works Director 
APPROVED BY: Barbara Voss, Deputy City Manager 

ATTACHED SUPPORTING DOCUMENTS:

1. Vicinity Map
2. Location Map



PW21-01 Vicinity Map FY20/21 Pavement Rehabilitation



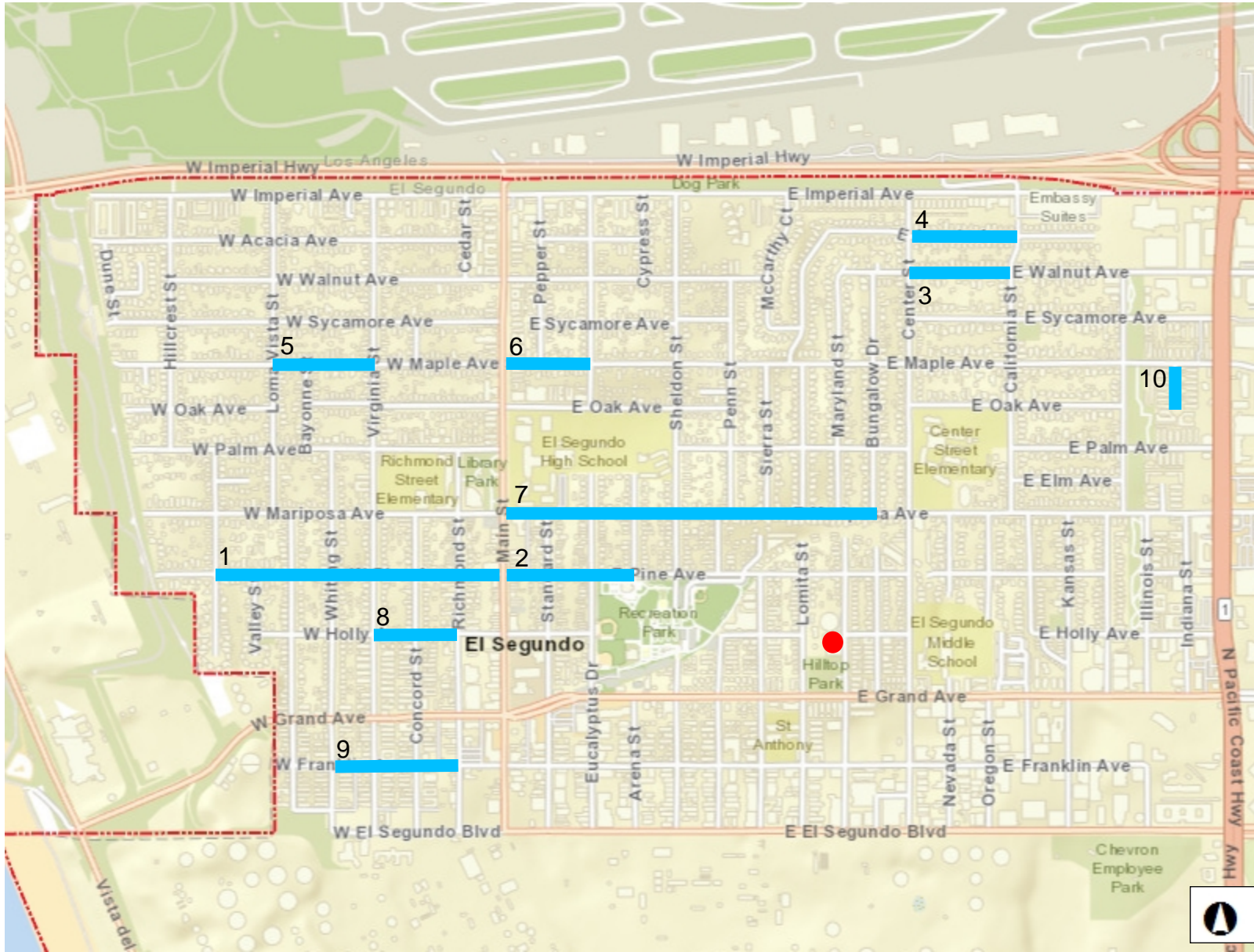
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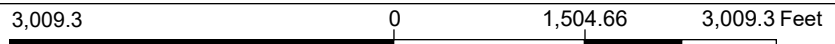
DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. The City of El Segundo will not be held responsible for any claims, losses or damages resulting from the use of this map.



PW 21-01 Location Map FY 20/21 Pavement Rehabilitation



- Street to be paved
- 1. W. Pine Ave. - Hillcrest St. to Main St.
- 2. E. Pine Ave. - Main St. to Arena St.
- 3. E. Walnut Ave. - Center St. to California St.
- 4. E. Acacia Ave. - Center St. to California St.
- 5. W. Maple Ave. - Loma Vista St. to Virginia St.
- 6. E. Maple Ave. - Main St. to Eucalyptus Dr.
- 7. W. Mariposa Ave. -Main St. to Bungalow Dr.
- 8. W. Holly St. - Virginia St. to Richmond St.
- 9. W. Franklin Ave. -Whiting St. to Richmond St.
- 10. Indiana Court - E. Maple Ave. to End
- Recoat parking on top of the 6 Million Gallon Water Reservoir



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DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. The City of El Segundo will not be held responsible for any claims, losses or damages resulting from the use of this map.

TITLE:

Establish Salaries for Part-time Classifications

RECOMMENDATION:

Adopt Resolution to establish the Basic Monthly Salary Range for the job classifications of: Fire Marshal (Part-time), Battalion Chief (Part-time) and Police Assistant II (Part-time).

FISCAL IMPACT:

Funding for the proposed action was incorporated in the Adopted FY 2020-21 General Fund Budget. The referenced part-time positions will be funded by salary savings from Citywide vacancies. No new funding is needed for this fiscal year.

BACKGROUND:

In response to the significant impact of the COVID-19 pandemic as well as the need for part-time staff to fill key positions related to public safety the City needs to establish temporary part-time positions and salaries. Establishing these will allow more flexibility in the City as it relates to part-time staff who are available for temporary assignments and who have the requisite experience and knowledge to be able to fill in gaps in staffing immediately. This is especially important give the impact of the pandemic and the City's response to it.

This resolution is necessary as a follow up to the emergency declaration by the City Council that allowed for staff to be hired under the following Municipal Code sections:

Temporary Appointments

Section 1-6-13(E) of the Municipal Code provides: "Appointments to temporary, emergency and seasonal positions may but need not be made from eligible lists and those appointed shall not be in the classified service. Appointments of this type shall include temporary employment for the replacement of employees on leave of absence other than military leave, or vacation, emergency appointments to meet emergencies which threaten life, property or the general welfare of the City, or for work seasonal in nature."

Extra Employees

Section 1-6-22 of the Municipal Code provides: "Department heads, with the approval and sanction of the City Manager, may, during an emergency or during vacation periods, hire extra employees as may be needed to properly conduct the departments at a compensation to be fixed by the City Council. These extra employees may be selected

from the employment list at the option of the heads of the departments. However, no extra employee shall be hired for a period in excess of one hundred eighty (180) calendar days or six (6) months in any fiscal year, and the hiring of extra employees as herein provided for, shall not in any way mean, or be construed to mean, that said extra employee shall be under probation as defined by Section 1-6-14 of this Chapter.”

DISCUSSION:


These part time positions will support the important work the All-Hazards Incident Management Team (AHIMT) has been doing as well as provide the Police and Fire Departments with the flexibility to hire part-time temporary staff when needed, to conduct important department work during an emergency or a shortage of permanent staff.

These positions are not intended to take the place of full-time permanent employees and are typically limited to 960 hours on an annual basis. Because of the COVID-19 pandemic there is a current order by the Governor that does allow annuitants (retired) staff to be able to work beyond the 960 hours, as well as waiving the normal six-month waiting period an annuitant must wait to work part-time after retiring. However, these exemptions will only last as long as the emergency orders are in place.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 1: Enhance Customer Service Engagement and Communication; Embrace Diversity Equity, and Inclusion

Objective: El Segundo provides unparalleled service to internal and external customers.

PREPARED BY: Donna C Peter, HR Consultant
REVIEWED BY: Joseph Lillio, Interim HR/Finance Director
APPROVED BY: Barbara Voss, Deputy City Manager 

SUPPORTING DOCUMENT:

Salary Resolution

RESOLUTION NO. _____

**A RESOLUTION ESTABLISHING BASIC MONTHLY SALARY RANGES
FOR VARIOUS PART-TIME JOB CLASSIFICATIONS**

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

SECTION 1: The City Council approves the following basic hourly salary ranges:

Classification	Hourly Ranges
Part-time Fire Marshal	\$52.24 - \$63.50
Part-time Battalion Chief	\$75.24- \$90.28
Part-time Public Safety Officer II	\$27.81 - \$33.80

SECTION 2: *Authority.* The City Manager or his designee is authorized to take any steps necessary in order to effectuate this Resolution.

SECTION 3: *Construction.* This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 4: *Severability.* If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 5: The City Clerk is directed to certify the adoption 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 is intended to retroactively take effect January 1, 2021 and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 2nd day of March, 2021.

Drew Boyles,
Mayor

ATTEST:

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

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution No. ____ was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the ___ day of _____, 2021, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tracy Weaver, City Clerk

APPROVED AS TO FORM:

Mark D. Hensley, City Attorney

TITLE:

Administrative Use Permit No. 20-03 to Allow the Sale of Beer, Wine, and Distilled Spirits for On-Site Consumption at Jame Enoteca Restaurant Located at 241 Main Street

RECOMMENDATION:

Receive and file.

FISCAL IMPACT:

None.

ENVIRONMENTAL STATEMENT:

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations §1 5301 as a Class 1 categorical exemption (Existing Facilities).

BACKGROUND:

On January 21, 2021, the Director of Development Services approved an Administrative Use Permit (AUP 20-03, EA-1295) with conditions of approval, allowing the sale of beer, wine, and distilled spirits for on-site consumption at Jame Enoteca restaurant located at 241 Main Street, in the Main Street Transitional District (MSTD) within the Downtown Specific Plan (DSP) zone. The applicant is Jackson Kalb, representing Jame Enoteca restaurant.

The Planning Commission received and filed the director's decision on January 28, 2021 and granted additional hours for alcohol sales at the restaurant in accordance with the applicant's request. Pursuant to City Council direction from 1995, these matters are required to be brought to City Council's attention.

DISCUSSION:

The Police Department has reviewed all calls for service in the vicinity of this location for the past six months and has found no basis for denial of this application. The Police Department and the Development Services Department do not object to the issuance of the alcohol permit for the restaurant.

The existing restaurant has expanded into an abutting tenant space and measures 2,130 square feet. Approximately 897 square feet will be dedicated to indoor dining. There will also be an outdoor patio that is approximately 197 square feet. The hours for alcohol

service initially granted by the Director were 10:00 am to 12:00 am daily. However, staff received 19 letters via email from the public in support of extending the hours to 2:00 am. Upon receiving the letters, the Planning Commission considered the comments received by the public at the public hearing and the Commission amended the hours to allow alcohol service at the restaurant between 10:00 am to 2:00 am, seven days a week.


Restaurants are permitted uses in the Main Street Transitional District (MSTD) of the Downtown Specific Plan (DSP) zone. Sale of alcohol for onsite consumption at a restaurant, however, requires an Administrative Use Permit in accordance with the City's Municipal Code. As noted above, this permit was approved by the Director and additional hours were granted by Planning Commission on January 28, 2021.

The California Alcoholic Beverage Control Department (ABC) license review process is separate from the City's AUP process. 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. The City reviews compatibility of the alcohol service on a particular site with its surroundings.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 5: Champion Economic Development and Fiscal Sustainability

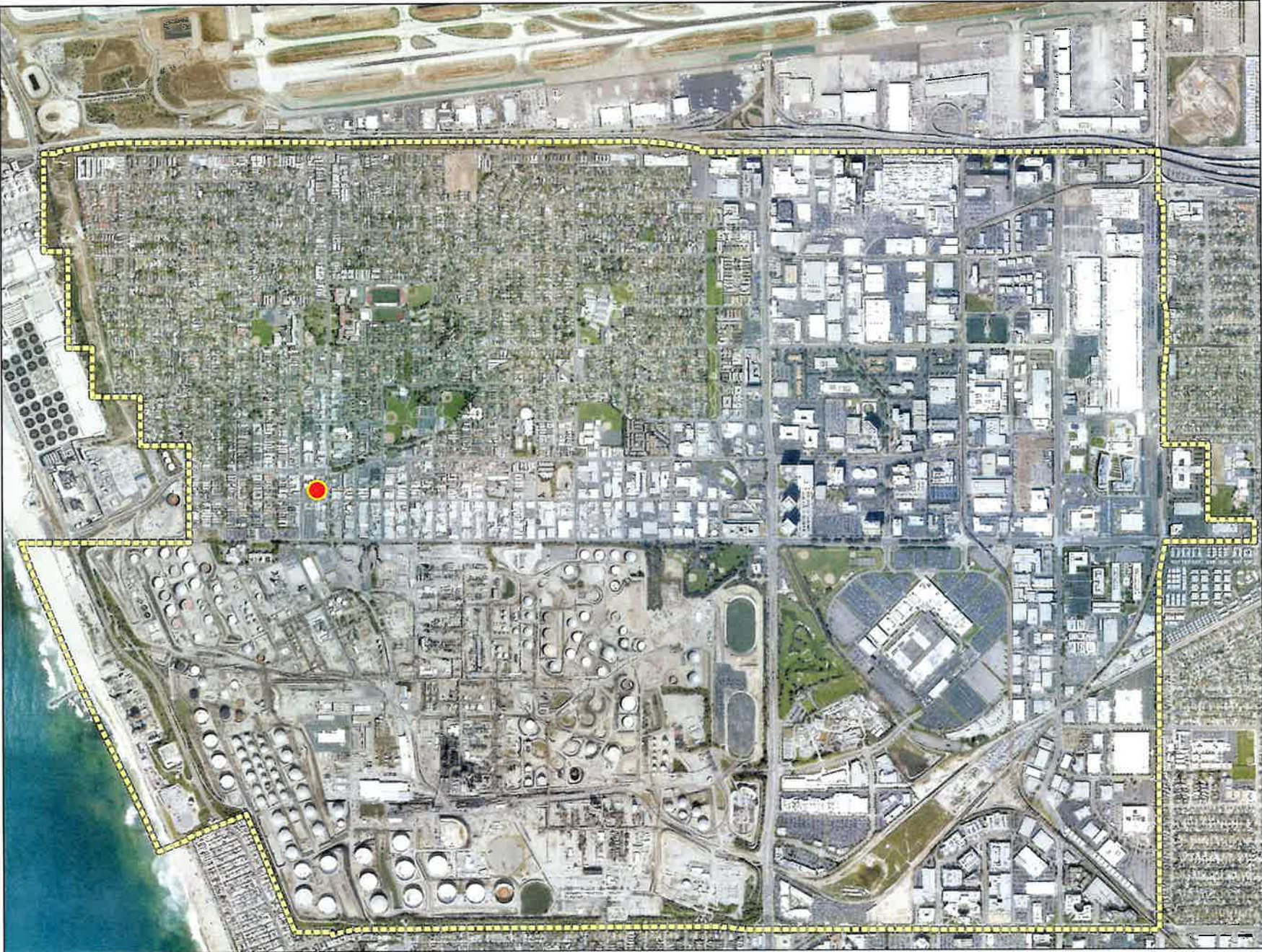
Objective A: El Segundo promotes economic growth and vitality for businesses and the community.

PREPARED BY: Maria Baldenegro, Assistant Planner
REVIEWED BY: Eduardo Schonborn, Principal Planner
REVIEWED BY: Sam Lee, Development Services Director
APPROVED BY: Barbara Voss, Deputy City Manager 

ATTACHED SUPPORTING DOCUMENTS:

1. Vicinity Map
2. Location Map
3. Site Plan
4. Administrative Use Permit approval letter and conditions, dated February 5, 2021
5. Planning Commission Staff Report, dated September January 28, 2021
6. Plans

Vicinity Map



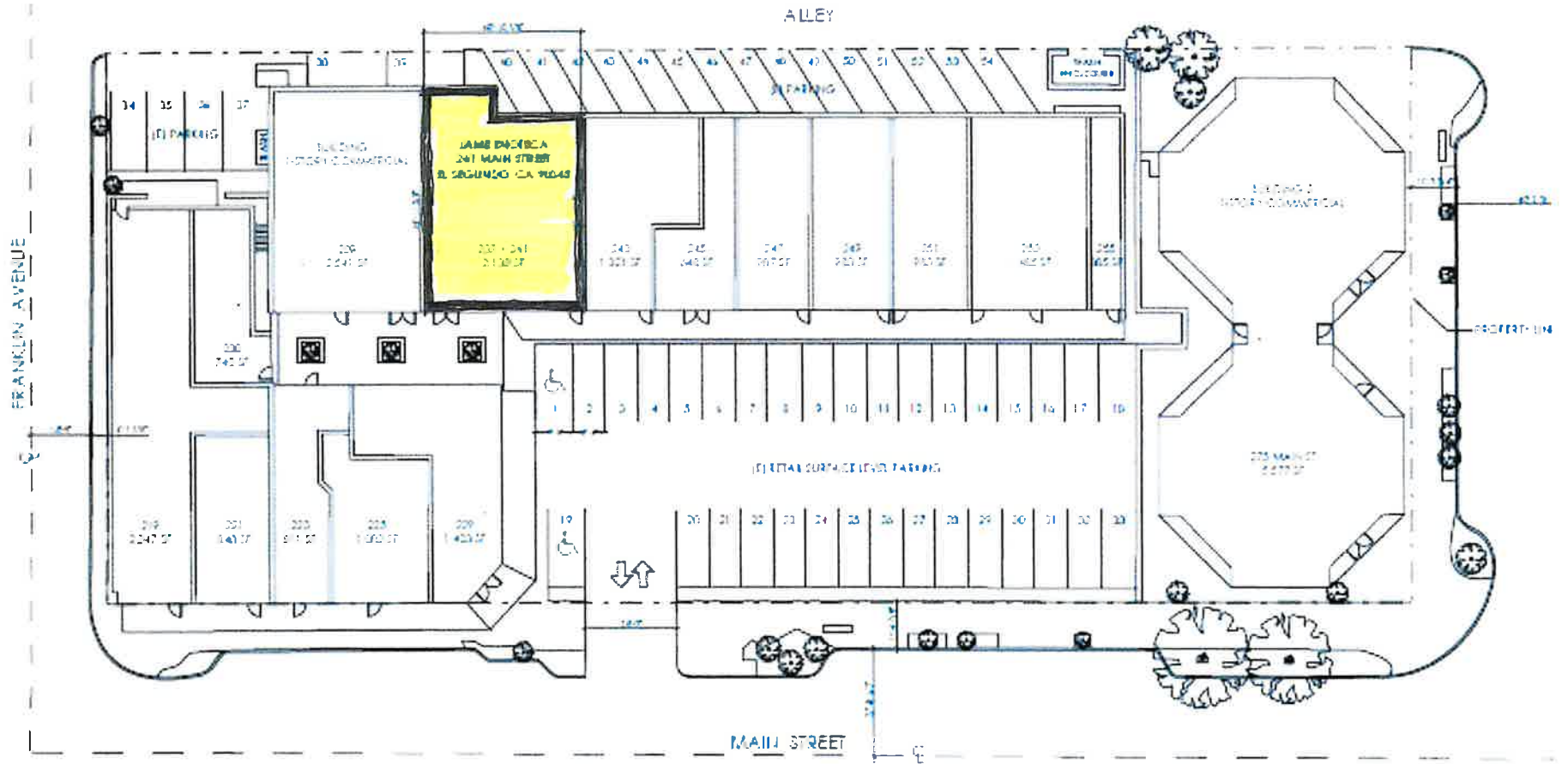
Location Map

AERIAL VIEW OF SITE

Restaurant



Site Plan





City of El Segundo

Development Services Department

February 5, 2021

Mr. Jackson Kalb
243 Main Street
El Segundo, CA 90245

Subject: Environmental Assessment No. EA-1295 and Administrative Use Permit
No. AUP 20-03
Address: 241 Main Street, El Segundo, CA 90245

Dear Mr. Kalb:

Your request for an Administrative Use Permit allowing the sale of beer, wine and distilled spirits for on-site consumption (Type 47 ABC License) at Jame Enoteca Restaurant is hereby approved in accordance with the Downtown Specific Plan and El Segundo Municipal Code Section 15-22-5, and subject to the conditions of approval contained in the attached Exhibit A as amended by the Planning Commission on January 28, 2021. The associated environmental determination and findings supporting the decision are described in Exhibit B.

This determination, as amended by the Planning Commission, is scheduled to be "received and filed" by City Council at the March 2, 2021, meeting. Any Councilmember may request that this permit be discussed and a decision be made by City Council instead of "received and filed."

Should you have any questions, please contact Assistant Planner Maria Baldenegro at (310) 524-2341, or via email at mbaldenegro@elsegundo.org.

Sincerely,



Sam Lee, Director
Development Services Department

cc: Myca Tran, Art Rodriguez Associates

Exhibit A
CONDITIONS OF APPROVAL

In addition to all applicable provisions of the El Segundo Municipal Code ("ESMC"), Jackson Kalb representing Jame Enoteca ("Applicant") and any successor-in-interest agrees to comply with the following provisions as conditions for the City of El Segundo's approval of Administrative Use Permit No. AUP 20-03 ("Project Conditions"):

1. The sale of alcohol for on-site consumption is limited to 10:00 am and 2:00 am, daily. The outdoor dining area is limited to 200 square feet. Food must be available for the indoor and outdoor dining areas during the hours alcohol is sold. Any change to the hours is subject to review and approval by the Development Services Director.
2. Any subsequent modification to the project as approved shall be referred to the Development Services Director for approval or a determination regarding the need for Planning Commission review of the proposed modification.
3. The Development Services Department and the Police Department must be notified of any change of ownership of the approved use in writing within 10 days of the completion of the change of ownership. A change in project ownership may be cause to schedule a hearing before the Planning Commission regarding the status of the administrative use permit.
4. The applicant shall obtain and maintain all licenses and comply with all regulations of the Alcoholic Beverage Control (ABC) Act (Business & Professions Code Section 23300) and the regulations promulgated by the Board, including the regulations set forth in 4 Cal. Code of Regs. §§55, *et seq.*
5. All employees tasked to sell alcoholic beverages must provide evidence that they have either:
 - a. Obtained an ABC-issued certificate for completion of the Leadership and Education in Alcohol and Drugs (LEAD) program; or,
 - b. Completed an accepted equivalent training offered by the ABC district office to ensure proper distribution of beer, wine, and distilled spirits to adults of legal age.
 - c. If a prospective employee designated to sell alcoholic beverages does not have LEAD or equivalent training, then the applicant must within 15 days of this decision confirm with the Planning and Building Safety Department that a date is scheduled with the local ABC district office to complete the LEAD course.
 - d. Within 30 days of taking LEAD or equivalent course, employees or their employer must deliver each required certificate showing completion to the Police Department.

6. The licensee shall have readily identifiable personnel to monitor and control the behavior of customers inside the building premises, and shall monitor activity immediately adjacent to the property under the establishment's control to ensure the areas are generally free of nuisances.
7. If complaints are received regarding excessive noise, or other nuisances associated with the sale of beer, wine, and distilled spirits the City may, in its discretion, take action to review the Administrative Use Permit and add conditions or revoke the permit.
8. There shall be no exterior advertising of any kind or type indicating the availability of specific alcoholic beverage products.
9. The restaurant shall not be occupied by more persons than allowed by the California Building Code, as adopted by the ESMC.
10. The restaurant and the associated outdoor seating shall comply with the California Building and Fire Code requirements, as adopted by the ESMC.
11. The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney fees), injuries, or liability, arising from the City's approval of Environmental Assessment No. EA-1295 or Administrative Use Permit No. AUP 20-03. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of Environmental Assessment No. EA-1295 or Administrative Use Permit No. AUP 20-03, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section, "the City" includes the City of El Segundo's elected officials, appointed officials, officers, and employees.
12. Jackson Kalb representing Jame Enoteca must acknowledge receipt and acceptance of the project conditions by executing the acknowledgement below.

These Conditions are binding upon Jackson Kalb, and all successors and assigns to the property at 241 Main Street, El Segundo, CA 90245 until superseded by another approval letter or rescinded.

Jackson Kalb, Applicant

Exhibit B
Environmental Determination and Required Findings

Environmental Assessment 1295:

After considering the facts and findings below, the Director finds this project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations §15301 as a Class 1 categorical exemption (Existing Facilities) because the proposed project consists of the permitting of existing private structures and involves a negligible expansion of the use.

Administrative Use Permit 20-03:

The following are the facts in support of each finding for this decision:

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 project is located within the Main Street Transitional District within the Downtown Specific Plan zone, where restaurants are permitted by right. It is replacing a former restaurant in a commercial area and is in proper relation to commercial adjacent uses within this area. The project is situated in an environment that includes retail, service uses, and other restaurants nearby.

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 property is in the Main Street Transitional District of the Downtown Specific Plan (DSP), which serves as a gateway to the Downtown Core. The standards for this district allow for flexibility and a mixture of commercial uses serving the residents, local employees, and visitors to the city. The DSP's goals provide consistency and reflect the vision of the General Plan, including facilitating economic development and promoting compatible land uses. The intent of the DSP is met by having several types of uses occupy several storefronts in one building. The proposed restaurant and the addition of alcohol sales as an ancillary use are consistent with this purpose.

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 alcohol will be within an expanded restaurant and an existing outdoor dining area. No new construction is proposed as part of the request for an alcohol license. Per the Planning Commission, alcohol sales will be permitted from 10:00 am to 2:00 am daily and will accompany meals, so the consumption of alcohol in a restaurant setting is not anticipated to become a nuisance.

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 on-site sale and on-site consumption of beer, wine and distilled spirits will not create any new impacts that would not be normally associated with the operation of a restaurant. The restaurant currently offers beer and wine, and has not been the subject of negative impacts. The proposal includes offering beer, wine and distilled spirits in a larger restaurant that will occupy the abutting tenant space.

Finding 5:

The State Department of Alcoholic Beverage Control has issued or will issue a license to sell beer, wine and distilled spirits to the Applicant.

Facts in Support of Finding 5:

1. The City expects the Applicant will obtain a license from the State of California Department of Alcoholic Beverage Control for the on-site sale and on-site consumption of beer, wine, and distilled spirits for a restaurant (Type 47 ABC License). In the event the Applicant does not receive such license, the City's approval will be null (Condition No. 4).

TITLE:

On-site sale and on-site consumption of beer, wine and distilled spirits (Type 47 ABC License) at Jame Enoteca restaurant, located at 241 Main Street. (Environmental Assessment No. EA-1295 and Administrative Use Permit No. AUP 20-03).

Applicant: Jackson Kalb.

RECOMMENDATION: Receive and file

BACKGROUND:

On June 7, 2018, EA-1224 and AUP No. 18-03 was approved for onsite sale and consumption of beer and wine at an existing 990 square-foot restaurant, between 11am and 11pm. On August 15, 2018, a revision to the AUP was approved, ("Revision A") to allow onsite sale and consumption of beer and wine within a 90 square foot outdoor dining area. On January 19, 2020, a second revision to the AUP was approved, ("Revision B") to allow an expansion to the outdoor dining area from 90 square feet to 120 square feet.

On November 12, 2020, EA-1295 and AUP No. 20-03 was submitted for the expansion of the existing restaurant into the abutting tenant space, increase to the outdoor dining area to 197 square feet, upgrade from a Type 41 beer and wine license to a Type 47 license, and change to the hours for alcohol service. After considering the request, on January 21, 2021 the Director granted approval of the Administrative Use Permit to allow on-site sale and on-site consumption of beer, wine, and distilled spirits (Type 47 ABC License) at a proposed 2,327 square-foot restaurant (Jame Enoteca) containing an 897 square-foot indoor dining area and a 197 square-foot outdoor patio at 241 Main Street.

DISCUSSION:

The site is located in the in the Main Street Transitional District (MSTD) within the Downtown Specific Plan (DSP) zone. The immediate vicinity of the project site includes a financial institution, residential, office, retail, service, and other restaurant uses. Jame Enoteca is located in a one-story L-shape shopping center that is 24,103 square feet. The tenant space for Jame Enoteca is adjacent to the parking area which contains a financial institution, retail, restaurants, office and service uses. The proposed hours for alcohol sales is 10:00 am to 12:00 am daily, similar to limits placed on other restaurants in the downtown area. The proposed alcohol service for the restaurant is a compatible use in relation to existing uses in the area. The on-premise sale and consumption of alcohol in conjunction with food at a new restaurant in the Main Street Transitional District within the DSP zone is subject to an Administrative Use Permit.

The approval includes conditions that protect the City and surrounding users from potentially negative impacts. The conditions, findings of approval, and environmental assessment are provided in the attached approval letter. Staff believes that the project is appropriate for the location and will not operate in a way that will create unwanted impacts. Staff recommends that the Planning Commission receive and file the Director's approval. In the alternative, any Planning Commissioner may request that an item be discussed and a decision on the application be made by the Planning Commission instead.

TYPE OF ACTION (LEGISLATIVE; QUASI-JUDICIAL; OR ADVISORY)

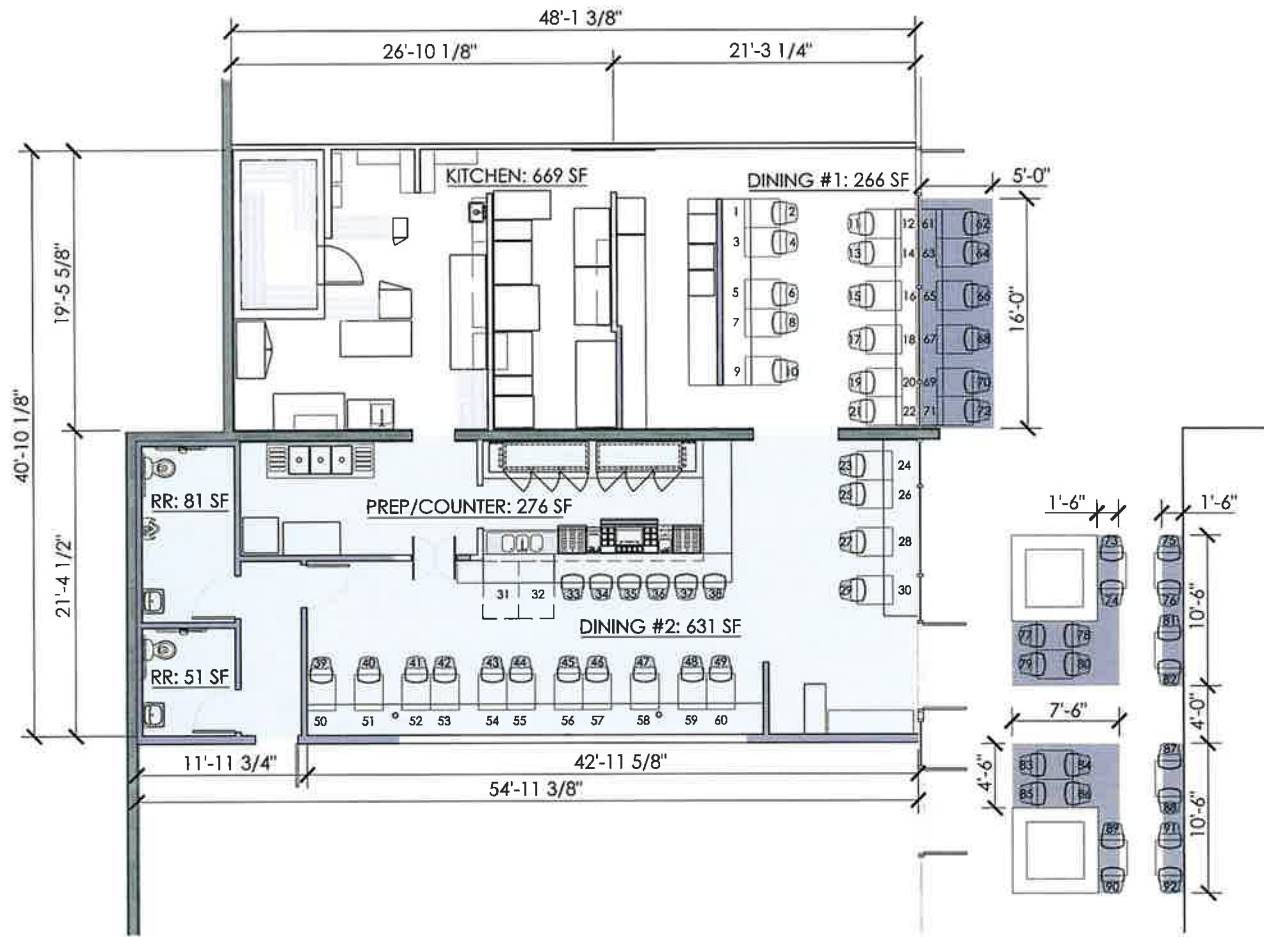
Quasi-judicial: In the event the Planning Commission desires to review the Director's approval of the administrative use permit, the Planning Commission acts in its quasi-judicial capacity (*i.e.*, applying established standards to applications to determine specific rights under existing law). Before an administrative use permit may be granted, the Director or the Commission must find the following findings are met as required by ESMC § 15-22-5:

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.*
2. *The proposed use is consistent and compatible with the purpose of the zone in which the site is located.*
3. *The proposed location and use and the conditions under which the use would be operated or maintained to not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*
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 compensated for.*

As stated above, the Director found that the proposed facility satisfied these findings and thus granted the permit.

ENVIRONMENTAL REVIEW

The proposed project was analyzed for its environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, "CEQA Guidelines"). The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities)



SUMMARY TABLE

ROOM	AREA	SEATS
DINING #1	266	22
DINING #2	631	38
KITCHEN	669	
PREP/COUNTER	276	
RESTROOMS	132	
OTHER	156	
INDOOR		60
OUTDOOR		32
TOTAL	2,327	92

- EXISTING RESTAURANT
- EXPANSION
- OUTDOOR DINING AREA

TITLE:

Administrative Use Permit No. 20-04 to Allow Alcohol Sales for Off-Site Consumption at the Unocal 76 Gas Station Located at 770 North Pacific Coast Highway

RECOMMENDATION:

Receive and file.

FISCAL IMPACT:

None.

ENVIRONMENTAL STATEMENT:

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations §1 5301 as a Class 1 categorical exemption (Existing Facilities).

BACKGROUND:

On January 21, 2021, the Director of Development Services conditionally approved an Administrative Use Permit (AUP 20-04, EA-1296) for the sale of beer and wine for off-site consumption (Type 20 ABC License) at an existing gasoline station (Unocal 76). The existing auto repair building will be remodeled and converted to a new 1,568 square-foot convenience store. A public "Convenience and Necessity" letter will be required from the City, prior to the State issuing the liquor license. The gas station is located at 770 North Pacific Coast Highway, in the in the Corporate Office (CO) zone. The applicant is Bob Kizirian representing Bobs Union, Inc.

The Planning Commission Received and Filed the Director's decision on January 28, 2021. Pursuant to City Council direction from 1995, these matters are required to be brought to City Council's attention.

DISCUSSION:

This is a new application for this location. The Police Department has reviewed calls for service at this location for the past six months and has found no basis for denial. Additionally, similar locations in the City of El Segundo with off sale ABC licenses were checked with no adverse information found. The Police Department and the Development Services Department do not object to the issuance of the alcohol permit for the convenience store.

The applicant has owned the gas station since 2010 and is converting the existing one-story automotive repair building to a convenience store. The proposed remodel will include new storefront windows and new finishes to the exterior of the building. The applicant intends to sell beverages, fresh food and a variety of other items. The proposed hours by the applicant that were granted by the Planning Commission are from 6:00 am to 2:00 a.m., seven days a week.


Retail is a permitted use in the Corporate Office (CO) zone; however, the sale of alcohol for off-site consumption at a convenience store requires an administrative use permit in accordance with the Municipal Code. As noted above, this permit was Received and Filed by the Planning Commission on January 28, 2021.

The California Alcoholic Beverage Control Department (ABC) license review process is separate from the City's AUP process. 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. The City reviews compatibility of the alcohol service on a particular site with its surroundings.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 5: Champion Economic Development and Fiscal Sustainability

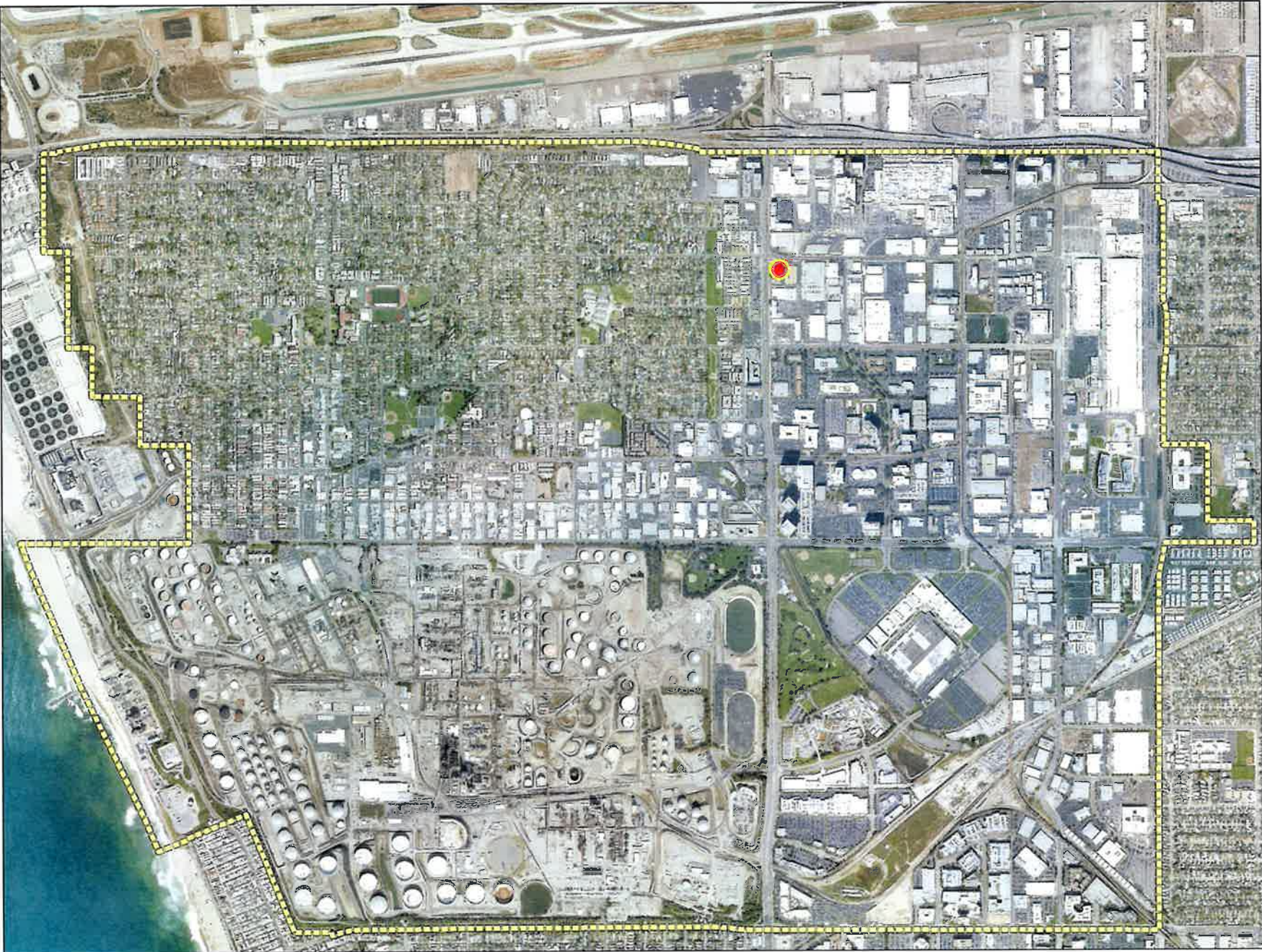
Objective A: El Segundo promotes economic growth and vitality for businesses and the community.

PREPARED BY: Maria Baldenegro, Assistant Planner
REVIEWED BY: Eduardo Schonborn, Principal Planner
REVIEWED BY: Sam Lee, Planning and Building Safety Director
APPROVED BY: Barbara Voss, Deputy City Manager 

ATTACHED SUPPORTING DOCUMENTS:

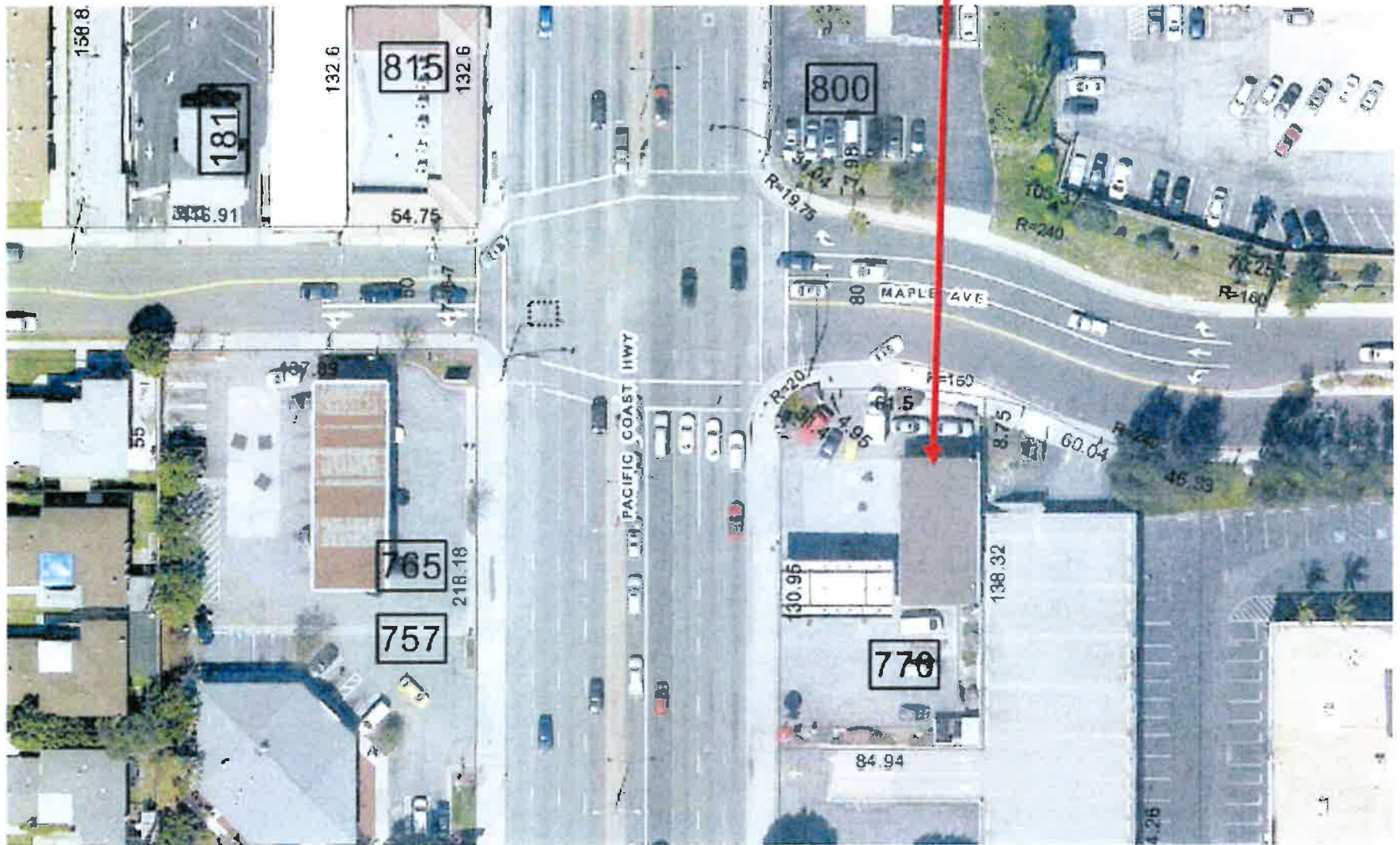
1. Vicinity Map
2. Location Map
3. Site Plan
4. Planning Commission Staff Report, dated September January 28, 2021
5. Administrative Use Permit approval letter and conditions, dated January 21, 2021
6. Plans

Vicinity Map



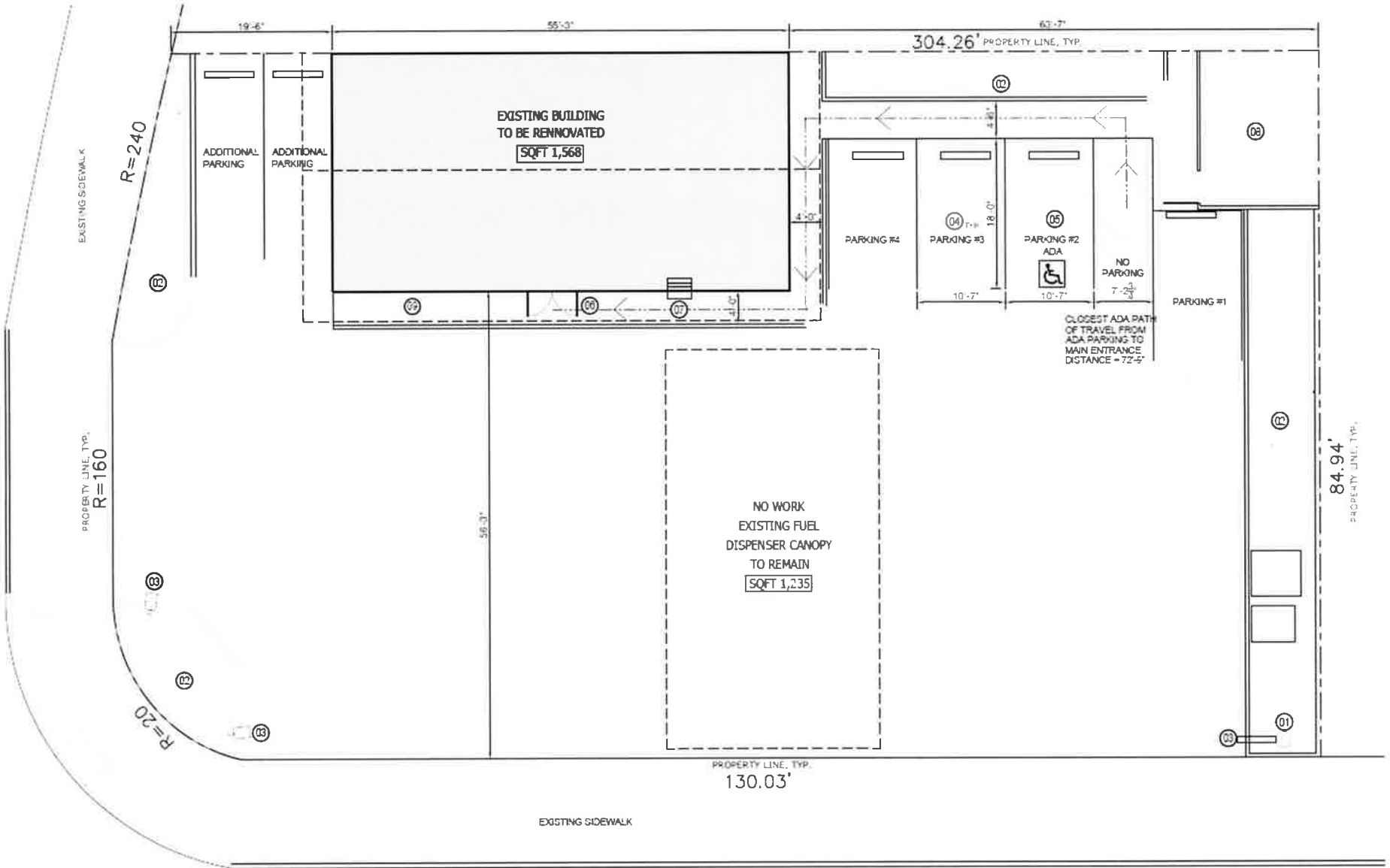
Location Map

AERIAL VIEW OF SITE



Site Plan

E. MAPLE AVE.



PACIFIC COAST HIGHWAY

TITLE:

On-site sale of beer and wine for off-site consumption (Type 20 ABC License) at an existing gas station (Unocal 76) that will contain a new 1,568 square-foot market. (Environmental Assessment No. EA-1296 and Administrative Use Permit No. AUP 20-04)

Applicant: Bob Kizirian representing Bobs Union, Inc.

RECOMMENDATION: Receive and file

BACKGROUND:

On November 13, 2020, EA-1296 and AUP No. 20-04 was submitted for the sale of beer and wine for off-site consumption (Type 20 ABC License) at an existing gasoline station (Unocal 76) that will contain a new 1,568 square-foot market. The applicant has owned the gas station since 2010 and is converting the existing one-story automotive repair building to a convenience store. The proposed remodel will include new storefront windows and new finishes to the exterior of the building. The applicant intends to sell beverages, fresh food and a variety of other items. After considering the request, on January 21, 2021 the Director granted approval of the Administrative Use Permit to allow on-site sale beer and wine for off-site consumption (Type 20 ABC License) at a new 1,568 square-foot market at 770 North Pacific Coast Highway.

DISCUSSION:

The site is located in the in the Corporate Office (CO) zone. The immediate vicinity of the project site includes wholesale, retail, restaurant, gas station, and office uses. Alcohol sales are proposed from 6:00 am to 2:00 am daily. The refrigeration coolers for the alcohol will be equipped with automatic locking doors and will be set to lock at 2:00 am daily. The proposed sale of alcohol at the site at a new market is a compatible use in relation to existing uses in the area. Alcohol sales at a retail establishment in the Corporate Office (CO) zone is subject to an Administrative Use Permit.

The approval includes conditions that protect the City and surrounding land uses from potentially negative impacts. The conditions, findings of approval, and environmental assessment are provided in the attached approval letter. Staff believes that the project is appropriate for the location and will not operate in a way that will create unwanted impacts. Staff recommends that the Planning Commission receive and file the Director's approval. In the alternative, any Planning Commissioner may request that an item be discussed and a decision on the application be made by the Planning Commission instead.

TYPE OF ACTION (LEGISLATIVE; QUASI-JUDICIAL; OR ADVISORY)

Quasi-judicial: In the event the Planning Commission desires to review the Director's approval of the administrative use permit, the Planning Commission acts in its quasi-judicial capacity (*i.e.*, applying established standards to applications to determine specific rights under existing law). Before an administrative use permit may be granted, the Director or the Commission must find the following findings are met as required by ESMC § 15-22-5:

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.*
2. *The proposed use is consistent and compatible with the purpose of the zone in which the site is located.*
3. *The proposed location and use and the conditions under which the use would be operated or maintained to not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*
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 compensated for.*

As stated above, the Director found that the proposed facility satisfied these findings and thus granted the permit.

ENVIRONMENTAL REVIEW

The proposed project was analyzed for its environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, "CEQA Guidelines"). The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities)

PREPARED BY: Maria Baldenegro, Assistant Planner *MB*
REVIEWED BY: Eduardo Schonborn, AICP, Principal Planner *ES MB pt ES*
APPROVED BY: Sam Lee, Development Services Director *SL*

ATTACHED SUPPORTING DOCUMENTS:

1. Approval letter dated January 21, 2021
2. Plans



City of El Segundo
Development Services Department

January 21, 2021

Mr. Bob Kizirian
770 N. Pacific Coast Highway
El Segundo, CA 90245

RE: Environmental Assessment 1296 and Administrative Use Permit No. AUP 20-04

Address: 770 N. Pacific Coast Highway, El Segundo, CA 90245

Dear Mr. Kizirian:

Your request for an Administrative Use Permit allowing the sale of beer and wine for off-site consumption (Type 20 ABC License) at a Unocal 76 Gas Station is approved in accordance with the Corporate Office (CO) zone, El Segundo Municipal Code Section 15-22-5, and subject to the conditions of approval in the attached Exhibit A. The associated environmental determination and findings supporting the decision are described in Exhibit B.

Please note that this letter does not constitute the City's final decision in this matter. This determination is scheduled to be "received and filed" by the Planning Commission at the January 28, 2021, meeting. Any Planning Commissioner may request that this permit be discussed and a decision be made by the Commission instead of "received and filed."

Should you have any questions, please contact Assistant Planner Maria Badenegro at (310) 524-2341.

Sincerely,

Sam Lee, Director
Development Services Department

cc: Sherrie Olson

Exhibit A
CONDITIONS OF APPROVAL

In addition to all applicable provisions of the El Segundo Municipal Code ("ESMC"), Bob Kizirian representing Bob's Union, Inc. ("Applicant") agree that they will comply with the following provisions as conditions for the City of El Segundo's approval of Administrative Use Permit No. AUP 20-04 ("Project Conditions"):

1. The sale of alcohol for off-site consumption is limited to 6:00 am and 2:00 am, daily. Any change to the hours of operation or the hours that alcohol may be sold is subject to review and approval by the Director of Development Services Department.
2. Any subsequent modification to the project as approved must be referred to the Director of Director of Development Services Department for approval or a determination regarding the need for Planning Commission review of the proposed modification.
3. The Director of Development Services Department and the Police Department must be notified of any change of ownership of the approved use in writing within 10 days of the completion of the change of ownership. A change in project ownership may be cause to schedule a hearing before the Planning Commission regarding the status of the administrative use permit.
4. In addition to complying with the requirements of the City of El Segundo and the State of California Department of Alcoholic Beverage Control the market is subject to County Health Department regulations for the storage of food.
5. The applicant must obtain and maintain all licenses and comply with all regulations of the Alcoholic Beverage Control (ABC) Act (Business & Professions Code Section 23300) and the regulations promulgated by the Board, including the regulations set forth in 4 Cal. Code of Regs. §§55, *et seq.*
6. All employees tasked to sell alcoholic beverages must provide evidence that they have either:
 - a. Obtained an ABC-issued certificate for completion of the Leadership and Education in Alcohol and Drugs (LEAD) program; or,
 - b. Completed an accepted equivalent training offered by the ABC district office to ensure proper distribution of beer, wine, and distilled spirits to adults of legal age.
 - c. If a prospective employee designated to sell alcoholic beverages does not have LEAD or equivalent training, then the applicant must within 15 days of this decision confirm with the Director of Development Services Department that a date is scheduled with the local ABC district office to complete the LEAD course.

- d. Within 30 days of taking LEAD or equivalent course, employees or their employer must deliver each required certificate showing completion to the Police Department.
7. The licensee must have readily identifiable personnel to monitor and control the behavior of customers inside the building premises. Staff must monitor activity immediately adjacent to the property under the establishment's control to ensure the areas are generally free of nuisances.
8. If complaints are received regarding excessive noise, or other nuisances associated with the sale of beer, wine, and distilled spirits the City may, in its discretion, take action to review the Administrative Use Permit and add conditions or revoke the permit.
9. There must be no exterior advertising of any kind or type indicating the availability of specific alcoholic beverage products.
10. The building must not be occupied by more persons than allowed by the California Building Code, as adopted by the ESMC.
11. The building and any outdoor seating must comply with the California Building and Fire Code requirements, as adopted by the ESMC.
12. The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney fees), injuries, or liability, arising from the City's approval of Environmental Assessment No. EA-1296 or Administrative Use Permit No. AUP 20-04. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of Environmental Assessment No. EA-1296 or Administrative Use Permit No. AUP 20-04, 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.
13. Bob Kizirian representing Bob's Union, Inc. (Unocal 76 Gas Station) must acknowledge receipt and acceptance of the project conditions by executing the acknowledgement below.

These Conditions are binding upon Bob Kizirian, and all successors and assigns to the property at 770 North Pacific Coast Highway, El Segundo, CA 90245 until superseded by another approval letter or rescinded.

Bob Kizirian, Applicant

Exhibit B
Environmental Determination and Required Findings

Environmental Assessment 1296:

After considering the above facts and findings, the Director finds this project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations §15301 as a Class 1 categorical exemption (Existing Facilities) because the proposed project consists of the permitting of existing private structures and involves a negligible expansion of the use.

Administrative Use Permit 20-04:

The following are the facts in support of each finding for this decision:

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.

1. The project is located in the Corporate Office (CO) zone, where retail is a permitted accessory use to a gas station by right. Retail is replacing an auto repair bay and is in proper relation to commercial adjacent uses within this area. The project is situated in an environment that includes retail, service uses, and other restaurants nearby.

Finding 2: The proposed use is consistent and compatible with the purpose of the Zone in which the site is located.

1. The property is in the Corporate Office (CO) zone. This zone is intended to provide for the development of office projects. Regulations are designed to promote a restricted mixture of office and food serving uses with limited retail uses. The proposed retail and the addition of alcohol sales as an ancillary use are consistent with this purpose.

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.

1. The sale of alcohol will be permitted from 6:00 am to 2:00 am daily, so it is unlikely that the market will not cause the establishment to become a nuisance.

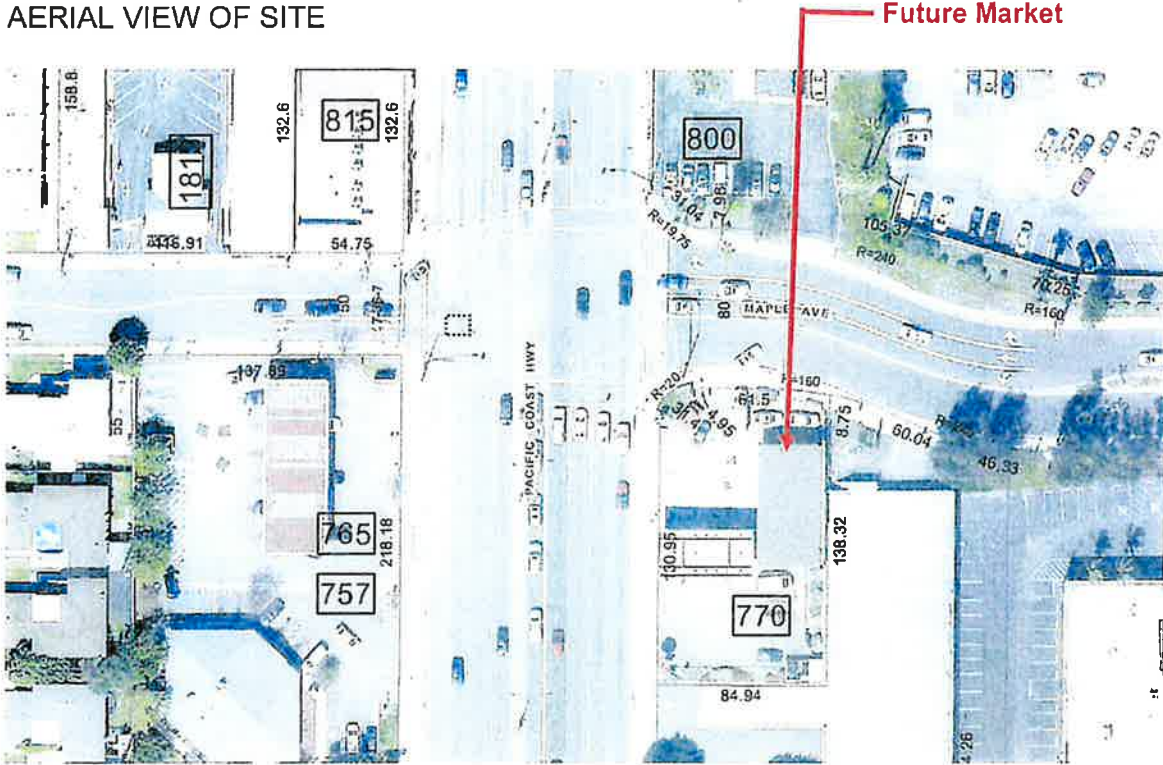
Finding 4: Potential impacts that could be generated by the proposed use, such as noise, smoke, dust, fumes, vibration, odors, traffic, and hazards have been recognized and mitigated.

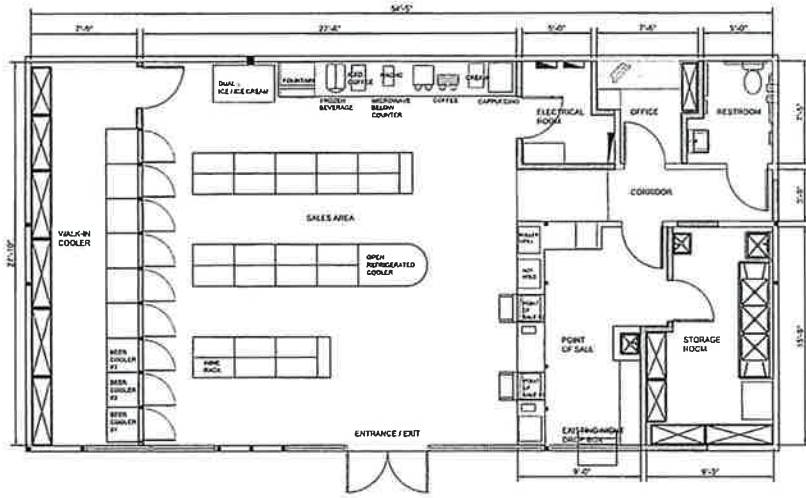
1. The on-site sale of beer and wine for off-site consumption will not create any new impacts that would not be normally associated with the operation of a market at a gas station.

Finding 5: The State Department of Alcoholic Beverage Control has issued or will issue a license to sell beer, wine and distilled spirits to the Applicant.

1. The City expects the Applicant will obtain a license from the State of California Department of Alcoholic Beverage Control for the on-site sale of beer and wine for off-site consumption at a market (Type 20 ABC License). A public convenience and necessity letter will be prepared. In the event the Applicant does not receive such license, the City's approval will be null (Condition No. 4).

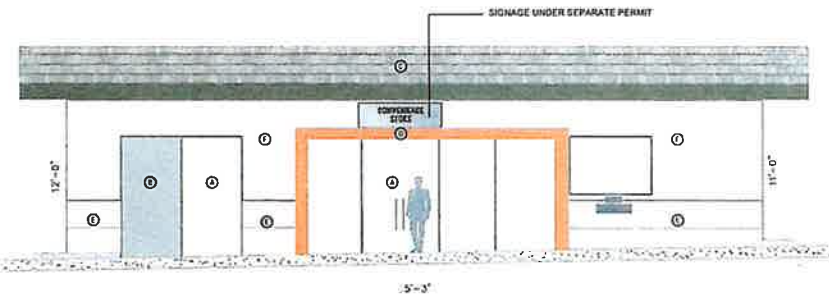
AERIAL VIEW OF SITE





SPACE PLAN

SCALE: 1/4"=1'-0"



EXTERIOR FRONT ELEVATION



A STORE FRONT SYSTEM
KAWNEER ENCORE
FRAME FINISH: DARK BRONZE #40



B SPANDREL GLASS PANEL:
GUARDIAN GLASS
TRUE UNIFORM COLOR,
GUARDIAN DECO HT
COLOR: WARM GREY



C ACM ACCENT PANEL:
ALUCOBOND PLUS
THE ANNODIZED COLLECTION
DARK BRONZE ANNODIZED
GLOSS 15-25



D ACM ACCENT PANEL:
ALUCOBOND PLUS
THE SPECTRA COLLECTION
CUPRAL PVDF/FEVE
GLOSS 70-80

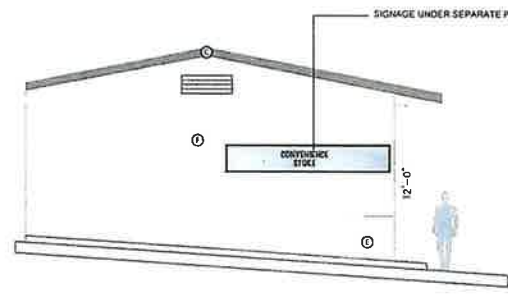


E TRAVERTINE VENEER
TRAVERTINE CREMINO VEIN CUT
PENINSULA BLG MATERIALS CO.
OR APPROVED EQUAL

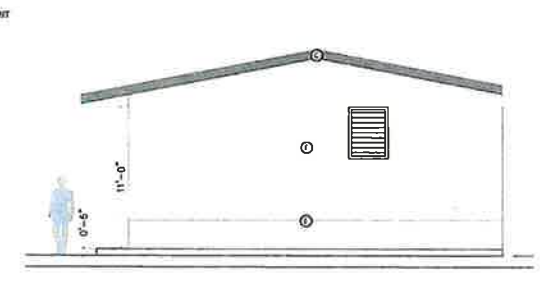


F SMOOTH STUCCO
OMEGA COLOR TEK
#10 OMEGA WHITE

MATERIAL BOARD



EXTERIOR NORTH SIDE ELEVATION



EXTERIOR SOUTH SIDE ELEVATION

770 N PACIFIC COAST HWY
EL SEGUNDO, CA
BOB'S UNION CONVENIENCE STORE
Client : Ara Kizirian

SPACE PLAN, MATERIAL BOARD
AND EXTERIOR ELEVATIONS

Yield study only. Planning approvals and other planning mechanism need to be confirmed.

Project #: 2020433.00
NOVEMBER 3RD, 2020

ZPROUT
ARCHITECTURE WITHIN REACH
445 S San Gabriel Blvd, Suite 201, San Gabriel, California 91776
626.569.7780
info@zprout.com
www.zprout.com

TITLE:

Conclude Golf Course Subcommittee

RECOMMENDATION:

Approve the conclusion of Golf Course Subcommittee due to the closure of The Lakes at El Segundo Golf Course on February 14, 2021.

FISCAL IMPACT:

None.

BACKGROUND:

Golf Course Subcommittee was established as an offshoot of the Recreation and Parks Commission, originally established in the late 1990s. The Subcommittee was created to oversee operations of The Lakes at El Segundo Golf Course and ensure financial reporting and transparency from the operator. The Golf Course Subcommittee also focused on community programming related to golf.

DISCUSSION:

The Subcommittee serves as a forum to promote and foster golf as a recreational sport to the community, particularly youth. The Subcommittee provides financial oversight through the review of quarterly financial reports submitted by the golf course operator, Lane Donovan. The Subcommittee also provides support, guidance, and advice on the golf course operations through recreational programming and educational forums to promote golf in the El Segundo community.

Based on discussion with the Golf Course Subcommittee members on February 3, 2021, it was decided to conclude the Golf Course Subcommittee based on the fact the City will no longer operate the golf course and driving range located at The Lakes at El Segundo. Operations were concluded on February 14, 2021. On February 15, 2021, the City transitioned the property and golf operations to Topgolf.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 1: Enhance customer service and engagement.

Objective A: El Segundo's engagement with the community ensures excellence.

Golf Course Subcommittee Conclusion

March 2, 2021

Page 2 of 2

PREPARED BY: Joseph Lillio, Chief Financial Officer

REVIEWED BY: Barbara Voss, Deputy City Manager 

APPROVED BY: Scott Mitnick, City Manager

TITLE:

Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2018-19 Comprehensive Annual Financial Report

RECOMMENDATION:

Receive and file.

FISCAL IMPACT:

None

BACKGROUND:

The GFOA established the Certificate of Achievement for Excellence in Financial Reporting Program (CAFR Program) in 1945 to encourage and assist state and local governments to go beyond the minimum requirements of generally accepted accounting principles to prepare CAFRs that evidence the spirit of transparency and full disclosure and then to recognize individual governments that succeed in achieving that goal.

A Certificate of Achievement is valid for a period of one year only. Staff will continue to strive for excellence in order to meet the Certificate of Achievement program requirements in future years.

DISCUSSION:


The Government Finance Officers Association of the United States and Canada (GFOA), has awarded the City of El Segundo (the City) the GFOA's Certificate of Achievement for Excellence in Financial Reporting for the City's FY 2018-19 Comprehensive Annual Financial Report. The award represents a significant and continuing achievement by the City. It demonstrates the commitment of the City Council and staff to meet the highest principles of government financial reporting and reflects the City's philosophy of transparency to its residents and other stakeholders.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 5: Champion Economic Development and Fiscal Sustainability:

Objective B: El Segundo approaches its work in a financially strategic and responsible way.

GFOA CAFR Award
March 2, 2021
Page 2 of 2

ORIGINATED BY: Joseph Lillio, Chief Financial Officer
REVIEWED BY: Barbara Voss, Deputy City Manager 
APPROVED BY: Scott Mitnick, City Manager

ATTACHED SUPPORTING DOCUMENTS:

1. GFOA press release
2. GFOA's notification to the City of being awarded the Certificate of Achievement for Excellence in Financial Reporting FY 2018-19



GOVERNMENT FINANCE OFFICERS ASSOCIATION
NEWS RELEASE

FOR IMMEDIATE RELEASE

1/26/2021

For more information contact:
Michele Mark Levine, Director/TSC
Phone: (312) 977-9700
Fax: (312) 977-4806
Email: mlevine@gfoa.org

(Chicago, Illinois)—Government Finance Officers Association of the United States and Canada (GFOA) has awarded the Certificate of Achievement for Excellence in Financial Reporting to **City of El Segundo** for its comprehensive annual financial report for the fiscal year ended September 30, 2019. The report has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the report.

The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Government Finance Officers Association (GFOA) advances excellence in government finance by providing best practices, professional development, resources, and practical research for more than 21,000 members and the communities they serve.



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

1/26/2021

Drew Boyles
Mayor
City of El Segundo, California

Dear Mayor Boyles:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended September 30, 2019 qualifies for GFOA's Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. This award has been sent to the submitter as designated on the application.

We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and give appropriate publicity to this notable achievement. A sample news release is included to assist with this effort.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,

Michele Mark Levine
Director, Technical Services

TITLE:

Second reading and adoption of Ordinance No.1622 setting the City's Water and Wastewater rates for Fiscal Year (FY) 2020-21 through FY 2024-25

RECOMMENDATION:

Conduct the second reading and adopt Ordinance No. 1622 setting the amount of water and wastewater rates and charges pursuant to safety codes section 5471 and El Segundo Municipal Code Section 11-1-5.

FISCAL IMPACT:

The proposed water and wastewater rate adjustments over the next five years will result in an estimated \$5,726,955 in new Water Fund revenue and \$6,396,262 in new Wastewater Fund revenue to cover rising operating and capital costs associated with maintaining both enterprises (including the pass-through charges from West Basin Municipal Water District and City of Los Angeles Hyperion Treatment Plant). With these rate adjustments, both funds will remain financially self-supportive and sustainable.

BACKGROUND:

Approximately every five years, the City of El Segundo reviews its water and wastewater rates to determine what rates should be adjusted over the next five years to pay for the full cost of providing reliable water and collecting and treating wastewater in an effective and environmentally safe manner. A fundamental policy goal is for the ratepayers to pay for the cost of services provided and for each fund to be self-sustaining.

Water rates were last adjusted in 2019. Wastewater rates were last adjusted in 2016. In anticipation of the need to adjust rates for the next five-year period, staff initiated a water and wastewater "rate study" for each enterprise in the fall of 2019. This study was completed in the fall of 2020 and was presented to City Council on December 15, 2020. This study included presenting a series of water and wastewater rate adjustment options for each fiscal year (FY) from FY 2020-2021 through FY 2024-2025.

DISCUSSION:

On December 15, 2020 City Council authorized staff to conduct the ballot protest and set a public hearing date for February 16, 2021 to conduct a public hearing and count all protest ballots submitted. By the close of the public hearing, the City received 1092 water protest ballots and 989 wastewater protest ballots, in addition to the verbal testimony. It was determined that the number received fell below the 2,014 threshold required to successfully protest the water rate increase and below the 2,079 threshold required to

ESEDC Transition

February 2, 2021

Page 2 of 2

successfully protest the wastewater rate increase. Subsequently, City Council 1) introduced Resolution No. 5248 certifying the protest ballot results, 2) introduced an ordinance setting the newly proposed water and sewer rates pursuant to Health and Safety Code 5471 and El Segundo Municipal Code 11 - 1 - 5 and 3) set March 2, 2021 as the Council meeting where the ordinance could be adopted following the second reading.

Next Steps:

The water rate adjustments will take place on January 1, 2022, January 1, 2023, January 1, 2024, and January 1, 2025.

The wastewater rate adjustments will take place on April 2, 2021, January 1, 2022, January 1, 2023, January 1, 2024, and January 1, 2025.

Utility	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25
Water	0%	3%	3%	3%	3%
Wastewater	9%	9%	9.5%	9.5%	9.5%

CITY STRATEGIC PLAN COMPLIANCE:

Goal 5: Champion Economic Development and Fiscal Sustainability:

Objective B: El Segundo approaches its work in a financially strategic & responsible way.

ORIGINATED BY: Joseph Lillio, Chief Financial Officer 

REVIEWED BY: Barbara Voss, Deputy City Manager 

APPROVED BY: Scott Mitnick, City Manager

ATTACHED SUPPORTING DOCUMENTS:

1. Ordinance No. 1622
2. February 16th staff report and supporting documents on setting the City's water and wastewater rate adjustments for FY 2020-21 through FY 2024-25

ORDINANCE NO. 1622

**AN ORDINANCE SETTING THE AMOUNT OF
WATER AND SEWER RATES AND CHARGES
PURSUANT TO HEALTH AND SAFETY CODE §5471
AND EL SEGUNDO MUNICIPAL CODE § 11-1-5.**

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

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

- A. The City of El Segundo requires a reliable supply of water meeting current and anticipated water quality standards to protect the public general welfare, health and safety.
- B. The purpose of water rates and charges is to protect the public health, safety and general welfare by providing a reliable and adequate supply of water meeting current and anticipated water quality standards for the residential properties and non-residential properties of the City of El Segundo and to pay for the cost of providing such service.
- C. The purpose of the wastewater rates and charges (sewer charges) is to protect the public health, safety and general welfare by providing a reliable and adequate system for the discharge, transmission and treatment of wastewater from residential and non-residential properties located within the City.
- D. There is a reasonable relationship between the amount of the rates and charges and the cost of services and facilities necessary to deliver water and wastewater service to the residents and non-residential development of the City.
- E. The City Council previously set water rates and established administrative procedures for billing and collecting water rates. These actions are reflected, without limitation, in Ordinance No. 1501 (adopted February 3, 2015).
- F. The City Council previously set wastewater rates and established administrative procedures for billing and collecting sewer rates. These actions are reflected, without limitation, in Ordinance No. 1501 (adopted February 3, 2015).
- G. Notice regarding the water and sewer rates included in this ordinance was provided in accordance with California Constitution Article XIID, § 6(c) and Government Code § 54354.5.

- H. On February 16, 2021, the City Council held a public hearing to consider the results of the protest proceeding and to consider whether to increase the water and sewer rates as proposed.
- I. This Ordinance is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, *et seq.*; "CEQA") and CEQA regulations (Cal. Code Regs. tit. 14, §§ 15000, *et seq.*) because it establishes, modifies, structures, restructures, and approves rates and charges for meeting operating expenses; purchasing supplies, equipment, and materials; meeting financial requirements; and obtaining funds for capital projects needed to maintain service within existing service areas. This Ordinance, therefore, is categorically exempt from further CEQA review under Cal. Code Regs. tit. 14, § 15273.
- J. This ordinance is adopted in accordance with Health and Safety Code § 5471 and El Segundo Municipal Code ("ESMC") § 11-1-5 to establish the City's current water rates and ESCM § 12-7-3 to establish the City's current wastewater rates.
- K. The City Council has considered the evidence and testimony presented at the public hearing. Based in part upon that evidence, and the staff reports presented to the City Council regarding this issue, the City Council believes that it is in the public interest to adopt this Ordinance.

SECTION 2: AMOUNT OF RATES AND CHARGES. Pursuant to ESCM § 11-1-5, the City Council establishes the amount of water rates as set forth in attached Exhibit "A," which is incorporated by reference ("Water Charges"). Pursuant § 12-7-3. The City Council establishes the amount of wastewater rates as set forth in attached Exhibit "B," which is incorporated by reference ("Wastewater Charges").

SECTION 3: COST ESTIMATES. The City Manager, or designee, will periodically, but not less than annually, review the Water and Wastewater Charges to determine whether revenues from such charges are meeting actual cost of services and facilities needed to deliver water service and provide waste collection services to the residents and non-residential developments within the City. If the City Manager determines that revenues do not adequately meet costs, the City Manager will recommend to the City Council a revised rate and charge schedule to be adopted by this City Council by ordinance.

SECTION 4: This Ordinance was adopted to comply with the California Supreme Court decision in *Bighorn-Desert View Water Agency v. Verjil* (2006) 39 Cal.4th 205. To the extent any provision of this Ordinance repeals or supersedes Ordinance No. 1501, such repeal or replacement will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed or superseded part of Ordinance No. 1501 will remain in full force and effect for sustaining action or prosecuting violations occurring before

the effective date of this Ordinance.

SECTION 5: 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 6: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 7: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this 2nd day of March, 2021

Drew Boyles, Mayor

ATTEST:

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

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby verify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. was duly introduced by said City Council at a regular meeting held on the 16th day of February, 2021, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 2nd day of March, 2021, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tracy Weaver, City Clerk

APPROVED AS TO FORM:

Mark D. Hensley, City Attorney

By:

Mark D. Hensley, City Attorney

TITLE:

Proposed City Water and Wastewater Rate Adjustments for Fiscal Year 2020-2021 through Fiscal Year 2024-2025

RECOMMENDATION:

1. Conduct public hearing related to Proposition 218 majority protest process for proposed City water and wastewater rate adjustments
2. Received written and verbal testimony in response to proposed City water and wastewater rate adjustments for Fiscal Year 2020-2021 through Fiscal Year 2024-2025.
3. Adopt a resolution certifying the protest ballot results.
4. If a majority protest does not exist, introduce an ordinance setting City water and wastewater rates and charges pursuant to Health and Safety Code § 5471 and El Segundo Municipal Code § 11-1-5

FISCAL IMPACT:

The proposed water and wastewater rate adjustments over the next five years will result in an estimated \$5,726,955 in new Water Fund revenue and \$6,396,262 in new Wastewater Fund revenue to cover rising operating and capital costs associated with maintaining both enterprises (including the pass-through charges from West Basin Municipal Water District and City of Los Angeles Hyperion Treatment Plant). With these rate adjustments, both funds will remain financially self-supportive and sustainable.

BACKGROUND:

Approximately every five years, the City of El Segundo reviews its water and wastewater rates to determine what rates should be adjusted over the next five years to pay for the full cost of providing reliable water and collecting and treating wastewater in an effective and environmentally safe manner. A fundamental policy goal is for the ratepayers to pay for the cost of services provided and for each fund to be self-sustaining.

Water rates were last adjusted in 2019. Wastewater rates were last adjusted in 2016. In anticipation of the need to adjust rates for the next five-year period, staff initiated a water and wastewater "rate study" for each enterprise in the fall of 2019. This study was completed in the fall of 2020 and was presented to City Council on December 15, 2020. This study included presenting a series of water and wastewater rate adjustment options for each fiscal year (FY) from FY 2020-2021 through FY 2024-2025. Please refer to the

**Proposed City Water and Wastewater Rate Adjustments
February 16, 2021
Page 2 of 5**

attached copy of the December 15th staff report and rate study for additional details and background information.

At the December 15, 2020 meeting, City Council approved the rate study, selected a water rate structure and wastewater rate structure, and reaffirmed policies and procedures adopted by City Council on September 16, 2014 via Resolution No. 4888 which set forth the procedures required by California State Proposition 218 (the "Right to Vote on Taxes Act" of 1996) to implement new or increased water and wastewater rates for residential and non-residential services. If a majority vote protesting the proposed rate adjustments does not take place by the February 16th deadline, these rates will remain in place for five years and the non pass-through costs will be required to be reaffirmed (with or without future adjustments) through another Proposition 218 protest ballot process in five years.

DISCUSSION:

Proposed Rate Adjustments

As explained in the December 15th staff report and delineated in the attached proposed ordinance, City's water and wastewater rates will be implemented over the next five years as follows:

Utility	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25
Water	0%	3%	3%	3%	3%
Wastewater	9%	9%	9.5%	9.5%	9.5%

The water rate adjustments will take place on January 1, 2022, January 1, 2023, January 1, 2024, and January 1, 2025.

The wastewater rate adjustments will take place on April 2, 2021, January 1, 2022, January 1, 2023, January 1, 2024, and January 1, 2025.

The rate adjustments discussed in the in the 2020 Rate Study are designed to fully cover the associated costs incurred by the Water Fund and Wastewater Fund over the next five years. Without the proposed rate adjustments, Water Fund revenues will not cover the rising cost of imported water purchased from West Basin Municipal Water District, operating expenses, or needed capital expenses. With respect to the Wastewater Fund, the adjustments are needed to cover rising costs charged for the City's cost of using the Los Angeles Hyperion Treatment Plant, planned capital projects, and emergencies.

**Proposed City Water and Wastewater Rate Adjustments
February 16, 2021
Page 3 of 5**

Proposition 218 Protest Ballots, Public Hearing, and Resolution Certifying Ballot Results

On December 15, 2020, City Council directed staff to administer the Proposition 218 majority protest process and set a public hearing for February 16, 2021 to vote on the proposed water and wastewater rate adjustments. On December 30, 2020, protest ballots were mailed out to the recorded owners of each parcel and each water and wastewater customer (ratepayer) in the City. A sample ballot is attached. This process requires allowing a minimum of 45 days notification prior to the Proposition 218 public hearing. A total of 5,3709 water protest ballots and 5,286 wastewater protest ballots were mailed out. To successfully protest the proposed water and wastewater rate increases, a simple majority of property owners and/or water ratepayers (2,686 or more) and wastewater ratepayers (2,644 or more) must return their ballots as instructed.

Property owners and/or water and wastewater ratepayers may turn in protest ballots (by mail or hand delivery) at any time prior to the close of the public hearing on February 16, 2021. However, only one ballot will be counted for each parcel. At the public hearing, City Council will be presented with a resolution for purposes of verifying the result of the protest process and an ordinance reflecting the proposed water and wastewater adjustments, should there be less than a majority protest for each enterprise fund.

Ordinance Setting New Water and Wastewater Rates

The attached proposed ordinance recommended for introduction reflects the proposed water and wastewater rate adjustments set forth in the notice mailed with the protest ballots. It also allows for a pass-through of wholesale water cost increases to the City from West Basin and other outside sources. The ordinance cannot be introduced and adopted if a majority of the property owners/ratepayers file written protests.

Once introduced by City Council, a second reading of the ordinance will be scheduled for the March 2, 2021 City Council meeting. Rate adjustments, if enacted, will take effect no earlier than April 2, 2021. Passage of the ordinance requires approval by a minimum of four (4) Councilmembers in order to meet the two-third legislative requirement.

The Proposition 218 Process Recap

In November 1996, the California electorate approved Proposition 218 ("Right to Vote on Taxes Act") that requires certain procedures be followed with regards to "property-related" fee increases imposed by governmental agencies. Initially, case law indicated that these procedures were not applicable to water and wastewater rates. However, a 2006 California Supreme Court decision held proposition 218 fee increase procedures must be followed for any proposed increase to a City's water and wastewater rates. In short, water and wastewater rate increases are subject to a "majority protest" process that provides that if a majority of the parcels in the City protest adjustment, then the City cannot impose the increase.

**Proposed City Water and Wastewater Rate Adjustments
February 16, 2021
Page 4 of 5**

The City took the most conservative approach and sent the protest ballots to both property owners and tenants, if the tenant is the water or wastewater customer. The City is required to count only one protest per parcel. Accordingly, even if both owner and tenant file a protest, only one protest shall be counted for purposes of determining whether there is a "majority protest" as described below.

Proposition 218 requires that the City provide all properties receiving the utility service for which the fee is charged (in this case, water distribution and wastewater treatment rates) with a minimum of 45 days written notice prior to City Council holding a public hearing on the proposed rate adjustments. The property owners and tenants have the ability to "protest" the proposed rate increase until the close of the public hearing. If a majority of the parcels file written protests with the City prior to the close of the public hearing on February 16, 2021, Proposition 218 states that the City cannot implement the proposed rate adjustments. If a majority of the parcels do not protest the proposed increase, City Council will then have the legal authority to implement the proposed rate adjustments.

In accordance with Proposition 218 requirements, several steps have been taken to comply with the law. Notice to parcel owners of a the proposed rate adjustments, a formal "Notice of a Public Hearing" set for February 16, 2021 at 6:00 PM, and a "Schedule of Proposed Water and Wastewater Rate Adjustments" were sent to property owners and water and wastewater users on December 30, 2020. The most current assessor's parcel roll from the Los Angeles County Assessor's office was obtained and direct mailing to each parcel owner within the City was conducted. Likewise, direct mailing was also conducted to each water and wastewater customer utilizing the water/wastewater billing address that the City has on file.

It is interesting to note that private investor owned water and wastewater companies, such as California American Water or California Water, are not subject to Proposition 218 protest ballots. These utilities are regulated by the California Public Utilities Commission. They do not have to obtain input from ratepayers the way municipal utility systems do.

NEXT STEPS:

If a majority of the parcels do not protest the proposed water and wastewater rate adjustments and City Council introduces the ordinance, the second reading and adoption of the ordinance will be scheduled for the March 2, 2021 City Council meeting. Rate adjustments will then go into effect as articulated above, with the first water rate adjustment of 3% taking place on January 1, 2022. The first wastewater rate adjustment of 9% will take place on April 2, 2021.

Proposed City Water and Wastewater Rate Adjustments
February 16, 2021
Page 5 of 5

CITY STRATEGIC PLAN COMPLIANCE:

Goal 5 -- Champion Economic Development and Fiscal Sustainability:

Objective B -- El Segundo approaches its work in a financially strategic and responsible way

ORIGINATED BY: Joseph Lillio, Chief Financial Officer & Elias Sassoon, PW Director

APPROVED BY: Scott Mitnick, City Manager  (for SM)

ATTACHED SUPPORTING DOCUMENTS:

1. Resolution No. 4888 for Proposition 218 Procedures
2. Resolution Certifying Protest Procedure Results for Water and Wastewater
3. Ordinance Establishing Water and Wastewater Rates
4. December 15, 2020 Water and Wastewater Rate Adjustments Staff Report
5. Water and Wastewater Rate Study
6. Notice and Protest Ballots Mailed to Property Owners

RESOLUTION NO. 4888

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO ESTABLISHING PROCEDURES FOR INCREASING WATER, WASTEWATER, AND SOLID WASTE FEES IN ACCORDANCE WITH THE REQUIREMENTS OF PROPOSITION 218.

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

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

- A. On July 24, 2006, the California Supreme Court confirmed that charges for water and wastewater services are subject to Proposition 218 procedures (*Bighorn-Desert View Water Agency v. Verjil* (2006) 39 Cal.4th 205);
- B. The City Council anticipates that there will be future increases in water, wastewater, and solid waste rates. Adopting the policies and procedures set forth in this Resolution will help implement the requirements set forth in Article XIID of the California Constitution and help ensure that the rights of those persons that are authorized to protest service charges are preserved;
- C. Elections Code § 4000(c)(9) provides that any protest ballot proceeding required or authorized by California Constitution Articles XIIC or XIID may be conducted wholly by mail. In the event a protest ballot process is required, the City Council seeks to achieve higher awareness of those affected by the proposed increase, provide an orderly protest process for both those receiving the ballots and the City, ensure to the extent practicable that there is some verification process regarding the protests received, and to reduce the costs of the protest ballot process; and
- D. Adopting this Resolution is in the public interest for the reasons set forth above and as further stated within Article XIID and the Proposition 218 and state legislation relating to the implementation of Proposition 218.

SECTION 2: The City Council adopts the procedures set forth in this Resolution for conducting all proceedings required by California Constitution Article XIID for utility fee (as defined below) increases. Where no specific procedures are imposed by Article XIID or the Proposition 218 Omnibus Implementation Act (Government Code §§ 53750, *et seq.*), the procedures set forth in this Resolution apply. This Resolution may be referred to as the “Proposition 218 Protest Proceedings Resolution.”

SECTION 3: *Definitions.* Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this Resolution. Words and phrases not defined by this Resolution will have the

meaning set forth in California Constitution Article XIID or the Proposition 218 Omnibus Implementation Act.

- A. "Act" means the Proposition 218 Omnibus Implementation Act found at Government Code §§ 53750, *et seq.*;
- B. "Article 13D" means California Constitution Article XIID, § 6;
- C. "Manager" means the City Manager or designee;
- D. "Property owner" has the same meaning set forth in Article 13D and also pursuant to the Act includes tenancies of real property where tenants are directly liable to pay the proposed water or wastewater fee or charge;
- E. "Protest" means a written protest filed with the City Clerk in accordance with Article 13D, the Act, and this Resolution as described in Article 13D, § 6(a)(2);
- F. "Utility fee" means a fee or charge imposed for potable water, wastewater, or solid waste services provided to customers in accordance with the El Segundo Municipal Code ("ESMC"), and other applicable law, by the City of El Segundo.

SECTION 4: *Calculation of the fee and proposed increase.* Utility fees must be calculated in accordance with the recommendations in the latest independent Rate Study report or City's internal financial analysis.

SECTION 5: *Administration of Proceedings.* The City Manager, or designee, is authorized to implement this Resolution in a manner consistent with the California Constitution and other applicable law.

SECTION 6: *Notice.* Notice of a proposed utility fee increase is provided as follows:

- A. In general, the City will identify the record property owner(s) of each parcel to which the utility fee would be applied from its billing system database and/or the latest equalized tax roll produced by Los Angeles County. The City's Utility Billing database and the equalized tax roll is presumptive evidence of ownership of the land for voting purposes.
- B. If either the City's Utility Billing Database or Los Angeles County Recorder's website shows that more than one property owner has an interest in a parcel, all property owners (each property owner) must receive notice at the address shown for the property owner. Both property owners and parties financially responsible for paying the fee will be provided notice. In the event that notice is sent for a utility service for which the City is not currently charging a fee, the notices will be sent to

the property owner based upon the Los Angeles County Recorder's website and to the street address to which the service would be provided if the address is different than the address designated for the property owner on the Los Angeles County Recorder's website.

- C. The notice must be sent by first class mail at least forty-five (45) days before the date set for the public hearing on the utility fee.
- D. The form of the notice of hearing will be approved by the City Council and be on file with the City Clerk.
- E. The notice provided by these procedures, in accordance with Article 13D, supersedes and is in lieu of notice required by any other statutes to levy or increase a utility fee.
- F. The City Clerk, or designee, may certify the proper mailing of notices by an affidavit which constitutes conclusive proof of mailing in the absence of fraud.
- G. Failure of any person to receive notice does not invalidate the proceedings.

SECTION 7: *Protests against Utility Fee Increases.*

- A. The property owner(s) of parcels subject to the proposed fee increase are entitled to a single protest for each parcel. When a parcel is held as community property or in joint tenancy or as a tenancy in common, any spouse or joint tenant or tenant in common is presumed to have authority to cast a protest on behalf of such parcel.
- B. Executors, administrators, and guardians may cast a protest on behalf of the estate represented by them. If such representatives are shown on the latest assessment roll as paying taxes and assessments on behalf of the property owner(s), that fact establishes the right of such representative(s) to cast a protest. If such representatives are not shown on the latest assessment roll, the representatives may file with the City Clerk, at any time before the commencement of the public hearing, or the date of the election, as the case may be, certified copies of the written documentation establishing the legal representation.
- C. The protest of any public or quasi-public corporation, private corporation, or unincorporated association may be signed by any person so authorized in writing by the board of directors or trustees or other managing body thereof.
- D. The Manager is designated as the voting representative with respect to City-owned property.

- E. In any case where the documentation provided to the City Clerk in is ambiguous or unclear, the City Attorney will determine whether the documentation is adequate for the purpose provided.
- F. In the event a property owner loses or misplaces a protest ballot, upon request by the property owner the City will provide a replacement protest ballot unless a properly filled out protest ballot has already been received for the parcel of property.

SECTION 8: *Public Hearing.*

- A. Only protest ballots that (i) were provided by the City to the property owner in the form approved by the Council and (ii) are properly filled out and legibly signed by an eligible property owner is made will be counted as a valid protest. Only one protest shall be counted for each parcel of property regardless of the number of protests filed by property owners for the parcel.
- B. The City Clerk must stamp each written protest the date and time it is filed with the City Clerk for purposes of establishing whether the protest was filed before the close of the public testimony portion of the public hearing. No protest received after the close of the public testimony portion of the public hearing can be counted in determining the amount of protest, but the Council may, in its discretion, consider such protests in making its decision. Written protests may be withdrawn in writing at any time before the conclusion of the public testimony portion of the public hearing.
- C. At the time and place fixed for the hearing, or at any time to which the hearing is adjourned, the Council must:
 - 1. Hear all persons interested in the matter of the proposed fee increase;
 - 2. Hear all objections, protests or other written communications from any owner of property subject to the proposed utility fee; and
 - 3. Take and receive oral and documentary evidence pertaining to the proposed fee increase.
 - 4. The hearing may be continued from time to time, as the Council determines necessary to complete its consideration of the proposed fee increase.
 - 5. If the Council determines, at the close of the public testimony portion of the public hearing, that votes were received from

property owners representing a majority of the parcels subject to the proposed fee increase, the Council shall adopt a resolution setting forth the results of the protest ballot process and the proceedings shall then be closed and the utility fee cannot be approved by the City Council.

6. If the Council determines at the close of the public testimony portion of the public hearing that written protests were not received from property owners representing a majority of the parcels subject to the proposed utility fee, the Council shall adopt a resolution setting forth the results of the protest ballot process and then may by Ordinance change the utility fee so long as in an amount that does exceed the amount and methodology set forth in the public notices sent to the property owners.

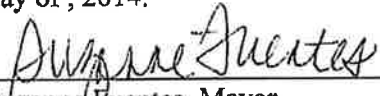
SECTION 9: Environmental Review. This Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a “project” that requires environmental review (*see* specifically 14 CCR § 15378(b)(4-5)).

SECTION 10: If any part of this Resolution 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 Resolution are severable.

SECTION 11: The City Clerk is directed to certify the passage and adoption of this Resolution; and cause it to be entered into the City of El Segundo’s book of original Resolutions.

SECTION 12: This Resolution will take effect immediately day following its final passage and adoption.

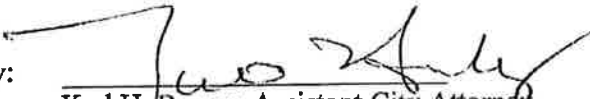
PASSED AND ADOPTED this 16th day of , 2014.


Suzanne Fuentes, Mayor

ATTEST:


Tracy Weaver, City Clerk

APPROVED AS TO FORM
MARK D. HENSLEY, City Attorney

By: 
Karl H. Berger, Assistant City Attorney

RESOLUTION NO. _____

A RESOLUTION DECLARING THE RESULTS OF THE PROCEEDINGS FOR ADOPTING WATER CHARGES IN ACCORDANCE WITH ARTICLE XIII OF THE CALIFORNIA CONSTITUTION.

The City Council of the city of El Segundo does resolve as follows: SECTION 1: The City Council finds and declares 'as follows:

On February 16, 2021, the City Council held a public hearing to consider the results of protest proceedings conducted in accordance with California Constitution Article XIII, § 6(a)(2) and Resolution No. 4888; and

After receiving documentary and oral testimony, the City Council declared the public hearing closed and considered whether written protests were received from property owners representing a majority of properties subject to the water and wastewater charges.

SECTION 2 The total number of protest ballots mailed or provided to property owners eligible to file a protest ballot was 4,206 for water and 4,155 for wastewater. The number of valid protest ballots received by the City at the end of the February 16, 2021 public hearing was _____ for water and _____ for waste water.

SECTION 3: The number of valid protest ballots required to prevent adoption of the proposed water charges is 2,104 or more and for wastewater charges is 2,079 or more. Because the number of valid protest ballots received by the City [____ does ___does not] represent a majority of property owners eligible to protest, the City Council [____ may ___may not] adopt the proposed water and wastewater charges.

SECTION 4: The City Clerk will certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

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

PASSED AND ADOPTED this 16^h day of February, 2021

Drew Boyles, Mayor

ATTEST:

Tracy Weaver, City Clerk

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

By: _____ Mark D. Hensley, City Attorney

ORDINANCE NO. _____

AN ORDINANCE SETTING THE AMOUNT OF WATER AND SEWER RATES AND CHARGES PURSUANT TO HEALTH AND SAFETY CODE §5471 AND EL SEGUNDO MUNICIPAL CODE § 11-1-5.

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

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

- A. The City of El Segundo requires a reliable supply of water meeting current and anticipated water quality standards to protect the public general welfare, health and safety.
- B. The purpose of water rates and charges is to protect the public health, safety and general welfare by providing a reliable and adequate supply of water meeting current and anticipated water quality standards for the residential properties and non-residential properties of the City of El Segundo and to pay for the cost of providing such service.
- C. The purpose of the wastewater rates and charges (sewer charges) is to protect the public health, safety and general welfare by providing a reliable and adequate system for the discharge, transmission and treatment of wastewater from residential and non-residential properties located within the City.
- D. There is a reasonable relationship between the amount of the rates and charges and the cost of services and facilities necessary to deliver water and wastewater service to the residents and non-residential development of the City.
- E. The City Council previously set water rates and established administrative procedures for billing and collecting water rates. These actions are reflected, without limitation, in Ordinance No. 1501 (adopted February 3, 2015).
- F. The City Council previously set wastewater rates and established administrative procedures for billing and collecting sewer rates. These actions are reflected, without limitation, in Ordinance No. 1501 (adopted February 3, 2015).
- G. Notice regarding the water and sewer rates included in this ordinance was provided in accordance with California Constitution Article XIID, § 6(c) and Government Code § 54354.5.

- H. On February 16, 2021, the City Council held a public hearing to consider the results of the protest proceeding and to consider whether to increase the water and sewer rates as proposed.
- I. This Ordinance is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, *et seq.*; "CEQA") and CEQA regulations (Cal. Code Regs. tit. 14, §§ 15000, *et seq.*) because it establishes, modifies, structures, restructures, and approves rates and charges for meeting operating expenses; purchasing supplies, equipment, and materials; meeting financial requirements; and obtaining funds for capital projects needed to maintain service within existing service areas. This Ordinance, therefore, is categorically exempt from further CEQA review under Cal. Code Regs. tit. 14, § 15273.
- J. This ordinance is adopted in accordance with Health and Safety Code § 5471 and El Segundo Municipal Code ("ESMC") § 11-1-5 to establish the City's current water rates and ESCMC § 12-7-3 to establish the City's current wastewater rates.
- K. The City Council has considered the evidence and testimony presented at the public hearing. Based in part upon that evidence, and the staff reports presented to the City Council regarding this issue, the City Council believes that it is in the public interest to adopt this Ordinance.

SECTION 2: AMOUNT OF RATES AND CHARGES. Pursuant to ESCMC § 11-1-5, the City Council establishes the amount of water rates as set forth in attached Exhibit "A," which is incorporated by reference ("Water Charges"). Pursuant § 12-7-3. The City Council establishes the amount of wastewater rates as set forth in attached Exhibit "B," which is incorporated by reference ("Wastewater Charges").

SECTION 3: COST ESTIMATES. The City Manager, or designee, will periodically, but not less than annually, review the Water and Wastewater Charges to determine whether revenues from such charges are meeting actual cost of services and facilities needed to deliver water service and provide waste collection services to the residents and non-residential developments within the City. If the City Manager determines that revenues do not adequately meet costs, the City Manager will recommend to the City Council a revised rate and charge schedule to be adopted by this City Council by ordinance.

SECTION 4: This Ordinance was adopted to comply with the California Supreme Court decision in *Bighorn-Desert View Water Agency v. Verjil* (2006) 39 Cal.4th 205. To the extent any provision of this Ordinance repeals or supersedes Ordinance No. 1501, such repeal or replacement will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed or superseded part of Ordinance No. 1501 will remain in full force and effect for sustaining action or prosecuting violations occurring before

the effective date of this Ordinance.

SECTION 5: 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 6: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 7: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this 2nd day of March, 2021

Drew Boyles, Mayor

ATTEST:

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

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby verify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. was duly introduced by said City Council at a regular meeting held on the 16th day of February, 2021, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 2nd day of March, 2021, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tracy Weaver, City Clerk

APPROVED AS TO FORM:

Mark D. Hensley, City Attorney

By:

Mark D. Hensley, City Attorney

Proposed Water Rates

The City proposes to adopt the rates as shown in the following tables. The proposed rate structure includes two components: 1) a fixed monthly charge that is billed regardless of water use and is shown in the first table, and 2) a volumetric charge billed for each unit of metered water use as shown in the second table. The Single-Family Residential class has tiered rates with the tier breakpoints as shown. The volume rate applies to each hundred cubic feet (Ccf) of water use; one hundred cubic feet (Ccf) equals 748 gallons.

METER CHARGES/FIXED MONTHLY CHARGE					
Meter Size (Inches)	April 1, 2021	January 1, 2022	January 1, 2023	January 1, 2024	January 1, 2025
5/8" and 3/4"	\$18.18	\$18.73	\$19.30	\$19.88	\$20.48
1"	\$24.71	\$25.46	\$26.23	\$27.02	\$27.84
1 1/2"	\$41.05	\$42.29	\$43.56	\$44.87	\$46.22
2"	\$60.65	\$62.47	\$64.35	\$66.29	\$68.28
3"	\$122.74	\$126.43	\$130.23	\$134.14	\$138.17
4"	\$214.23	\$220.66	\$227.28	\$234.10	\$241.13
6"	\$433.16	\$446.16	\$459.55	\$473.34	\$487.55
8"	\$923.29	\$950.99	\$979.52	\$1,008.91	\$1,039.18
10"	\$1,380.75	\$1,422.18	\$1,464.85	\$1,508.80	\$1,554.07

As shown in the table below the tier structure in the proposed rates will be changing. For Residential usage, tiers will go from four tier levels to three. For Non-Residential usage, tiers will go from four tier levels to a single uniform rate.

WATER CONSUMPTION/VOLUMETRIC CHARGE ¹	
Volumetric	Monthly Tier Break Points
Residential	
Tier I	0-9
Tier II	10-13
Tier III	14+
Non-Residential	
Chevron	Single Tier

Volumetric	April 1, 2021	January 1, 2022	January 1, 2023	January 1, 2024	January 1, 2025
Residential					
Tier I	\$2.88	\$2.97	\$3.06	\$3.16	\$3.26
Tier II	\$5.47	\$5.64	\$5.81	\$5.99	\$6.17
Tier III	\$6.86	\$7.07	\$7.29	\$7.51	\$7.74
Non-Residential					
Chevron	\$4.90	\$5.05	\$5.21	\$5.37	\$5.54

Recycled Water Rates

Recycled water rates from West Basin will continue to be directly passed through to the customer. The customer will also pay the fixed charge as shown below. Most non-city recycled users will no longer pay a surcharge, and the surcharge to Chevron will increase as shown below.²

Meter Size (inches)	April 1, 2021	January 1, 2022	January 1, 2023	January 1, 2024	January 1, 2025
Chevron	\$1.01	\$1.05	\$1.09	\$1.13	\$1.17

Meter Size (inches)	April 1, 2021	January 1, 2022	January 1, 2023	January 1, 2024	January 1, 2025
5/8" and 3/4"	\$18.18	\$18.73	\$19.30	\$19.88	\$20.48
1"	\$24.71	\$25.46	\$26.23	\$27.02	\$27.84
1 1/2"	\$41.05	\$42.29	\$43.56	\$44.87	\$46.22
2"	\$60.65	\$62.47	\$64.35	\$66.29	\$68.28
3"	\$122.74	\$126.43	\$130.23	\$134.14	\$138.17
4"	\$214.23	\$220.66	\$227.28	\$234.10	\$241.13
6"	\$433.16	\$446.16	\$459.55	\$473.34	\$487.55
8"	\$923.29	\$950.99	\$979.52	\$1,008.91	\$1,039.18
10"	\$1,380.75	\$1,422.18	\$1,464.85	\$1,508.80	\$1,554.07

¹Note the water consumption/volumetric charge is based upon current anticipated rate increases from West Basin Municipal Water District. If the District increases or decreases these anticipated rate increases, the charges shown will be increased or decreased consistent with these rate changes by West Basin.

²Direct West Basin recycled rates are not shown in this notice. If the District increases or decreases these rates, the City's charges to the customer will change consistent with these changes by West Basin.

Private Fire Protection Rates

The City proposes to charge private fire protection rates, shown in the following table, to customers with private fire protection connections to cover costs associated with maintaining the capacity to fight fires. This charge only applies to customers with private fire connections.

Meter Size (Inches)	April 1, 2021	January 1, 2022	January 1, 2023	January 1, 2024	January 1, 2025
5/8" and 3/4"	\$8.73	\$9.00	\$9.27	\$9.55	\$9.84
1"	\$9.13	\$9.41	\$9.70	\$10.00	\$10.30
1 1/2"	\$10.56	\$10.88	\$11.21	\$11.55	\$11.90
2"	\$13.03	\$13.43	13.84	\$14.26	\$14.69
3"	\$21.90	\$22.56	\$23.24	\$23.94	\$24.66
4"	\$37.20	\$38.32	\$39.47	\$40.66	\$41.88
6"	\$92.11	\$94.88	\$97.73	\$100.67	\$103.70
8"	\$186.83	\$192.44	\$198.22	\$204.17	\$210.30
10"	\$329.29	\$339.17	\$349.35	\$359.84	\$370.64

Proposed Wastewater Rates

The current wastewater charges include a fixed monthly charge and a volumetric charge. Single family residential customers will be billed a flat rate each month. Other classes will have a minimum fixed charge assuming 9 Ccf, along with additional volumetric charges for usage above the 9 Ccf minimum. The volume rate and minimum bill amount depends on whether the resident is in the west side or east side.¹

Minimum Charge	April 1, 2021	January 1, 2022	January 1, 2023	January 1, 2024	January 1, 2025
SFR	\$39.07	\$42.60	\$46.65	\$51.09	\$55.95
MFR	\$39.07	\$42.60	\$46.65	\$51.09	\$55.95
Institutional West	\$39.07	\$42.60	\$46.65	\$51.09	\$55.95
Commercial West	\$58.23	\$63.47	\$69.50	\$76.11	\$83.35
Industrial West	\$65.22	\$71.10	\$77.86	\$85.26	\$93.36
Non-Res East	\$14.86	\$16.21	\$17.75	\$19.44	\$21.29
ADU	\$16.02	\$17.47	\$19.13	\$20.95	\$22.95

Volumetric	April 1, 2021	January 1, 2022	January 1, 2023	January 1, 2024	January 1, 2025
SFR	N/A	N/A	N/A	N/A	N/A
MFR	\$4.01	\$4.37	\$4.79	\$5.25	\$5.75
Institutional West	\$4.01	\$4.37	\$4.79	\$5.25	\$5.75
Commercial West	\$6.13	\$6.69	\$7.33	\$8.03	\$8.80
Industrial West	\$6.91	\$7.54	\$8.26	\$9.05	\$9.91
Non-Res East	\$1.32	\$1.44	\$1.58	\$1.74	\$1.91

¹ Note the wastewater rates are based upon current anticipated treatment rate increases from the City of Los Angeles. If the City of Los Angeles increases or decreases these anticipated rate increases, the charges shown will be increased or decreased consistent with these rate changes by the City of Los Angeles.

TITLE:

Regional Park Place Transportation Project & Regional Aviation Boulevard Bikeway/
Greenway Project Update

RECOMMENDATION:

1. Receive update presentation on proposed Regional Park Place Transportation Project, Regional Aviation Boulevard Bikeway/Greenway Project, and funding options (for both one-time construction and recurring maintenance).
2. Direct City Manager to: Evaluate funding options and pursue funding applications (including use of an Enhanced Infrastructure Financing District [EIFD]); Work with applicable funding participants (Los Angeles County, Los Angeles County Metropolitan Transportation Authority, local businesses/property owners, interest groups, consultants, etc.); and Report back to City Council with recommendations by August 17, 2021.

FISCAL IMPACT:

Regional Park Place Transportation Project

The estimated cost of the proposed Regional Park Place Transportation Project (land acquisition and development) is over \$100,000,000. To date, Los Angeles Metropolitan Transportation Authority has approved \$5,350,000 in Measure R grants funds to pay for the design of the project. Funding for the land acquisition and construction need to be determined. It is anticipated that this funding will come from a variety of sources, including Los Angeles County Metropolitan Transportation Authority, Federal government, State government, Los Angeles County, City of El Segundo, private businesses, and other sources. Funding for recurring maintenance will need to be determined, with the lead responsibility resting with the City of El Segundo.

Regional Aviation Boulevard Bikeway/Greenway Project

The estimated cost of the proposed Regional Aviation Boulevard Bikeway/Greenway Project (land acquisition and development) is over \$15,000,000. To date, no funding has been secured. Funding for the land acquisition and construction will need to be determined. It is anticipated that funding will come from a variety of sources, including Los Angeles County Metropolitan Transportation Authority, Federal government, State government, Los Angeles County, City of El Segundo, private businesses, and other sources. Funding for recurring maintenance will need to be determined as well. The City has been working with the adjacent business/property owners to set up a funding mechanism to pay for the recurring maintenance costs.

BACKGROUND:

Regional Park Place Transportation Project

Over the past few decades, the City has demonstrated the need to do the Regional Park Place Grade Separation Project. As depicted in Attachment B, this complicated public transportation project will connect existing segments of Park Place between Allied Way and Nash Street to provide a continuous roadway from Douglas Street to Pacific Coast Highway. This connection will provide traffic relief to those that use Rosecrans Boulevard, as well as direct access from Pacific Coast Highway to Douglas Street, thereby to US Interstate 105.

The overall project consists of design, right-of-way acquisition, design of utilities extension/new utilities, design of necessary remediation work to the applicable standards, and construction a new four-lane roadway via an underpass beneath new bridges of two active railroad lines (Union Pacific Railroad [UPRR] and Burlington Northern Santa Fe [BNSF]), both of which serve the Chevron refinery located west of Pacific Coast Highway. Other elements of the project include the necessary remediation work, bridge construction, retaining structures, installation of storm drains, petroleum pipeline and other utility relocation/new utilities installation, traffic signal(s), curbs, gutters, sidewalk, landscaping, and possibly realignment of the existing BNSF switching yard to accommodate continuous rail operations during construction.

The Environmental Impact Report (EIR) for the project was completed in 2019. An EIR Addendum for constructing two bridges, instead of one, per the railroads' request is anticipated to be completed by end of this year. The Los Angeles Metropolitan Transportation Authority Board of Directors (Metro) approved \$5 million from Measure R Highway Sub-regional funding Program for the design of the project in summer 2020 in addition to the \$350,000 originally approved by Metro in 2014.

On January 19, 2020, City Council authorized the Mayor to sign the second amendment to the Measure R Funding Agreement between City of El Segundo and Metro for the additional \$5,000,000 to fund the project development, PS&E, and authorized staff to advertise the design Request for Proposals (RFP). The design is anticipated to be completed by December 2023. The estimated land acquisition and construction cost of the project is at least \$100,000,000, and is currently unfunded.

Regional Aviation Boulevard Bikeway/Greenway Project

The proposed Regional Aviation Boulevard Bikeway/Greenway Project involves converting existing railroad right-of-way area on the west side of Aviation Boulevard between Imperial Highway and El Segundo Boulevard into a combined bikeway and green corridor, including a bike path, walking path, trees, extensive landscaping, and other open space amenities. Please refer to Attachment C for a Location Map.

As envisioned, this project will serve as a multi-modal connection to the Metro Green Line Aviation Train Station to provide safe connectivity for both private sector employees and residents. The bikeway will serve as the critically needed “first” or “last” mile connecting Los Angeles International Airport to the South Bay bike path system. This project will involve conceptual and planning phases as there are multiple properties, right of way access, and design issues that must be considered. The estimated cost is over \$10,000,000. Unlike the proposed Regional Park Place Transportation Project, this project has yet to advance from the current conceptual phase. With respect to recurring maintenance of the project after it is constructed, the City has been working with the adjacent business/property owners to set up a funding mechanism.

Potential Funding Sources

In an effort to identify potential funding sources for both regional public infrastructure projects, the City engaged Kosmont Companies to identify different funding options and mechanisms. Several objectives were identified for prioritizing funding options, including: 1) Minimal General Fund impacts; 2) Leveraging of non-City funding sources; and, 3) Use of “Public-Private Partnerships” to pay for regional public infrastructure objectives.

Based on input from key stakeholders representing commercial property owners/businesses and financial experts, a conceptual financing plan for both projects has been developed. This plan includes using funding from Metro, California Transportation Commission (Trade Corridor Enhancement Program Grant funds), public/private ventures, Enhanced Infrastructure Financing District (EIFD), and a potential Mello-Roos Community Facilities District for recurring maintenance of the proposed Regional Aviation Boulevard Bikeway/Greenbelt Project.

DISCUSSION:

During the March 2nd City Council meeting, City staff and representatives from Kosmont Companies will provide a presentation describing the proposed regional projects, funding sources (including the EIFD option), and future timeline.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 2: Support Community Safety and Preparedness

Objective A: El Segundo is a safe and prepared city.

Goal 4: Develop Quality Infrastructure and Technology

Objective A: El Segundo’s physical infrastructure supports an appealing, safe, and effective City

Regional Park Place Project & Regional Aviation Blvd. Bikeway/Greenway Project Update
March 2, 2021
Page 4 of 4

PREPARED BY: Lifan Xu, City Engineer

REVIEWED BY: Elias Sassoon, Public Works Director

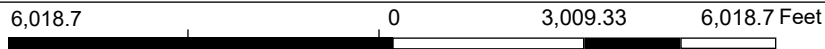
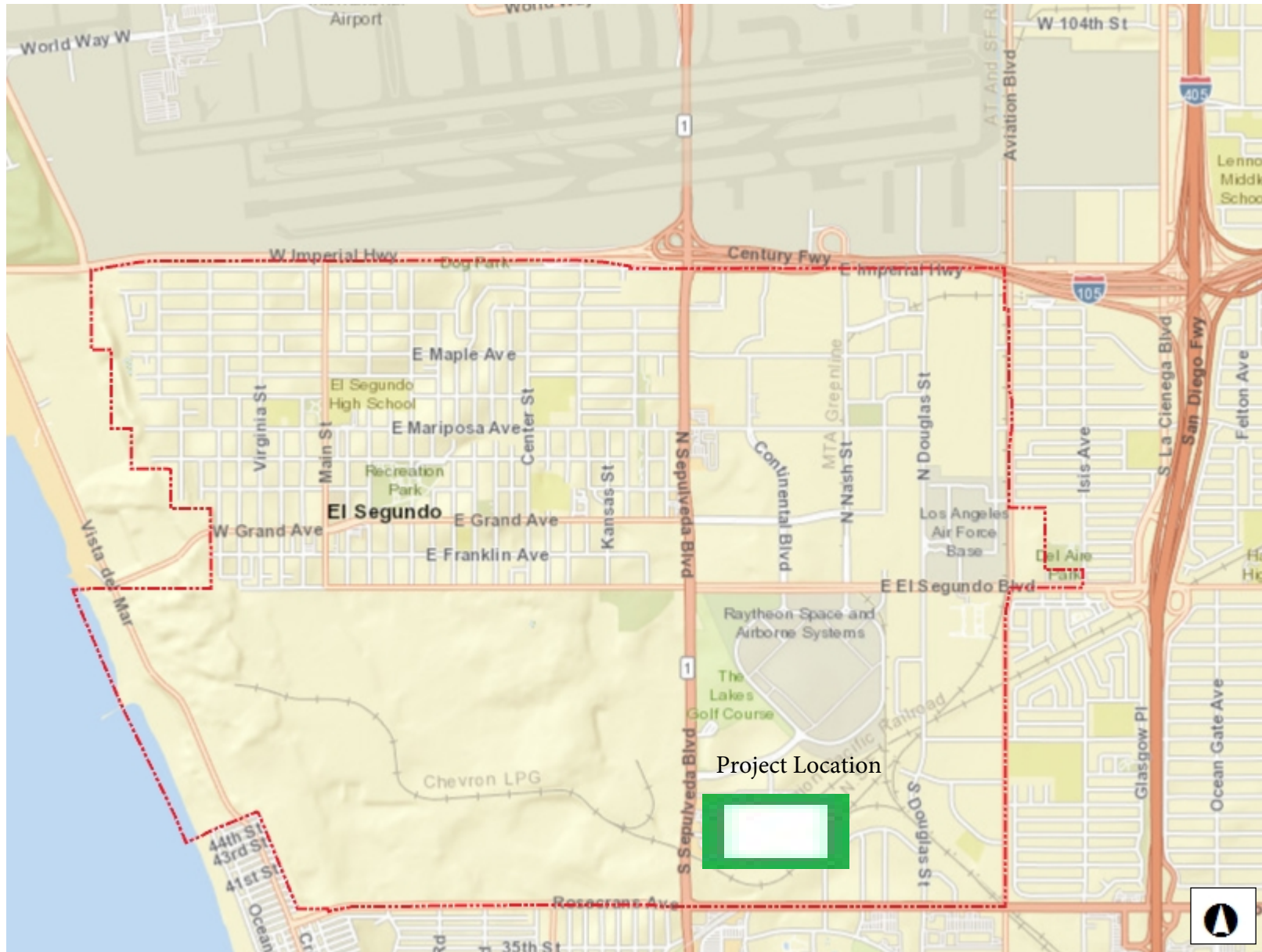
APPROVED BY: Scott Mitnick, City Manager *BM (for SM)*

SUPPORTING DOCUMENTS:

1. Vicinity Map
2. Regional Park Place Transportation Project Location Map
3. Regional Aviation Boulevard Bikeway/Greenway Project Location Map



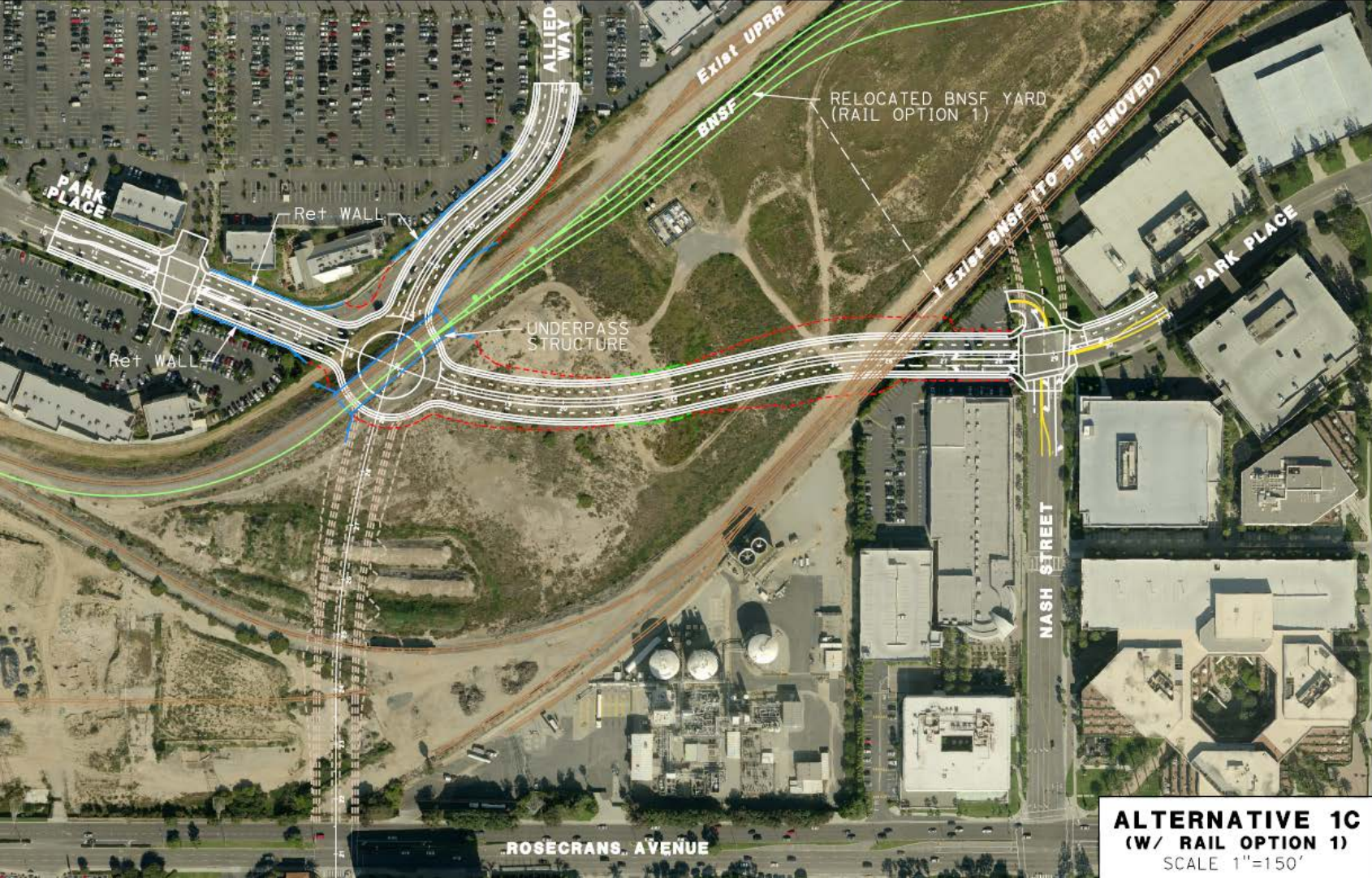
Vicinity Map Park Place Extension Project



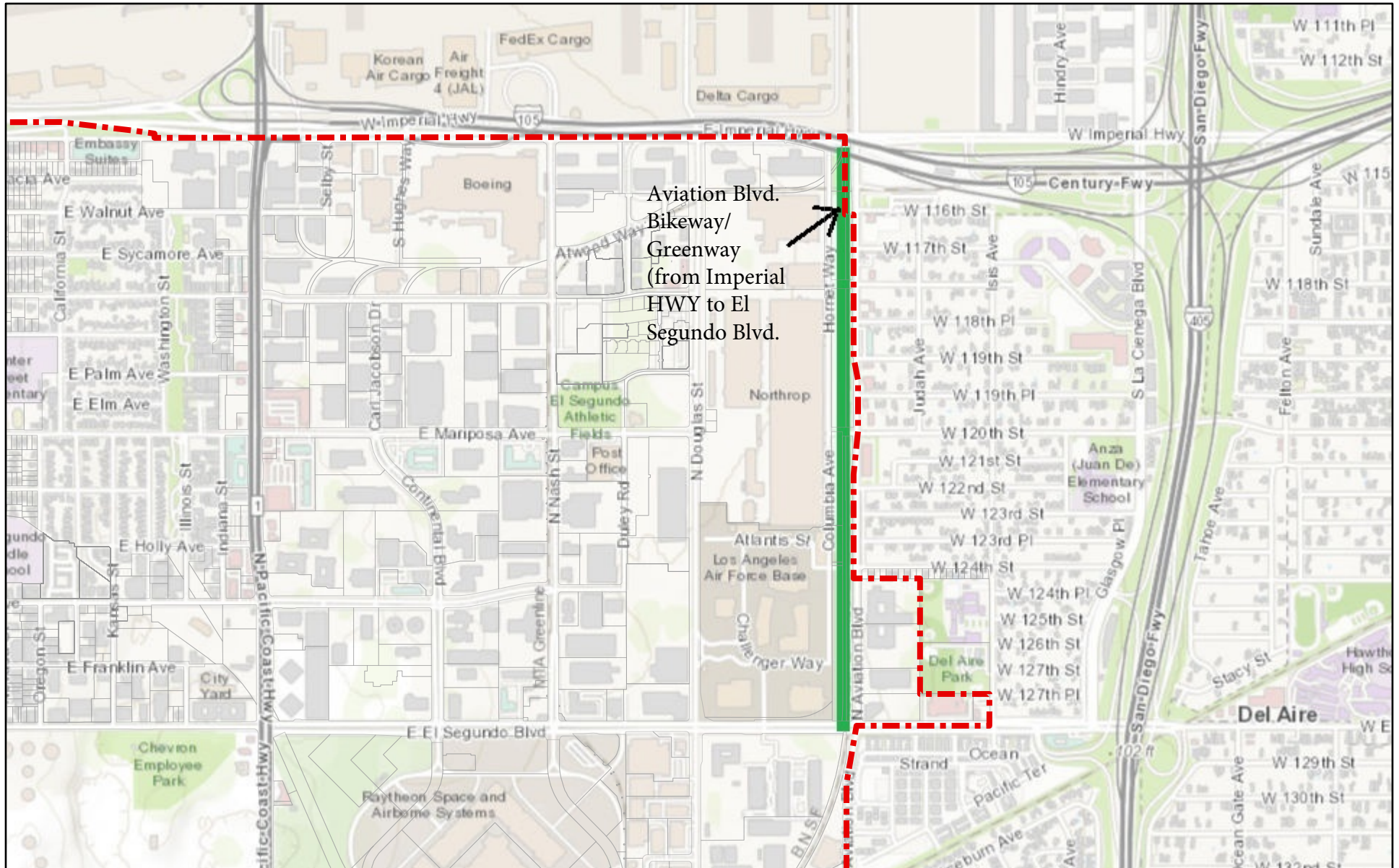
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DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. The City of El Segundo will not be held responsible for any claims, losses or damages resulting from the use of this map.

Park Place Extension Location Map



Regional Aviation Blvd. Bikeway/Greenway Project Location Map



TITLE:

2020 Crime Summary

RECOMMENDATION:

Receive and file.

FISCAL IMPACT:

None.

BACKGROUND:

2020 Part 1 Crime

The Uniform Crime Reporting Program (UCR) is a nationwide, cooperative statistical effort of nearly 18,000 law enforcement agencies. Crimes are divided into two categories referred to as Part 1 and Part 2. Part 1 crimes are generally considered more serious and are subdivided into Violent Crimes and Property Crimes. The City of El Segundo Police Department (ESPD) reports these Part 1 crimes monthly to the State of California Department of Justice (CA-DOJ), which in turn reports to the Federal Bureau of Investigation (FBI).

Because the UCR program has guidelines for the types and status of crimes reported, it is likely the statistics of prior reported months will change throughout the year. The final report for calendar year crime data is due to the CA-DOJ in April of the following year. These numbers are then made public by the FBI in October of the following year. While staff believes the numbers in this report to be accurate, it is possible they will change slightly due to cases being re-classified prior to submitting to CA-DOJ.

DISCUSSION:

In 2020, the City of El Segundo had 887 reported Part 1 crimes. This is an increase of 179 crimes over the total number for 2019, representing a 25% overall increase. Of this increase, there were 32 additional Violent Crimes and 147 additional Property Crimes.

There are four subcategories within Violent Crime: Homicide, Rape, Robbery, and Aggravated Assault. The following is a summary of each:

1. Rape: 11 rapes** were reported in 2020. This is six more than reported in 2019.
 - a. Suspect known to victim = 08
 - b. Statutory (consensual) = 03

- c. Victim was an El Segundo resident = 06
- **After further investigation, two crimes were re-classified as an attempted crime. One crime was a late report and date of occurrence was in 1993.
- 2. Robbery: 31 robberies were reported in 2020. This is one more than was reported in 2019.
 - a. Strong arm = 13
 - b. Weapon or threatened weapon = 18
 - c. Victim was an El Segundo resident = 05
 - 3. Aggravated Assault: 72 aggravated assaults were reported in 2020. This is 25 more than were reported in 2019.
 - a. Incidents of domestic violence = 53
 - b. Family/friend disputes (non-domestic violence) = 07
 - c. Assaults against El Segundo Police Officers = 05
 - d. Random assaults = 07
 - e. Victim was an El Segundo resident = 17
 - 4. Homicides: Zero homicides were reported in 2020. There was no change compared to 2019.

There are four subcategories within Property Crime: Burglary, Larceny, Motor Vehicle Theft, and Arson. The following is a summary of each:

- 1. Burglary: 172 burglaries were reported in 2020. This is eight more than were reported in 2019. There were two more commercial burglaries and six more residential burglaries.
 - a. Residential burglaries = 69
 - i. Residence = 05
 - ii. Carport, garage, laundry room, or mail room = 64
 - b. Commercial burglaries = 103
 - i. Storage facilities = 24
 - ii. Hotel room = 15
 - iii. Retail store = 23
 - iv. Construction sites, gyms, miscellaneous = 41
- 2. Larceny: 446 larcenies were reported in 2020. This is 59 more than were reported in 2019.
 - a. Thefts from vehicle = 119
 - b. Thefts from building = 100
 - c. Vehicle parts = 80
 - d. Shoplifting = 61
 - e. Other = 86
- 3. Arson: One arson was reported in 2020. There was no change compared to 2019.

4. Motor Vehicle Theft: 154 motor vehicle thefts were reported in 2020. This is 80 more than were reported in 2019.
 - a. Auto = 112
 - b. Truck = 29
 - c. Other = 13

SUMMARY:

The El Segundo Police Department places the safety, security, and quality of life of those who live, work, and visit the City of El Segundo as its highest priority. The year 2020 saw year over year increases in virtually all tracked crime categories. This is a consistent trend observed throughout the region. While causation has not been empirically established, it is likely due to pandemic related restrictions, job loss, and prison/jail releases. The following reflects a more detailed analysis:

Violent crime in El Segundo remains very low. In the categories with the largest increase (rape and aggravated assault), the suspect and victim are typically involved in some type of relationship prior to the commission of the crime. In 2020, more of these crimes occurred at local hotels. The increased vacancy rate coupled with significantly lower cost per room is believed to have led to this increase.

In the category of property crime, the sub-categories of larceny and auto theft saw the largest increases. The increase in the sub-category of larceny was led by the thefts of catalytic converters. The increase in price of palladium (precious metal inside catalytic converters), ease of theft, and significant number of vehicles due to stay at home orders is believed to have contributed to this crime trend. Increased incidents of auto thefts were a county-wide trend and there are no prevailing theories, that have been validated, why this occurred.

To reduce the incidents of crime, the ESPD engages in both preventative measures as well as proactive enforcement; including but not limited to: directed crime suppression efforts (440), social media outreach (821 posts), and community outreach efforts (20 events, webinars, trainings, etc.).

CITY STRATEGIC PLAN COMPLIANCE:

Goal 2: Support Community Safety & Preparedness

Objective A: El Segundo provides unparalleled service to internal and external customers.

PREPARED BY: Julissa Solano, Management Analyst J. S.

REVIEWED BY: Bill Whalen, Chief of Police

APPROVED BY: Scott Mitnick, City Manager

(Handwritten initials: BW)
(Handwritten note: BY (for SM))

TITLE:

Proposed FY 2021-22 State Budget Overview

RECOMMENDATION:

Receive and file.

FISCAL IMPACT:

None

BACKGROUND:

To kick off the 2021 legislative session, Governor Gavin Newsom unveiled a record-breaking \$227.2 billion budget proposal for the 2021-22 fiscal year with a focus on expediting recovery from the health and economic crisis caused by COVID-19. The budget addresses the most urgent needs including vaccinations, safely reopening schools, support for small businesses, wildfire preparedness, and providing financial relief for Californians. On February 23, the Governor signed a \$7.6 billion coronavirus relief package that will give at least \$600 one-time stimulus payments to 5.7 million low-income people while setting aside more than \$2 billion in grants for struggling small businesses.

DISCUSSION:

The proposed state budget includes a \$164.5 billion General Fund Budget and projects \$34 billion in total reserves and surplus. The budget significantly restores the state's rainy-day fund and economic support reserves that plummeted due to COVID-19. A surplus of \$15 billion, largely in one-time funds, is available for spending to address COVID-19 and support climate resilience and recovery.

Aid to local governments for COVID-19 costs and budget impacts are absent from the Governor's proposal, but Congress is debating a stimulus package for the nation to include funding for local government and another round of stimulus checks to assist most Americans.

The state budget features the highest investment ever in public schools \$90 billion, \$4.5 billion to accelerate recovery and job creation in the state, and \$370 million to expedite the delivery of COVID-19 vaccinations. The budget also includes \$1 billion to reduce wildfire risk and improve forest health, signaling continued focus on managing the state's growing wildfire threats amid the coronavirus pandemic and its economic fallout. As part of his budget, the Governor is asking lawmakers to approve a roughly \$5 billion "early action" proposal, which includes \$2.4 billion to send \$600 payments to low-income

families, \$2 billion to reopen schools, and nearly \$650 million in grants for businesses impacted by the pandemic.

Proposed State Budget Overview

Housing, Community and Economic Development

- Proposes to extend the evictions moratorium to an unspecified date to provide additional time to expend the \$2.6 billion in federal aid to assist low-income renters.
- Creates a new Housing Accountability Unit within the Department of Housing and Community Development (HCD) to provide technical assistance, monitor cities' land-use practices, and enforce existing housing laws. Provides \$4.3 million for technical assistance.
- \$2 million to the Department of Fair Employment and Housing to conduct education campaigns, housing surveys, and prosecute violations of California's fair housing laws.
- \$500 million to the Infill Infrastructure Grant Program, which provides grants to local governments and developers to spur housing construction.
- \$500 million to the Low-Income Tax Credit Program, which helps fund affordable housing projects.
- \$8.5 million to the California Workforce Development Board to expand state-approved construction apprenticeships.
- \$2.7 million to HCD to implement AB 434 (Daly, Statutes of 2020), which streamlines multiple housing programs into one application.
- \$750 million to expand Homekey, which provides grants to local governments to acquire and rehabilitate housing, including hotels and motels, to convert them into interim or long-term housing.
- \$750 million, over three years, to the Department of Health Care Services to provide grants to counties for behavioral health treatment resources.
- \$250 million to the Department of Social Services for acquisition and rehabilitation of Adult Residential Facilities and Residential Care Facilities to expand housing for low-income seniors.

Environmental Quality

- \$1.3 billion Cap-and-Trade expenditure plan that includes funding for safe drinking water, electric vehicle deployment, community air quality protection, and forest health management.
- \$1 billion to support the Forest Management Task Force's Wildfire and Forest Resiliency Action Plan, including:
 - \$323 million for proposed early action to accelerate fire prevention projects.
 - \$50 million for the Climate Catalyst Fund within the California Infrastructure and Economic Development Bank to support climate-smart agriculture loans to advance climate change-related projects including methane reduction and circular economy projects.

- Funding for forest health, urban forestry, fire prevention grants, and home hardening programs.
- \$256 million to the California Office of Emergency Services to fund the California Disaster Assistance Account. These funds assist local governments to serve their communities in the wake of emergency events.
- \$5 million to expand pilot programs to increase consumer redemption in communities underserved by recycling centers.

Revenue and Taxation

- \$2.4 billion for an additional \$600 state payment to low-income workers.
- \$575 million for small businesses and non-profit grants.
- Proposes significant tax credits/exclusions that may impact local sales and property tax revenues, including those for advanced energy projects and zero-emission vehicle charging stations.

Transportation, Communications, and Public Works

- \$2.4 billion for the State Transportation Improvement Program, which provides funding for future multimodal transportation improvements.
- \$1.5 billion for infrastructure and incentives to support the implementation of the state's zero-emission targets, with \$1 billion in future revenues for electric vehicle charging and hydrogen fueling stations, and \$465 million in Cap-and-Trade funding to improve access to new and used zero-emission vehicles.
- Forecasts fuel excise tax revenues are expected to be lower than pre-pandemic forecasts by a total of \$1.5 billion through 2024-25.
- \$1.3 billion to support transit and rail, including \$667 million in State Transit Assistance.
- \$1 billion to address traffic congestion, \$900 million to provide projects that support walking and biking and \$800 million for partnerships with local transportation agencies.
- \$487 million for Transit and Intercity Rail Capital Program, and \$107 million for the Low Carbon Transit Operations Program.
- \$353.9 million over the next five years for broadband infrastructure improvements and systemwide technology investments.
- \$52 billion in state infrastructure investments.

Governance, Transparency and Labor Relations

- \$14.4 million and 70 positions for the Division of Occupational Safety and Health to hire additional workplace safety inspectors.
- \$8.6 million and 43 positions to enforce recently enacted legislation to enhance workers' compensation access for public safety and healthcare workers.
- \$5.5 billion one time for the statutorily required pension contributions on behalf of the state and an additional \$1.5 billion to reduce the state's unfunded liability.

- There is no proposal or funding proposed to assist public agencies with their pension or retiree health care costs.

Public Safety

- Significant investments to enhance the Department of Forestry and Fire Protection's fire prevention and suppression capacity:
 - \$2.9 billion for 8,735.1 positions
 - \$143.3 million for additional fire crews
 - \$48.4 million to support the phasing in of new firefighting aircraft.
- \$323 million for early action in the spring to accelerate wildfire prevention projects before the next fire season.
- \$153.8 million in the Cannabis Control Fund to reflect the consolidation of the functions and positions of the Bureau of Cannabis Control, the Department of Food and Agriculture, and the Department of Public Health into a new stand-alone Department of Cannabis Control within the Business, Consumer Services, and Housing Agency on July 1, 2021.
- Increases Proposition 64 allocation by \$146.2 million, with an estimated \$443.1 million available for youth education, prevention, early investment, treatment, environmental impacts of illegal cannabis cultivation, and other public safety-related activities.
- \$72.2 million in ongoing General Fund dollars, an increase of 3.7 percent from the 2020 Budget Act, to assist courts in continuing to provide fair and timely access to justice during COVID-19.
- \$13.5 million ongoing to the Department of Justice to create three teams to investigate officer-involved shootings that result in the death of an unarmed civilian.
- Proposes closing a second state-operated prison in 2022-23. California Department of Corrections and Rehabilitation is already planning to close Deuel Vocational Institution (Tracy, CA) by Sept. 2021, achieving savings of \$113.5 million General Fund in 2021-22, and \$150.6 million General Fund beginning in 2022-23.

Community Services

- \$3.1 billion in local assistance funding for various childcare programs.
- \$82 million to support the 'Parks for All' initiative.
- \$25 million to continue the Great Plates Delivered senior meals program.
- \$5 million to implement the Master Plan for Aging in 2021.
- \$5 million to provide grants to local libraries to support early learning and after-school programs.
- \$1 million to support the online purchase and delivery of library books through the Zip Books program.

Fiscal Outlook Over the Next Five Years

The Governor's Office and the State Legislative Analyst Office (California Legislature's Nonpartisan Fiscal and Policy Advisor) both project structural operating deficits in the State's General Fund over the next five years due to increases in ongoing operational costs primarily driven by Medi-Cal, school, and community college funding, and State employee compensation (pension, medical for active employees and retirees, workers' compensation, and salaries). The structural operating budget deficits are estimated to be \$2 billion in FY 2021-22 and increase to \$17 billion by FY 2024-25.

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