



AGENDA

EL SEGUNDO CITY COUNCIL
REGULAR MEETING
TUESDAY, NOVEMBER 19, 2024

4:00 PM CLOSED SESSION - CANCELED
6:00 PM OPEN SESSION

CITY COUNCIL CHAMBER
350 MAIN STREET, EL SEGUNDO, CA 90245

Drew Boyles, Mayor
Chris Pimentel, Mayor Pro Tem
Carol Pirsztuk, Council Member
Lance Giroux, Council Member
Ryan W. Baldino, Council Member

Tracy Weaver, City Clerk
Matthew Robinson, City Treasurer

Executive Team

Darrell George, City Manager
Barbara Voss, Deputy City Manager
Saul Rodriguez, Police Chief
Michael Allen, Community Development Dir.
Jose Calderon, IT Director
Aly Mancini, Recreation, Parks & Library Dir.

Mark Hensley, City Attorney
Paul Chung, Chief Financial Officer
George Avery, Fire Chief
Rebecca Redyk, HR Director
Elias Sassoon, Public Works Dir.

MISSION STATEMENT:

“Provide a great place to live, work, and visit.”

VISION STATEMENT:

“Be a global innovation leader where big ideas take off while maintaining our unique small-town character.”

The City Council, with certain statutory exceptions, can only act 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.

Those wishing to address the City Council are requested to complete and submit to the City Clerk a "Speaker Card" located at the Council Chamber entrance. You are not required to provide personal information in order to speak, except to the extent necessary for the City Clerk to call upon you, properly record your name in meeting minutes and to provide contact information for later staff follow-up, if appropriate.

When a Council Member duly requires AB 2449 teleconferencing to attend the City Council meeting the public will also be able to access the meeting and provide public comment via Zoom. To access Zoom from a PC, Mac, iPad, iPhone, or Android device, use URL <https://zoom.us/j/81951332052> and enter PIN: 903629 or visit www.zoom.us on device of choice, click on "Join a Meeting" and enter meeting ID: 81951332052 and PIN: 903629. If joining by phone, dial 1-669-900-9128 and enter meeting ID and PIN. *To reiterate, attending a City Council meeting by Zoom will only be used when AB 2449 is used.*

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. Members of the public will be placed in a "listen only" mode and your video feed will not be shared with City Council or members of the public.

REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act and Government Code Section 54953(g), the City Council has adopted a reasonable accommodation policy to swiftly resolve accommodation requests. The policy can also be found on the City's website at <https://www.elsegundo.org/government/departments/city-clerk>. Please contact the City Clerk's Office at (310) 524-2308 to make an accommodation request or to obtain a copy of the policy.

4:00 PM CLOSED SESSION – CANCELED

6:00 PM – CONVENE OPEN SESSION – CALL TO ORDER / ROLL CALL

INVOCATION – Pastor Jimmy Chaney, Church of Beach Cities

PLEDGE OF ALLEGIANCE – Council Member Giroux

SPECIAL PRESENTATIONS

1. Spark of Love Proclamation
2. Youth Drama Preview: James and the Giant Peach

PUBLIC COMMUNICATIONS – (RELATED TO CITY BUSINESS ONLY – 5 MINUTE LIMIT PER PERSON, 30 MINUTE LIMIT TOTAL) *Individuals who have received value of \$50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of \$250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.*

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

A. PROCEDURAL MOTIONS

Read All Ordinances and Resolutions on the Agenda by Title Only

Recommendation -

Approval

B. CONSENT

3. City Council Meeting Minutes

Recommendation -

1. Approve regular City Council meeting minutes for November 5, 2024.
2. Alternatively, discuss and take other action related to this item.

4. **Warrant Demand Register for October 14, 2024 through October 27, 2024**

Recommendation -

1. Ratify payroll and employee benefit checks; checks released early due to contracts or agreements; emergency disbursements and/or adjustments; and, wire transfers.
2. Approve Warrant Demand Register numbers 8B and 8C: warrant numbers 3052812 through 3052996, and 9003246 through 9003249. **Please note: the Warrant Demand Register on Consent for the November 5, 2024 City Council meeting stated the incorrect warrant register numbers in the Recommendation section of the Staff Report. Warrant Registers 7A, 7B, and 8A were approved on Consent on November 5, 2024.*
3. Alternatively, discuss and take other action related to this item.

5. **2025 City Council Meeting Calendar**

Recommendation -

1. Approve the 2025 City Council Meeting Calendar with staff's recommended meeting cancelations.
2. Alternatively, discuss and take other action related to this item.

6. **Rescission of Lot Tie Covenant for 1625 and 1629 East Maple Avenue to Allow Sale as Separate Parcels (EA-1372)**

Recommendation -

1. Approve the two proposed Termination of Covenant and Agreements to rescind the requirement to hold both 1625 and 1629 East Maple Avenue as one parcel find such action to be exempt from the California Environmental Quality Act pursuant to CEQA Guidelines §15061(b)(3).
2. Direct City staff to record the proposed agreements with the Los Angeles County Recorder.
3. Alternatively, discuss and take other action related to this item.

7. Amendments to Agreements with Kardent, Inc. for Architectural Design Services, Z&K Consultants for Construction Inspection Services, and Project Partners, Inc for Providing Temporary Engineering Services

Recommendation -

1. Authorize the City Manager to execute an amendment to Agreement No. 7008 with Kardent, Inc. to increase the annual not-to-exceed amount by \$50,000 for a total not-to-exceed amount of \$100,000 per fiscal year for On-Call Architectural Design Services, pursuant to El Segundo Municipal Code Chapter 1-7.
2. Authorize the City Manager to execute an amendment to Agreement No. 6841 with Z&K Consultants to increase the annual not-to-exceed amount by \$100,000 for a total not-to-exceed amount of \$150,000 per fiscal year for On-Call Construction Inspection Services pursuant to El Segundo Municipal Code Chapter 1-7.
3. Authorize the City Manager to execute an amendment to Agreement No. 7034 with Project Partners, Inc to provide temporary engineering services for the Public Works department for an additional amount of \$50,000 and not to exceed \$100,000 in FY 2024-25, pursuant to El Segundo Municipal Code Chapter 1-7.
4. Authorize Appropriation of \$200,000 from the 001-400-4101-4101 engineering salary fund to 001-400-4101-6206 engineering contractual services fund to budget for Kardent, Inc., Z&K Consultant, and Project Partners, Inc amendments in Fiscal Year 2024-25, pursuant to El Segundo Municipal Code Chapter 1-7.
5. Alternatively, discuss and take other action related to this item.

8. Continue Emergency Action for the Permanent Repair of the City of El Segundo Wiseburn Aquatics Center Pool Heaters

Recommendation -

1. Receive and file staff's report regarding the status of the permanent repairs to El Segundo Wiseburn Aquatics Center Pool Heaters.
2. Adopt a motion by four-fifths vote to determine the need to continue the emergency action approved under Resolution No. 5519.
3. Alternatively, discuss and take other action related to this item.

9. Resolution Approving Final Vesting Tract Map No. 83776 for a Subdivision at 301-305 West Palm Avenue

Recommendation -

1. Adopt resolution approving Final Vesting Tract Map No. 83776 (EA-1323) and find that such action is exempt from the California Environmental Quality Act, pursuant to CEQA Regulation § 15268(b)(3), which statutorily exempts the approval of final subdivision maps from further environmental review.
2. Authorize and direct City staff to execute and record the map.
3. Alternatively, discuss and take other action related to this item.

10. United States Department of Homeland Security 2023 Urban Area Security Initiatives Grant Program Award and Subaward Agreement with the City of Los Angeles

Recommendation -

1. Authorize the City Manager to execute a subaward agreement with the City of Los Angeles and accept a federally-funded \$251,765 2023 Urban Area Security Initiatives grant to combat terrorism and other threats.
2. Alternatively, discuss and take other action related to this item.

C. PUBLIC HEARINGS

D. STAFF PRESENTATIONS

11. Fiscal Year 2024-25 1st Quarter Financial Report

Recommendation -

1. Receive and file the City's fiscal year 2024-25 1st quarter financial report.
2. Alternatively, discuss and take other action related to this item.

12. Cultural Development Program ("1% for Art") Update

Recommendation -

1. Receive and file the Cultural Development Program update.
2. Alternatively, discuss and take other action related to this item.

13. Preferential Parking Zone 3 Program Pilot Project Update and Revised Resolution

Recommendation -

1. Receive and file the project update.
2. Adopt a resolution to revise the previously adopted Zone 3 preferential parking permit program to exempt permit holders from the 2-hour parking restriction along the east side of Indiana Street (between Pine Avenue and Holly Avenue), and along the west side of Illinois Street (between Mariposa Avenue and Holly Avenue) any time.
3. Discuss and provide directions to staff based on the recommendations for the Zone 3 preferential parking permit program.
4. Alternatively, discuss and take other action related to this item.

E. COMMITTEES, COMMISSIONS AND BOARDS PRESENTATIONS

F. REPORTS - CITY CLERK

G. REPORTS - CITY TREASURER

H. REPORTS - COUNCIL MEMBERS

COUNCIL MEMBER BALDINO

COUNCIL MEMBER GIROUX

COUNCIL MEMBER PIRSZTUK

MAYOR PRO TEM PIMENTEL

MAYOR BOYLES

I. REPORTS - CITY ATTORNEY

J. REPORTS/FOLLOW-UP - CITY MANAGER

CLOSED SESSION

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

REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)

MEMORIALS

ADJOURNMENT

POSTED:

DATE: November 14, 2024

TIME: 12:00 PM

BY: Tracy Weaver, City Clerk

Proclamation

City of El Segundo, California



WHEREAS, In an effort to provide for children who otherwise might not experience the joy of the holiday season, the City of El Segundo Fire Department along with other Southland fire agencies, has participated in the *Spark of Love* program for the past thirty years and has collected toys and food items donated during the holidays; and

WHEREAS, The ever upward spiraling cost of living burdens disadvantaged and displaced families who may not be able to give gifts during the holiday season without help from the *Spark of Love* program; and

WHEREAS, The true holiday spirit is reflected in unselfish giving and our thoughts and hearts go out to those less fortunate than ourselves; and

WHEREAS, In the past, with the help of civic-minded citizens who live and work in our community, hundreds of toys plus food items have been collected and distributed to children and families in El Segundo and other South Bay cities.

NOW, THEREFORE, the Mayor and Members of the City Council of the City of El Segundo, California, do here by proclaim November 11, 2024 through December 19, 2024 as the *Spark of Love Toy Drive*.



The community is encouraged to support this holiday program by contributing toys and non-perishable foods to the El Segundo Fire Department, Fire Station No. 1 at 314 Main Street, during the period of November 11 through December 19, 2024.

Chris Pimentel
Mayor Pro Tem

Drew Boyles
Mayor

Carol Pirsztuk
Councilmember

Lance Giroux
Councilmember

Ryan Baldino
Councilmember

MEETING MINUTES OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, NOVEMBER 5, 2024

CLOSED SESSION – Mayor Boyles called the meeting to order at 5:30 PM.

ROLL CALL

Mayor Boyles - Present
Mayor Pro Tem Pimentel - Present
Council Member Pirsztuk - Present
Council Member Giroux - Present
Council Member Baldino - Present

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

SPECIAL ORDER OF BUSINESS:

Mayor Boyles announced that Council would be meeting in closed session pursuant to the items listed on the agenda.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Threats to Significant exposure/- to litigation pursuant to (Government Code §54956.9(d)(2) or (d)(3)): -1- matter(s).

Adjourned at 5:55 PM

OPEN SESSION – Mayor Boyles called to order at 6:02 PM

ROLL CALL

Mayor Boyles - Present
Mayor Pro Tem Pimentel - Present
Council Member Pirsztuk - Present
Council Member Giroux - Present
Council Member Baldino - Present

INVOCATION – Pastor Kaleb Oh, United Methodist Church

PLEDGE OF ALLEGIANCE – Council Member Pirsztuk

SPECIAL PRESENTATIONS:

1. Council honored the retirement of Fire Captain John Gritzmacher. Chief Avery and Battalion Chief Allee commented on the career of Captain Gritzmacher.

2. Proclamation read by Council Member Baldino proclaiming November as American Heritage Month. Emily Atmore, DEI committee member, accepted the proclamation.

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

John Gasparian Jr., representative of American Reclamation expressed gratitude for including his company as one of the chosen commercial trash haulers.

Stephanie Wong, resident, commented on the Hyperion Plant.

Shari Metcalfe, resident, commented on item D10, the commercial trash hauler selection.

Deborah Deets, resident, spoke regarding the Hilltop Basin and green space.

Maurie Beliakoff, commented on item D10, the commercial trash hauler selection.

John Keuroghlian, commented on item D10, the commercial trash hauler selection.

Erick Quintero, commented on item D10, the commercial trash hauler selection.

CITY MANAGER FOLLOW-UP COMMENTS:

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

MOTION by Council Member Giroux, SECONDED by Council Member Pirsztuk to read all ordinances and resolutions on the agenda by title only. MOTION PASSED. 5/0

B. CONSENT:

3. Approve special and regular City Council meeting minutes of October 15, 2024. (Fiscal Impact: None)
4. Approve warrants demand register for September 23, 2024 through October 13, 2024 numbers 7A, 8A and 8B: warrant numbers 3052516 through 3052811, and 9003230 through 9003245. Ratify Payroll and employee benefit Checks; Checks released early due to contracts or agreement; Emergency disbursements and/or adjustments; and, Wire transfers. (Fiscal Impact: \$7,128,436.69 (\$2,192,954.11 in check warrants and \$4,935,482.58 in wire warrants))
5. Waive second reading of an ordinance and adopt Ordinance No. 1665 for Environmental Assessment No. 1360 amending El Segundo South Campus Specific Plan to change Lot 14's land use designation from Commercial/Office Mixed Use to Office/Industrial Mixed Use and finding that the project does not require preparation of a subsequent or supplemental environmental impact report or negative declaration, pursuant to California Environmental Quality Act Guidelines §§ 15162 and 15163. (Fiscal Impact: None)
6. Authorize the City Manager to execute a five-year Public Works Contract No. 7129 with a one-time five-year option extension with Downstream Services, Inc.,

in the amount of \$200,000 annually, which includes \$65,484 contingency, for on-call repair services for City pump stations.
(Fiscal Impact: \$200,000 (\$1,000,000 over a five-year period as adopted in the FY 2024-25 budget)

7. Adopt a motion, by four-fifths vote, to determine that there is no longer a need to continue the emergency actions approved under Resolution No. 5530, pursuant to Public Contract Code § 22050(c), for the infrastructure damage caused by an unexpected sinkhole, approve the proposed notice of completion for the associated emergency remedial actions for the damaged storm drain and sewer line at Grand Avenue and Indiana Street Project No. PW 24-11 by Williams Pipeline Contractors, Inc. to deem them complete and authorize and direct the City Clerk to file the attached notice of completion in the County Recorder's Office.
(Fiscal Impact: \$230,801.03)
8. Authorize the City Manager to execute Agreement No. 7130 with Impex Technologies to renew licensing and support services for Nutanix server infrastructure for a one-year term between February 1, 2025, through January 31, 2026, for \$76,253.62.
(Fiscal Impact: \$95,000 included in the FY 2024-25 adopted budget)
9. Authorize the un-designation of \$20,000 from account 001-254-0000-1254 (Designated Police General Fund Balance) and authorize a budget appropriation of \$20,000 to account 001-400-3101-6206 (Contractual Services).
(Fiscal Impact: \$20,000)

MOTION by Council Member Giroux, SECONDED by Council Member Pirsztuk, approving Consent items 3, 4, 5, 6, 7, 8, and 9. MOTION PASSED. 5/0

PULLED ITEMS: None

C. PUBLIC HEARING: None

D. STAFF PRESENTATIONS:

Mayor Boyles left the dais due to possible conflict of interest.

10. Commercial Solid Waste Non-Exclusive Franchise Recommendation
(Fiscal Impact: None)

Before the presentation, Council Member Baldino stated he had met with John Huntoon and Ron Swanson regarding this matter.

Daniel Pankou, Environmental Manager gave a presentation.

Elias Sassoon, Public Works Director answered Council's questions.

Council Discussion

MOTION by Council Member Baldino, SECONDED by Council Member Giroux approving the City move from city permits to non-exclusive franchise agreements and that these franchise agreements be given to the twelve (12) qualified haulers that submitted proposals and that have current permits and/or clients and that the term of these agreements be for a period of two (2) years. MOTON PASSED. 4/0

Mayor Boyles returned to the dais.

11. Resolution Declaring the Existence of an Emergency and Authorizing the Award of a Contract Without Competitive Bidding for the Permanent Repair of the City of El Segundo Wiseburn Aquatics Center Pool Heaters
(Fiscal Impact: The estimated total cost for the permanent repair of the Aquatics Center Pool Heaters is \$700,000 (\$613,724 repair + \$86,276 contingency). The project costs were not included in the adopted FY 2024-25 CIP Budget and requires a budget appropriation from General Fund Reserves to the Capital Improvement Fund. WUSD agreed to reimburse the City half of the construction cost after the competition of the work, up to \$300,000.)

Elias Sassoon, Public Works Director gave a presentation.

Council Discussion

Mark Hensley, City Attorney read by title only;

RESOLUTION NO. 5519

A RESOLUTION DECLARING THE EXISTENCE OF AN EMERGENCY AND AUTHORIZING THE AWARD OF A CONTRACT WITHOUT COMPETITIVE BIDDING PURSUANT TO PUBLIC CONTRACT CODE §§ 1102, 20168, AND 22050 REGARDING THE IMMEDIATE REPAIR OF POOL HEATERS REQUIRED AT 2240 EAST GRAND AVENUE AND FINDING SUCH ACTIONS EXEMPT FROM FURTHER REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

MOTON by Mayor Pro Tem Pimentel, SECONDED by Council Member Pirsztuk adopting Resolution No. 5519. MOTION PASSED. 5/0

MOTION by Council Member Baldino, SECONDED by Mayor Pro Tem Pimentel authorizing the City Manager to approve and execute a standard Public Works Construction Contract No. 7131 with Knorr Systems International to repair existing heaters at the El Segundo Wiseburn Aquatics Center for an amount of \$613,724 and authorize an additional \$86,276 as contingency funds for potential unforeseen conditions, for a total budget amount of \$700,000. MOTION PASSED. 5/0

E. COMMITTEES, COMISSIONS AND BOARDS PRESENTATIONS: None

F. REPORTS – CITY CLERK – Stated Vote Centers are open until 8:00 PM. Thanked City Clerk staff, Lili and Patricia as being the unsung heroes of the office and thanked them for their dedication to ensuring all questions and concerns were asked and thanked Mark Herbert and staff at the Library for all the assistance with the Vote Center.

G. REPORTS – CITY TREASURER – Not present

H. REPORTS – COUNCIL MEMBERS

Council Member Baldino – Attended the Aquatics Subcommittee meeting on October 21, 2024, will attend the Recreation and Parks Subcommittee meeting tomorrow, November 6, 2024 and attended two by two meetings with the school board.

Council Member Giroux – No report

Council Member Pirsztuk – No report

Mayor Pro Tem Pimentel – Attended Sanitation Committee meeting and reported LA Sanitation lost a \$36 million dollar lawsuit, that unfortunately will cause the rate payers east of PCH to see increased rates. Attended a special Transportation Committee meeting regarding the light rail connecting the K Line to Sofi Stadium and entertainment parks and will attend the regular Transportation committee meeting tomorrow, November 6, 2024.

Mayor Boyles – Shout out to staff regarding LA Tech week, El Segundo represented well.

I. REPORTS – CITY ATTORNEY – No report

J. REPORTS/FOLLOW-UP – CITY MANAGER – Gave an update on Hyperion Plant.

MEMORIAL – None

Adjourned at 7:45 PM

Tracy Weaver, City Clerk



City Council Agenda Statement

Meeting Date: November 19, 2024

Agenda Heading: Consent

Item Number: B.4

TITLE:

Warrant Demand Register for October 14, 2024 through October 27, 2024

RECOMMENDATION:

1. Ratify payroll and employee benefit checks; checks released early due to contracts or agreements; emergency disbursements and/or adjustments; and, wire transfers.
2. Approve Warrant Demand Register numbers 8B and 8C: warrant numbers 3052812 through 3052996, and 9003246 through 9003249. **Please note: the Warrant Demand Register on Consent for the November 5, 2024 City Council meeting stated the incorrect warrant register numbers in the Recommendation section of the Staff Report. Warrant Registers 7A, 7B, and 8A were approved on Consent on November 5, 2024.*
3. Alternatively, discuss and take other action related to this item.

FISCAL IMPACT:

The warrants presented were drawn in payment of demands included within the FY 2024-2025 Adopted Budget. The total of \$2,263,820.63 (\$1,630,750.23 in check warrants and \$633,070.40 in wire warrants) are for demands drawn on the FY 2024-2025 Budget.

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 payments of demands are 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.

Warrant Demand Register

November 19, 2024

Page 2 of 2

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 Warrants 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.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 5: Champion Economic Development and Fiscal Sustainability

Strategy A: Identify opportunities for new revenues, enhancement of existing revenues, and exploration of potential funding options to support programs and projects.

PREPARED BY:

Liz Lydic, Management Analyst

REVIEWED BY:

Wei Cao, CPA, CPFO, Finance Manager

APPROVED BY:

Barbara Voss, Deputy City Manager

ATTACHED SUPPORTING DOCUMENTS:

1. Register 8b - summary
2. Register 8c - summary

CITY OF EL SEGUNDO
WARRANTS TOTALS BY FUND

3052812 - 3052905
9003246 - 9003246

DATE OF APPROVAL: AS OF 11/9/24

REGISTER # 8b

001	GENERAL FUND	372,567.39
003	EXPENDABLE TRUST FUND - OTHER	5,982.00
104	TRAFFIC SAFETY FUND	-
106	STATE GAS TAX FUND	0.12
108	ASSOCIATED RECREATION ACTIVITIES FUND	-
109	ASSET FORFEITURE FUND	3,638.46
110	MEASURE "R"	-
111	COMM. DEVEL. BLOCK GRANT	-
112	PROP "A" TRANSPORTATION	10,065.59
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	8,223.28
124	FEDERAL GRANTS	-
125	STATE GRANT	-
126	A/P CUPA PROGRAM OVERSIGHT SURCHARGE	14.16
127	MEASURE "M"	-
128	SB-1	-
129	CERTIFIED ACCESS SPECIALIST PROGRAM	-
130	AFFORDABLE HOUSING	-
131	COUNTY STORM WATER PROGRAM	-
132	MEASURE "B"	-
202	ASSESSMENT DISTRICT #73	-
301	CAPITAL IMPROVEMENT FUND	43,926.53
302	INFRASTRUCTURE REPLACEMENT FUND	-
311	DEVELOPER IMPACT FEES - GENERAL GOVERNME	-
312	DEVELOPER IMPACT FEES - LAW ENFORCEMENT	-
313	DEVELOPER IMPACT FEES - FIRE PROTECTION	-
314	DEVELOPER IMPACT FEES - STORM DRAINAGE	-
315	DEVELOPER IMPACT FEES - WATER DISTRIBUTI	-
316	DEVELOPER IMPACT FEES - WASTEWATER COLLE	-
317	DEVELOPER IMPACT FEES - LIBRARY	-
318	DEVELOPER IMPACT FEES - PUBLIC MEETING	-
319	DEVELOPER IMPACT FEES - AQUATICS CENTER	-
320	DEVELOPER IMPACT FEES - PARKLAND	-
405	FACILITIES MAINTENANCE	-
501	WATER UTILITY FUND	20,371.92
502	WASTEWATER FUND	97,564.17
503	GOLF COURSE FUND	-
504	SENIOR HOUSING CITY ATTORNEY	-
505	SOLID WASTE FUND	-
601	EQUIPMENT REPLACEMENT	-
602	LIABILITY INSURANCE	1.34
603	WORKERS COMP. RESERVE/INSURANCE	2.12
701	RETIRED EMP. INSURANCE	-
702	EXPENDABLE TRUST FUND - DEVELOPER FEES	82.34
703	EXPENDABLE TRUST FUND - OTHER	-
704	EXPENDABLE TRUST FUND - OTHER	3.56
708	OUTSIDE SERVICES TRUST	-
	TOTAL WARRANTS	562,442.98

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Information on actual expenditures is available in the Chief Financial Officer'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:

NOTES:

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:

CITY MANAGER:

DATE:

Therese 10/23/24

DATE:

David
10-22-24

CITY OF EL SEGUNDO
WARRANTS TOTALS BY DEPARTMENT
AS OF 11/5/24
REGISTER # 8b

DEPT#	NAME	TOTAL
GENERAL FUND DEPARTMENTAL EXPENDITURES		
GENERAL GOVERNMENT		
1101	City Council	
1201	City Treasurer	
1300	City Clerk	90.18
2101	City Manager	
2102	Communications	
2103	El Segundo Media	
2201	City Attorney	
2401	Economic Development	2,000.00
2402	Planning	
2405	Human and Health Services	
2500	Administrative Services	217,097.16
2601	Government Buildings	18,725.97
2900	Nondepartmental	4,136.33
6100	Library	1,691.60
		243,741.24
PUBLIC SAFETY		
3100	Police	37,710.32
3200	Fire	7,946.67
2403	Building Safety	46,043.44
2404	Plng/Bldg Sfty Administration	
		91,700.43
PUBLIC WORKS		
4101	Engineering	230.42
4200	Streets	10,746.74
4300	Wastewater	
4601	Equipment Maintenance	5,962.53
4801	Administration	257.55
		17,197.24
COMMUNITY DEVELOPMENT		
5100,5200	Recreation & Parks	12,822.77
5400	CAMPS	
		12,822.77
EXPENDITURES		
	CAPITAL IMPROVEMENT	43,926.53
	ALL OTHER ACCOUNTS	153,054.77
	TOTAL WARRANTS	562,442.98

**CITY OF EL SEGUNDO
 PAYMENTS BY WIRE TRANSFER
 10/14/24 THROUGH 10/20/24**

<u>Date</u>	<u>Payee</u>		<u>Description</u>
10/15/2024	Cal Pers	49,600.43	EFT Retirement Safety Police Classic - 1st Tier 28
10/15/2024	Cal Pers	69,433.37	EFT Retirement Misc - PEPRA New 26013
10/15/2024	Cal Pers	60,441.54	EFT Retirement Safety Fire- Classic 30168
10/15/2024	Cal Pers	39,513.79	EFT Retirement Safety-Police-PEPRA New 25021
10/15/2024	Cal Pers	33,223.41	EFT Retirement Misc - Classic 27
10/15/2024	Cal Pers	20,802.69	EFT Retirement Safety-Fire-PEPRA New 25020
10/15/2024	Cal Pers	18,732.81	EFT Retirement Sfty Police Classic-2nd Tier 30169
10/07/24-10/13/24	Workers Comp Activity	199,197.26	Corvel checks issued/(voided)
10/07/24-10/13/24	Liability Trust - Claims	52,722.57	Claim checks issued/(voided)
10/07/24-10/13/24	Retiree Health Insurance	-	Health Reimbursement checks issued
		<u>543,667.87</u>	

DATE OF RATIFICATION: 10/21/24

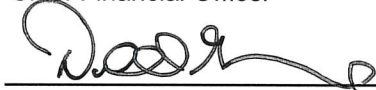
TOTAL PAYMENTS BY WIRE:

543,667.87

Certified as to the accuracy of the wire transfers by:

 10/21/24
 Treasury & Customer Services Manager Date

 10/22/24
 Chief Financial Officer Date

 10-22-24
 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

DATE OF APPROVAL: AS OF 11/5/24

REGISTER # 8c

3052906 - 3052996		
9003247 - 9003249		
001	GENERAL FUND	267,587.68
003	EXPENDABLE TRUST FUND - OTHER	-
104	TRAFFIC SAFETY FUND	-
106	STATE GAS TAX FUND	-
108	ASSOCIATED RECREATION ACTIVITIES FUND	-
109	ASSET FORFEITURE FUND	-
110	MEASURE "R"	-
111	COMM. DEVEL. BLOCK GRANT	-
112	PROP "A" TRANSPORTATION	-
114	PROP "C" TRANSPORTATION	292,674.74
115	AIR QUALITY INVESTMENT PROGRAM	-
116	HOME SOUND INSTALLATION FUND	-
117	HYPERION MITIGATION FUND	64.26
118	TDJ ARTICLE 3 - SB 821 BIKEWAY FUND	-
119	MTA GRANT	-
121	FEMA	-
120	C.O.P.S. FUND	3,082.50
122	L.A.W.A. FUND	-
123	PSAF PROPERTY TAX PUBLIC SAFETY	77.48
124	FEDERAL GRANTS	-
125	STATE GRANT	-
126	A/P CUPA PROGRAM OVERSIGHT SURCHARGE	106.05
127	MEASURE "M"	-
128	SB-1	-
129	CERTIFIED ACCESS SPECIALIST PROGRAM	-
130	AFFORDABLE HOUSING	-
131	COUNTY STORM WATER PROGRAM	-
132	MEASURE "B"	-
202	ASSESSMENT DISTRICT #73	-
301	CAPITAL IMPROVEMENT FUND	453,040.00
302	INFRASTRUCTURE REPLACEMENT FUND	-
311	DEVELOPER IMPACT FEES - GENERAL GOVERNME	-
312	DEVELOPER IMPACT FEES - LAW ENFORCEMENT	-
313	DEVELOPER IMPACT FEES - FIRE PROTECTION	-
314	DEVELOPER IMPACT FEES - STORM DRAINAGE	-
315	DEVELOPER IMPACT FEES - WATER DISTRIBUTI	-
316	DEVELOPER IMPACT FEES - WASTEWATER COLLE	-
317	DEVELOPER IMPACT FEES - LIBRARY	-
318	DEVELOPER IMPACT FEES - PUBLIC MEETING	-
319	DEVELOPER IMPACT FEES - AQUATICS CENTER	-
320	DEVELOPER IMPACT FEES - PARKLAND	-
405	FACILITIES MAINTENANCE	-
501	WATER UTILITY FUND	4,159.39
502	WASTEWATER FUND	4,633.27
503	GOLF COURSE FUND	-
504	SENIOR HOUSING CITY ATTORNEY	-
505	SOLID WASTE FUND	-
601	EQUIPMENT REPLACEMENT	-
602	LIABILITY INSURANCE	40,033.18
603	WORKERS COMP. RESERVE/INSURANCE	65.58
701	RETIRED EMP. INSURANCE	-
702	EXPENDABLE TRUST FUND - DEVELOPER FEES	-
703	EXPENDABLE TRUST FUND - OTHER	-
704	EXPENDABLE TRUST FUND - OTHER	1,042.08
708	OUTSIDE SERVICES TRUST	1,741.04
	TOTAL WARRANTS	1,068,307.25

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Information on actual expenditures is available in the Chief Financial Officer'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:

NOTES:

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:

CITY MANAGER:

DATE:

Paul Wong
10/29/24

DATE:

[Signature]
10/29/24

CITY OF EL SEGUNDO
WARRANTS TOTALS BY DEPARTMENT
AS OF 11/5/24
REGISTER # 8c

DEPT#	NAME	TOTAL
GENERAL FUND DEPARTMENTAL EXPENDITURES		
GENERAL GOVERNMENT		
1101	City Council	382.67
1201	City Treasurer	120.83
1300	City Clerk	514.93
2101	City Manager	136.36
2102	Communications	144.18
2103	El Segundo Media	
2201	City Attorney	
2401	Economic Development	91.22
2402	Planning	424.35
2405	Human and Health Services	73.88
2500	Administrative Services	45,383.30
2601	Government Buildings	29,440.24
2900	Nondepartmental	26,662.25
6100	Library	5,167.47
		108,541.68
PUBLIC SAFETY		
3100	Police	19,648.27
3200	Fire	11,888.35
2403	Building Safety	706.68
2404	Plng/Bldg Sfty Administration	421.37
		32,664.67
PUBLIC WORKS		
4101	Engineering	1,551.76
4200	Streets	7,213.24
4300	Wastewater	88,160.12
4601	Equipment Maintenance	1,766.87
4801	Administration	64.26
		98,756.25
COMMUNITY DEVELOPMENT		
5100,5200	Recreation & Parks	8,023.31
5400	CAMPS	
		8,023.31
EXPENDITURES		
	CAPITAL IMPROVEMENT	453,040.00
	ALL OTHER ACCOUNTS	367,281.34
	TOTAL WARRANTS	1,068,307.25

**CITY OF EL SEGUNDO
 PAYMENTS BY WIRE TRANSFER
 10/21/24 THROUGH 10/27/24**

<u>Date</u>	<u>Payee</u>		<u>Description</u>
10/25/2024	Mission Square	62,782.63	457 payment Vantagepoint
10/25/2024	Mission Square	1,123.20	401(a) payment Vantagepoint
10/25/2024	Mission Square	3,048.85	401(a) payment Vantagepoint
10/25/2024	Mission Square	100.00	IRA payment Vantagepoint
10/25/2024	ExpertPay	5,134.52	EFT Child support payment
10/14/24-10/20/24	Workers Comp Activity	17,213.33	Corvel checks issued/(voided)
10/14/24-10/20/24	Liability Trust - Claims	-	Claim checks issued/(voided)
10/14/24-10/20/24	Retiree Health Insurance	-	Health Reimbursement checks issued
		<u>89,402.53</u>	

**DATE OF RATIFICATION: 10/29/24
 TOTAL PAYMENTS BY WIRE:**

89,402.53

Certified as to the accuracy of the wire transfers by:

	<u>10/29/24</u>
Treasury & Customer Services Manager	Date
	<u>10/29/24</u>
Chief Financial Officer	Date
	<u>10-29-24</u>
City Manager	Date

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



City Council Agenda Statement

Meeting Date: November 19, 2024

Agenda Heading: Consent

Item Number: B.5

TITLE:

2025 City Council Meeting Calendar

RECOMMENDATION:

1. Approve the 2025 City Council Meeting Calendar with staff's recommended meeting cancelations.
2. Alternatively, discuss and take other action related to this item.

FISCAL IMPACT:

None

BACKGROUND:

Since December 2019, the Clerk's office has presented a proposed City Council meeting calendar, with a list of proposed meetings for cancelation throughout the calendar year. An approved annual calendar allows for improved agenda planning and advanced notification of meeting dates to the community.

DISCUSSION:

2025 Proposed Meeting Cancelations for City Council Meetings

January 7th	Winter Recess
July 15th	Summer Recess
August 5th	National Night Out - National Police Department Event

Traditionally, a meeting occurring around a holiday is canceled due to the fact that certain city facilities are closed. More recently, the first meeting in August has been canceled due to National Night Out, an event held by Police Departments all across the nation. This year it isn't recommended to cancel the July 1st meeting, since the 4th of

2025 City Council Meeting Calendar

November 19, 2024

Page 2 of 2

July falls later in the week. This would mean a recess of 2 meetings in the summer months, versus 3 meetings, which has occurred in the past. City Council may discuss other options other than staff's recommendation.

*Per ESMC 1-4-4, if a Council Meeting falls on a holiday, the meeting will be scheduled for the next day.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 3: Deliver Solution-Oriented Customer Service, Communication, Diversity, Equity, and Inclusion

Strategy A: Enhance proactive community engagement program to educate and inform the public about City services, programs, and issues.

PREPARED BY:

Tracy Weaver, City Clerk

REVIEWED BY:

Tracy Weaver, City Clerk

APPROVED BY:

Barbara Voss, Deputy City Manager

ATTACHED SUPPORTING DOCUMENTS:

1. 2025 CC Prep Calendar - draft

CITY OF EL SEGUNDO
2025 COUNCIL CALENDAR
DRAFT

City Council Meeting 4PM/6PM	Executive Team Meeting Executive Conference Room Every Tuesday at 9:00 AM	Final Agenda Staff Reports & Attachments Due Noon (Wednesday)	Deputy City Manager - Final Review (Wednesday)
1/7/2025		*12/26/2024 (Thurs)	*1/02/2025 (Thurs)
1/21/2025 - Day after MLK Jr. Day		1/8/2025	1/15/2025
2/4/2025		1/22/2025	1/29/2025
2/18/2025 - Day after Presidents' Day		2/5/2025	2/12/2025
3/4/2025		2/19/2025	2/26/2025
3/18/2025		3/5/2025	3/12/2025
4/1/2025		3/19/2025	3/26/2025
4/15/2025		4/2/2025	4/9/20225
5/6/2025		4/23/2025	4/30/2025
5/20/2025		5/7/2025	5/14/2025
6/3/2025		5/21/2025	5/28/2025
6/17/2025		6/4/2025	6/11/2025
7/1/2025		6/18/2025	6/25/2025
7/15/2025	Summer Recess	7/2/2025	7/9/2025
8/5/2025	Police National Night Out	7/23/2025	7/30/2025
8/19/2025		8/6/2025	8/13/2025
9/2/2025 - Day after Labor Day		8/20/2025	8/27/2025
9/16/2025		9/3/2025	9/10/2025
10/7/2025		9/24/2025	10/1/2025
10/21/2025		10/8/2025	10/15/2025
11/4/2025		10/22/2025	10/29/2025
11/18/2025		11/5/2025	11/12/2025
12/2/2025		11/19/2025	11/26/2025 - Day before Thanksgiving
12/16/2025		12/4/2025	12/11/2025
1/6/2026		**12/26/2025 (Friday)	**1/2/2025 (Friday)
*Staff Report and Final Review due on Thursday due to Wednesday Holiday.			
*City Manager and/or Deputy City Manager in office to approve during holiday week?			
** Staff Report and Final Review due Friday because of Wednesday and Thursday Holiday.			
Meeting Canceled?			



City Council Agenda Statement

Meeting Date: November 19, 2024

Agenda Heading: Consent

Item Number: B.6

TITLE:

Rescission of Lot Tie Covenant for 1625 and 1629 East Maple Avenue to Allow Sale as Separate Parcels (EA-1372)

RECOMMENDATION:

1. Approve the two proposed Termination of Covenant and Agreements to rescind the requirement to hold both 1625 and 1629 East Maple Avenue as one parcel find such action to be exempt from the California Environmental Quality Act pursuant to CEQA Guidelines §15061(b)(3).
2. Direct City staff to record the proposed agreements with the Los Angeles County Recorder.
3. Alternatively, discuss and take other action related to this item.

FISCAL IMPACT:

None.

BACKGROUND:

On March 10, 1969, the El Segundo City Council approved the recording a Covenant and Agreement dated February 28, 1969, stating that the property at 1625 East Maple Avenue and the property at 1629 East Maple Avenue shall be held as one property. The covenant ties the two properties to provide for required off-street parking area, and stipulates that no portion is to be sold separately for the purpose of obtaining a building permit. Property owners Bob W. Rockhold and Nancy J. Rockhold recorded the covenant and agreement with Los Angeles County Records Office on March 20, 1969.

On September 25, 2024, Thomas Ziegler submitted an application for Environmental Assessment No. EA-1372, proposing to rescind the Covenant and Agreement for 1625 East Maple Avenue and 1629 East Maple Avenue dated February 28, 1969. The

Rescission of Lot Tie Covenant for 1625 and 1629 East Maple Avenue to Allow Sale as Separate Parcels

November 19, 2024

Page 2 of 4

proposal annuls the Covenant and Agreement, whereby the properties are no longer held as one property and allows each property to be sold separately, and no longer providing an off-street parking area. After submitting additional information and a survey (dated September 11, 2024), staff deemed the application complete for processing on October 7, 2024.

DISCUSSION:

Proposed Termination of the Covenant and Agreement to Hold Property as One Parcel for 1625 East Maple Avenue and 1629 East Maple Avenue

Since City Council originally approved the recordation of the covenant in 1969, the request to rescind the covenant necessitates Council action. In summary, terminating the Covenant and Agreement for 1625 East Maple Avenue and 1629 East Maple Avenue allows each property to be sold separately and no longer requires any of the properties to serve as off-site parking for the other property. The discussion below summarizes the proposed Termination of the Covenant and Agreement to Hold Property as One Parcel for both properties.

Findings

City staff peer-reviewed the survey, the findings, and conducted extensive due diligence research in identifying why the Covenant and Agreement was recorded. According to the El Segundo City Council Meeting Minutes dated March 10, 1969, the Covenant and Agreement only calls for an off-site parking area; however, the minutes do not provide any information as to why the Covenant and Agreement was specifically required or requested for 1625 East Maple Avenue and 1629 East Maple Avenue. Per City of El Segundo historical building permit records, in 1969 twelve apartment units were constructed at 1625 East Maple Avenue. The project complied with the development standards in effect in 1969, which included providing the minimum number of parking in the subterranean garage (1.5 parking spaces per unit required). According to City of El Segundo historical building permit records, the property at 1629 East Maple Avenue was constructed in 1953 with six apartment units and six detached surface-level carports (1 carport per unit required). The historical building plans on file for both properties illustrate sufficient on-site parking in compliance with the development standards.

Additionally, staff reviewed the El Segundo Zoning Ordinance and Zoning and Subdivision Regulations in effect in 1954, 1958, and 1969. Specifically, staff looked at what was developed versus the development standards in effect at the time of construction at both properties. Staff found that the existing multifamily dwelling units (apartments) were constructed in compliance with the site development for setbacks, height, parking, and lot coverage. Staff peer-reviewed the survey prepared by Civil Engineering and Land Surveying (dated September 11, 2024) for both properties and

Rescission of Lot Tie Covenant for 1625 and 1629 East Maple Avenue to Allow Sale as Separate Parcels

November 19, 2024

Page 3 of 4

found that each structure within each property are located solely on their designated legal lots and no nonconformities existed at the time of construction. Ultimately, no City records were found to explain why this covenant was recorded and/or tied to a building permit when the development complied with the code at the time of construction. Furthermore, according to the Los Angeles County Assessors website and map, each property is assigned its own parcel number and do not illustrate these properties as tied together or merged as one parcel.

Thus, no information, documentation or other evidence was discovered that justified the need to record a covenant, or justifies the need to continue toeing these lots together as one property.

Environmental Review

The project is exempt from the California Environmental Quality Act ("CEQA") under §15061. This exemption is pursuant to CEQA Guidelines §15061 (b)(3) because it can be seen with certainty that there is no possibility that the termination of the Covenant and Agreement for 1625 East Maple Avenue and 1629 East Maple Avenue may have a significant effect on the environment. The activity covered under the project will not have the potential for causing a significant effect on the environment as the existing conditions are not being altered, the lots are already developed, and no new development is being proposed as part of this request.

Conclusion

The proposed termination of the Covenant and Agreement for 1625 East Maple Avenue and 1629 East Maple Avenue does not propose any new development, there is no change of use, and the existing multifamily dwelling units will remain intact. The termination of the Covenant and Agreement will not create any unwanted impacts and the existing multifamily dwelling units will continue to operate unaffected. Therefore, staff recommends that City Council approve the attached Termination of Covenant and Agreement to Hold One Property as One Parcel.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 5: Champion Economic Development and Fiscal Sustainability

Strategy D: Implement community planning, land use, and enforcement policies that encourage growth while preserving El Segundo's quality of life and small-town character.

PREPARED BY:

Jazmin Farias, Planning Technician

**Rescission of Lot Tie Covenant for 1625 and 1629 East Maple Avenue to Allow
Sale as Separate Parcels**

November 19, 2024

Page 4 of 4

REVIEWED BY:

Michael Allen, Community Development Director

APPROVED BY:

Barbara Voss, Deputy City Manager

ATTACHED SUPPORTING DOCUMENTS:

1. Rescind Covenant - 1629 E Maple Ave
2. Rescind Covenant - 1625 E Maple Ave
3. City Council Meeting Minutes from 1969
4. Lot Line Survey

RECORDING REQUEST BY

City of El Segundo
Department of Development Services
350 Main Street
El Segundo, CA 90245

WHEN RECORDED MAIL TO

Attn: Community Development Director
350 Main Street
El Segundo, California 90245

Date of Recording:

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TERMINATION OF COVENANT AND AGREEMENT

The City Council of the City of El Segundo hereby terminates the "Covenant and Agreement to Hold Property as Once Parcel" (Exhibit "A") that said land shall be held as one parcel and no portion shall be sold separately, recorded on the 20th day of March, in the year, 1969, as Instrument Number 1969-2363, Official Records of the County of Los Angeles, affecting the property legally as follows: "The West 40 feet of the South 175 feet of Lot 10 in Block 107 of El Segundo Tract, in the City of El Segundo, County of Los Angeles, State of California," which property is known as: 1629 East Maple Avenue El Segundo, CA 90245 (APN: 4139-017-013), as per map recorded in Book 20, Pages 114 and 115 of Parcel Maps in the Office of the County Recorder of the County of Los Angeles.

CITY OF EL SEGUNDO

Drew Boyles, Mayor

Date: _____

Tracy Weaver, City Clerk

Date: _____

Mark D. Hensley, City Attorney

Date: _____

We, First Manhattan Investments LLC, a California limited liability company, as to an undivided 20% interest; JZB Properties LLC, a California limited liability company, as to an undivided 20% interest; ZBAR LLC, a California limited liability company, as to an undivided 20% interest; Ziggys Piggies, LLC, an Idaho limited liability company, as to an undivided 20% interest; and Flying Z Investments LLC, a California limited liability company, as to an undivided 20% interest; the owners of the above-described property, all as tenants in common, do hereby approve the termination of the "Covenant and Agreement to Hold Property as Once Parcel."

PROPERTY OWNERS

First Manhattan Investments, LLC

Name:

Title:

Date: _____

JZB Properties, LLC

Name:

Title:

Date: _____

ZBAR, LLC

Name:

Title:

Date: _____

Ziggys Piggies, LLC

Name:

Title:

Date: _____

Flying Z Investments, LLC

Name:

Title:

Date: _____

Notary acknowledgements for each signature must be attached to this document.

RECORDING REQUEST BY

City of El Segundo
Department of Development Services
350 Main Street
El Segundo, CA 90245

WHEN RECORDED MAIL TO

Attn: Community Development Director
350 Main Street
El Segundo, California 90245

Date of Recording:

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TERMINATION OF COVENANT AND AGREEMENT

The City Council of the City of El Segundo hereby terminates the "Covenant and Agreement to Hold Property as Once Parcel" (Exhibit "A") that said land shall be held as one parcel and no portion shall be sold separately, recorded on the 20th day of March, in the year, 1969, as Instrument Number 1969-2363, Official Records of the County of Los Angeles, affecting the property legally as follows:

"All that certain real property situated in the City of El Segundo, County of Los Angeles, State of California, and is described as follows:

Lot 9 in Block 107 of El Segundo, in the City of El Segundo, County of Los Angeles State of California, as per map recorded in Book 20, Pages 114 and 115 of Parcel Maps in the Office of the County Recorder of said County.

Except therefrom the westerly 138.08 feet of said lot.

Also except all oil, gas, petroleum and other hydrocarbon substances and minerals in and under said land, as reserved in deed from Edison Securities Company, recorded in Book 21321 Page 141, Official Records.

All rights to enter upon or to use the surface and or subsurface to a depth of 500 feet measured from the present surface of the ground were quitclaimed to the owners of record by deed recorded October 23, 1963 in Book D-2229 Page 450, Official Records,"

which property is known as: 1625 East Maple Avenue El Segundo, CA 90245 (APN: 4139-017-011), as per map recorded in Book 20, Pages 114 and 115 of Parcel Maps in the Office of the County Recorder of the County of Los Angeles.

CITY OF EL SEGUNDO

Drew Boyles, Mayor

Date: _____

Tracy Weaver, City Clerk

Date: _____

Mark D. Hensley, City Attorney

Date: _____

We, First Manhattan Investments LLC, a California limited liability company, as to an undivided 20% interest; JZB Properties LLC, a California limited liability company , as to an undivided 20% interest; ZBAR LLC, a California limited liability company , as to an undivided 20% interest; Ziggys Piggies, LLC, an Idaho limited liability company , as to an undivided 20% interest; and Flying Z Investments LLC, a California limited liability company, as to an undivided 20% interest; the owners of the above-described property, all as tenants in common, do hereby approve the termination of the "Covenant and Agreement to Hold Property as Once Parcel."

PROPERTY OWNERS

First Manhattan Investments, LLC
Name:
Title:

Date: _____

JZB Properties, LLC
Name:
Title:

Date: _____

ZBAR, LLC
Name:
Title:

Date: _____

Ziggys Piggies, LLC
Name:
Title:

Date: _____

Flying Z Investments, LLC
Name:
Title:

Date: _____

Notary acknowledgements for each signature must be attached to this document.

EXHIBIT B

X 2624

El Segundo, California
March 10, 1969

A regular meeting of the City Council of the City of El Segundo, California, was held in the Council Chamber of the City Hall of said City on the above date. Prior to calling the meeting to order, those present joined in pledging allegiance to the Flag of the United States of America, followed by invocation by Reverend Brannigan of St. Andrew's Catholic Church.

The meeting was then called to order by Floyd Carr, Jr., Mayor, the hour being 7:00 o'clock p. m.

ROLL CALL

Councilmen Present: Balmer, Frederick, Nagel, Stephens and Mayor Carr;

Councilmen Absent: None.

READING OF MINUTES OF PREVIOUS MEETING

The minutes of the Regular City Council Meeting held February 24, 1969, having been read, it was noted by Mayor Carr that he had cast a 'no' vote on the matter of including Lot 13 in Assessment District No. 70. Motion was then made by Councilman Nagel, seconded by Councilman Frederick that the minutes be approved as corrected. Motion carried.

The minutes of the Adjourned Regular meeting held March 4, 1969, having been read and no error or omission having been noted, it was moved by Councilman Nagel, seconded by Councilman Frederick that the minutes be approved as recorded. Motion carried.

SPECIAL ORDER OF BUSINESS

The Mayor announced that this was the time and place heretofore fixed for the continued hearing on parking restrictions on Sepulveda Boulevard. Acting City Manager Weber read a letter from City Manager Jones requesting deferral of this matter until additional information is received from the State Division of Highways. Motion was made by Councilman Frederick, seconded by Councilman Balmer that the matter be deferred until the necessary information is received from the State Division of Highways and that the affected property owners be notified when the matter is rescheduled for consideration by the Council. Motion carried.

WRITTEN COMMUNICATIONS

The following written communications received from persons, firms or corporations hereinafter named, were read to the Council and were disposed of in the manner indicated:

1. RUTH HOPP, CITY TREASURER, being request for permission to cancel payroll warrant #40660 in amount of \$6.10 to Ada C. Wilson and to issue a replacement warrant. Motion was made by Councilman Nagel, seconded by Councilman Balmer and unanimously carried that payroll warrant #40660 in amount of \$6.10 to Ada C. Wilson, be cancelled and replacement warrant be issued.

2. STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL, being application for Transfer of On-Sale General License for Los Angeles Hacienda, Inc. Ordered filed.

3. PLANNING COMMISSION, enclosing copy of its Resolution No. 699, declaring its intention to approve the Circulation Element of the General Plan of the City. Ordered filed.

4. LEAGUE OF CALIFORNIA CITIES, being announcement of Mayors' and Councilmen's Legislative Institute to be held April 14-16, 1969 at the El Dorado Hotel in Sacramento.

5. LOS ANGELES COUNTY BOARD OF SUPERVISORS, being a status report on the study for widening and realignment of Vista del Mar Boulevard from Grand Avenue to Rosecrans Avenue. Ordered filed.

6. POLICE CHIEF JAY R. STROH, being recommendation that the Council support the legislative proposals outlined in the District Attorney's Bulletin of February 1, 1969. Motion was made by Councilman Nagel, seconded by Councilman Balmer that the following resolution be adopted:

RESOLVED, that that certain program of legislative proposals dated February 1, 1969, presented by the District Attorney of Los Angeles County, be placed on file in the office of the City Clerk and as so on file, the same be supported and endorsed by the City Council.

Carried by the following vote:

Ayes: Councilmen Balmer, Frederick, Nagel, Stephens and Mayor Carr;
 Noes: Councilmen None;
 Absent: Councilmen None.

7. CALIFORNIA BOARD OF PARK & RECREATION PERSONNEL, being notification of granting of Certificate in Administration to Jack Ruis, Director of Parks and Recreation. The Acting City Manager was requested to address a letter of congratulations to Mr. Ruis.

ORAL COMMUNICATIONS

1. MRS. FRANCES BOCCUZZIO, 345 Richmond Street, inquired about the procedure for notifying property owners concerning hearings on Changes of Zone and was informed that all property owners within a 300-foot radius are notified of these hearings.

2. MR. FLOYD WALLACE, 218 Loma Vista Street, requested that the Council make a study of the crosswalks in the 300 block of Main Street. This matter was referred to the Traffic Committee for study and recommendation.

REPORTS OF COMMITTEES

South Bay Councilmen's Association. Councilman Stephens reported that at the meeting of February 27, 1969, the subject of narcotics was discussed. It had also been reported at this meeting that the County is increasing its staff in the crime lab and is studying the possibility of a crime lab for the South Bay area.

Noise Abatement Committee. Councilman Nagel reported on his trip to Sacramento on March 6 and the legislation now being presented. It was his opinion that more pressure would be needed from a local level to maintain noise certification standards.

REPORTS OF OFFICERS

ACTING CITY MANAGER WEBER MADE REPORTS AS FOLLOWS:

1. Presented bids for three 2-wheel motorcycles for the Police Department, which bids were as follows:

<u>Name</u>	<u>Amount of Bid</u>
Inglewood Harley-Davidson	\$ 5,634.93, including trade-ins
Rich Budelier Co.	\$ 6,061.55, including trade-ins

Recommended that the low bid of Inglewood Harley-Davidson be accepted. Motion was made by Councilman Balmer, seconded by Councilman Nagel that the bid of Inglewood Harley-Davidson in amount of \$5,634.93, for three 2-wheel motorcycles be accepted and that purchase order in that amount be issued to said Company. Motion carried by the following vote:

Ayes: Councilmen Balmer, Frederick, Nagel, Stephens and Mayor Carr;
 Noes: Councilmen None;
 Absent: Councilmen None.

2. Presented bids for printing of "El Segundo Reports", which bids for 6000 copy printing were as follows:

<u>Name</u>	<u>Amount of Bid</u>
Aerospace Printing Center	\$ 382. 75
Artco Printing	\$ 498 75

Recommended that the low bid of Aerospace Printing Center be accepted. Motion was made by Councilman Frederick, seconded by Councilman Stephens that the bid of Aerospace Printing Center in amount of \$382. 75 per 6000 copy printing be accepted and that purchase orders as required be authorized. Motion carried by the following vote:

Ayes: Councilmen Balmer, Frederick, Nagel, Stephens and Mayor Carr;
 Noes: Councilmen None;
 Absent: Councilmen None.

3. Presented bids for 6' power mower for the Parks Department, bids were as follows:

<u>Name</u>	<u>Amount of Bid</u>
Motor Cultivator Co.	\$ 1, 457. 90
Park Turf Equipment Co.	\$ 1, 486. 49
Pacific Toro Company	\$ 1, 553. 33

Recommended that the low bid of Motor Cultivator Company be accepted. Motion was made by Councilman Nagel, seconded by Councilman Frederick that the bid of Motor Cultivator Company in amount of \$1, 457. 90, for 6-foot power mower be accepted and that purchase order in that amount be issued to said Company. Motion carried by the following vote:

Ayes: Councilmen Balmer, Frederick, Nagel, Stephens and Mayor Carr;
 Noes: Councilmen None;
 Absent: Councilmen None.

4. Presented bids for 8" compound meter for the Water Department, which bids were as follows:

<u>Name</u>	<u>Amount of Bid</u>
Hersey-Sparling Co.	\$ 2, 466. 45
Badger Meter Co.	\$ 2, 883. 41
Neptune Meter Co.	\$ 3, 071. 35

Recommended that the low bid of Hersey-Sparling Meter Company be accepted. Motion was made by Councilman Frederick, seconded by Councilman Nagel that the bid of Hersey-Sparling Co. in amount of \$2, 466. 45 for 8" compound meter for the Water Department be accepted and that purchase order in that amount be issued to said Company. Motion carried by the following vote:

Ayes: Councilmen Balmer, Frederick, Nagel, Stephens and Mayor Carr;
 Noes: Councilmen None;
 Absent: Councilmen None.

5. Presented a report of alternatives for financing of the City's Storm Drain Project and requested Council guidance as to further action on this matter. After discussion, the matter was deferred until a later date.

6. Presented the tentative schedule for review of the Budget for the 1969-70 fiscal year and requested Council approval. Motion was made by Councilman Stephens, seconded by Councilman Nagel and unanimously carried that the tentative budget review schedule as presented by the City Manager, be approved.

CITY CLERK MADE REPORTS AS FOLLOWS:

1. Reported that the following flood damage claims had been filed in her office and that all claims had been referred to the Insurance Carrier:

- a) Edward and Melba Mowad, 401 Eucalyptus Drive
- b) Mr. Cut Kravagna, 419 Kansas Street
- c) Garretson Enterprises, Inc., 301 Arena Street

Motion was made by Councilman Frederick, seconded by Councilman Nagel, that the claims be denied and that the action of the City Clerk in referring same to the Insurance Carrier be approved. Motion carried.

2. Reported that a letter had been received from the law firm of Davis, Voorhies & Thompson advising that it had been retained to represent Bissellhood Corporation, 1591 E. El Segundo Boulevard, for storm water damage sustained by it on January 20, 1969, and requesting appropriate claim forms; that the letter had been referred to the Insurance Carrier.

Motion was made by Councilman Frederick, seconded by Councilman Stephens that the action of the City Clerk in referring the communication of Davis, Voorhies and Thompson to the Insurance Carrier be approved. Motion carried.

CITY ATTORNEY ALLEN MADE REPORTS AS FOLLOWS:

1. Presented for the Council's consideration an ordinance adopting by reference the "El Segundo Municipal Code", entitled:

AN ORDINANCE OF THE CITY OF EL SEGUNDO, CALIFORNIA, ADOPTING THE 'EL SEGUNDO MUNICIPAL CODE' TOGETHER WITH THE FOLLOWING SECONDARY CODES THEREIN ADOPTED BY REFERENCE, TO WIT: THAT CERTAIN CODE ENTITLED, 'UNIFORM BUILDING CODE, 1967 EDITION, VOLUME I,' ITS APPENDIX AND THE 'UNIFORM BUILDING CODE STANDARDS, 1967 EDITION, VOLUME III,' PUBLISHED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS, SAVE AND EXCEPT SUCH PORTIONS THEREOF AS ARE DELETED, MODIFIED OR AMENDED BY THE PROVISIONS OF THE 'EL SEGUNDO MUNICIPAL CODE'; THAT CERTAIN CODE ENTITLED, 'UNIFORM FIRE CODE, MAY 1966 EDITION', INCLUDING APPENDICES A, B, C, D, AND E, PUBLISHED BY THE CALIFORNIA FIRE CHIEFS' ASSOCIATION, SAVE AND EXCEPT SUCH PORTIONS THEREOF AS ARE DELETED, MODIFIED OR AMENDED BY THE PROVISIONS OF THE 'EL SEGUNDO MUNICIPAL CODE'; THAT CERTAIN CODE ENTITLED, 'PUBLIC HEALTH CODE' ADOPTED BY THE COUNTY OF LOS ANGELES, SAVE AND EXCEPT SUCH PORTIONS THEREOF AS ARE DELETED, MODIFIED OR AMENDED BY THE PROVISIONS OF THE 'EL SEGUNDO MUNICIPAL CODE'; THAT CERTAIN CODE ENTITLED, 'UNIFORM MECHANICAL CODE (BUILDING CODE), 1967 EDITION', AND ITS APPENDIX, PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS AND THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS, SAVE AND EXCEPT SUCH PORTIONS THEREOF AS ARE DELETED, MODIFIED OR AMENDED BY THE PROVISIONS OF THE 'EL SEGUNDO MUNICIPAL CODE'; AND THAT CERTAIN CODE ENTITLED, 'INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS UNIFORM PLUMBING CODE, 1967 EDITION', INCLUDING APPENDICES A, B, C, E AND F, PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS, SAVE AND EXCEPT SUCH PORTIONS THEREOF AS ARE DELETED, MODIFIED OR AMENDED BY THE PROVISIONS OF THE 'EL SEGUNDO MUNICIPAL CODE'; AND REPEALING ORDINANCE NO. 518 AS SPECIFIED HEREIN.,

which was read.

Upon motion duly made and unanimously carried, the further reading was waived. Thereafter, said ordinance was introduced by Councilman Frederick.

The City Attorney then read the titles of the codes adopted by reference, which were as follows: The El Segundo Municipal Code; Uniform Building Code, 1967 Edition, Volume I, with its Appendix; Uniform Building Code Standards, 1967 Edition, Volume III; Uniform Fire Code, May 1966 Edition; Public Health Code; Uniform Mechanical Code (Building Code), 1967 Edition; International Association of Plumbing and Mechanical Officials Uniform Plumbing Code, 1967 Edition, including Appendices A, B, C, E and F.

Motion was made by Councilman Stephens, seconded by Councilman Frederick that three (3) copies of the El Segundo Municipal Code and three (3) copies of each of the secondary codes, titles of which the City Attorney had read, be placed on file in the office of the City Clerk. Motion carried by the following vote:

Ayes: Councilmen Balmer, Frederick, Nagel, Stephens and Mayor Carr;
Noes: Councilmen None;
Absent: Councilmen None.

Motion was made by Councilman Frederick, seconded by Councilman Stephens and unanimously carried that public hearing on the adoption of the El Segundo Municipal Code be set for 7:00 o'clock p. m. on April 28, 1969, in the Council Chamber of the City Hall.

The City Attorney read the notice of hearing, entitled, "NOTICE OF PUBLIC HEARING BEFORE THE CITY COUNCIL OF THE CITY OF EL SEGUNDO, CALIFORNIA, ON THE ADOPTION BY REFERENCE OF THE 'EL SEGUNDO MUNICIPAL CODE'." Motion was then made by Councilman Nagel, seconded by Councilman Frederick that the form of Notice of Hearing, dated March 10, 1969, which had been read by the City Attorney, be approved and that the City Clerk be authorized to publish said Notice. Motion carried by the following vote:

Ayes: Councilmen Balmer, Frederick, Nagel, Stephens and Mayor Carr;
Noes: Councilmen None;
Absent: Councilmen None.

2. Presented for the Council's consideration a Covenant and Agreement, dated February 28, 1969, from Bob W. Rockhold and Nancy J. Rockhold, to hold as one parcel, property commonly known as 1625 and 1629 East Maple Avenue, El Segundo.

Motion was made by Councilman Stephens, seconded by Councilman Frederick that the City Clerk be authorized to approve for recordation the said Covenant and Agreement. Motion carried by the following vote:

Ayes: Councilmen Balmer, Frederick, Stephens and Mayor Carr;
Noes: Councilman Nagel;
Absent: Councilmen None.

ASSISTANT DIRECTOR OF PUBLIC WORKS ALLEN MADE REPORTS AS FOLLOWS:

1. Presented for the Council's consideration Change Order No. 2 for remodeling of the City Hall and Police Department buildings, being an addition to the cost of the contract in amount of \$174.00 and providing a time extension of 6 working days to accomplish the changes involved in Change Orders Nos. 1 and 2.

Motion was made by Councilman Nagel, seconded by Councilman Frederick that Change Order No. 2, hereinabove referred to, be and the same is hereby approved. Carried by the following vote:

Ayes: Councilmen Balmer, Frederick, Nagel, Stephens and Mayor Carr;
Noes: Councilmen None;
Absent: Councilmen None.

2. Presented for the Council's consideration plans and specifications for the construction of a six-million gallon water reservoir and recommended said plans be approved and the City Clerk be authorized to advertise for bids.

Motion was made by Councilman Nagel, seconded by Councilman Balmer, that the following resolution be adopted:

RESOLVED, that a copy of "SPECIFICATIONS NO. 66-4", and "NOTICE INVITING BIDS FOR THE CONSTRUCTION OF A SIX-MILLION GALLON CONCRETE RESERVOIR IN THE CITY OF EL SEGUNDO, CALIFORNIA", dated March 10, 1969, presented to the Council at this meeting, be approved, and a copy placed on file in the office of the City Clerk; and

BE IT FURTHER RESOLVED, that sealed bids be and the same are hereby invited under said Notice, and that the City Clerk be and she is hereby authorized and instructed to cause said Notice to be given and published in time, form and manner as required by law, the date for reception of bids being hereby fixed for April 10, 1969.

Carried by the following vote:

Ayes: Councilmen Balmer, Frederick Nagel and Mayor Carr;
Noes: Councilman Stephens;
Absent: Councilmen None.

3. Presented a recommendation from the Traffic Committee that the stop sign at the southerly entrance to the intersection of Hillcrest and Imperial be removed and stop signs be placed on the easterly and westerly entrances, as the results of traffic counts indicate that Hillcrest Street is now the 'through' street rather than Imperial Avenue.

Motion was made by Councilman Nagel, seconded by Councilman Balmer that the following resolution be adopted:

WHEREAS, the Traffic Authority, under provisions of Section 7. 4 of the City Code, deems the action hereinafter referred to on its part, to be necessary; and

WHEREAS, this Council concurs in such view of said Traffic Authority;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Segundo does hereby approve the removal of the Stop Sign at the south entrance to the intersection of Hillcrest Street and Imperial Avenue and the erection of Stop Signs at the east and west entrance to said intersection.

On roll call, said motion carried and said resolution was adopted by the following vote:

Ayes: Councilmen Balmer, Frederick, Nagel, Stephens and Mayor Carr;
Noes: Councilmen None;
Absent: Councilmen None.

UNFINISHED BUSINESS

1. Motion was made by Mayor Carr, seconded by Councilman Frederick and unanimously carried that Certificates of Appreciation be given to the El Segundo Queen and Princesses who attended the Guaymas Carnival and to Mr. and Mrs. Jack Carter who constructed, transported and decorated the El Segundo float.

2. Acting City Manager Weber was requested to contact Mrs. Nancy Magraudy as to the status of the County's study of the bicycle path on Vista del Mar.

3. Acting City Manager Weber was requested to address a letter of commendation to the Southern California Edison Company on the choice of power poles being installed on Rosecrans Avenue westerly of Sepulveda Boulevard.

RATIFICATION AND APPROVAL OF WARRANTS

It was moved by Councilman Nagel, seconded by Councilman Frederick that Warrants Nos. 23325 thru 23546 inclusive, totaling \$264,870.89, drawn in payment of demands, a list of which had been presented to the Council as Demand Register Summary Nos. 24 and 25 and certified by the Director of Finance as conforming to the Budget approved by Ordinance No. 692, be ratified and approved. Motion carried by the following vote:

Ayes: Councilmen Balmer, Frederick, Nagel, Stephens and Mayor Carr;
Noes: Councilmen None;
Absent: Councilmen None.

ORAL COMMUNICATIONS

1. MR. ROBERT TARDIFF, 139 Standard Street, suggested that on future bond elections, more information be sent to the voters concerning the issues to be voted on.

No other business appearing to come before the Council at this meeting, it was moved by Councilman Nagel, seconded by Councilman Frederick that the meeting adjourn, the hour of adjournment being 10:10 o'clock p.m. Motion carried.

Respectfully submitted,

APPROVED:

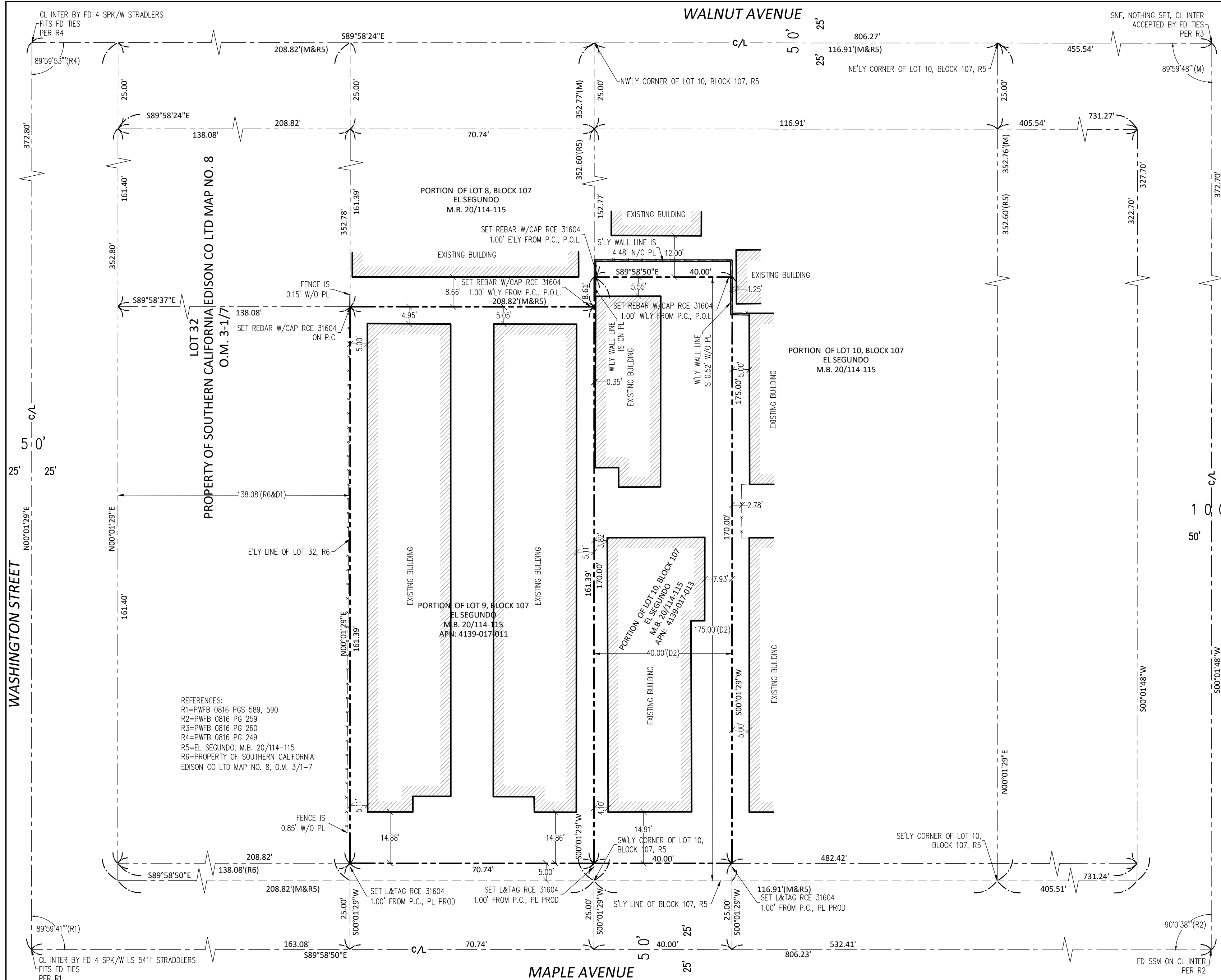


Mayor



Eunice U. Creason, City Clerk

EXHIBIT C



REFERENCES:
 R1=PWFB 0816 PGS 589, 590
 R2=PWFB 0816 PG 259
 R3=PWFB 0816 PG 260
 R4=PWFB 0816 PG 249
 R5=EL SEGUNDO, M.B. 20/114-115
 R6=PROPERTY OF SOUTHERN CALIFORNIA EDISON CO LTD MAP NO. 8, O.M. 3/1-7

BASIS OF BEARINGS:
 THE BEARING SOUTH 89° 58' 50" EAST, ON THE MOST NORTHERLY LINE OF EL SEGUNDO TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, AS PER MAP RECORDED IN BOOK 20, PAGES 114 AND 115, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 4139-017-013
LEGAL DESCRIPTION:
 THE LAND REFERRED TO IN THIS SURVEY IS SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:
 THE WEST 40 FEET OF THE SOUTH 175 FEET OF LOT 10 IN BLOCK 107 OF EL SEGUNDO TRACT, IN THE CITY OF EL SEGUNDO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 20 PAGES 114 AND 115, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 4139-017-013
REFERENCE DOCUMENT:
 PER GRANT DEED
 INSTRUMENT NO. 20230764137
 DATED AS OF: 11/07/23.

APN: 4139-017-011
LEGAL DESCRIPTION:
 THE LAND REFERRED TO IN THIS SURVEY IS SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:
 LOT 9 IN BLOCK 107 OF EL SEGUNDO, IN THE CITY OF EL SEGUNDO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 20 PAGES 114 AND 115, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

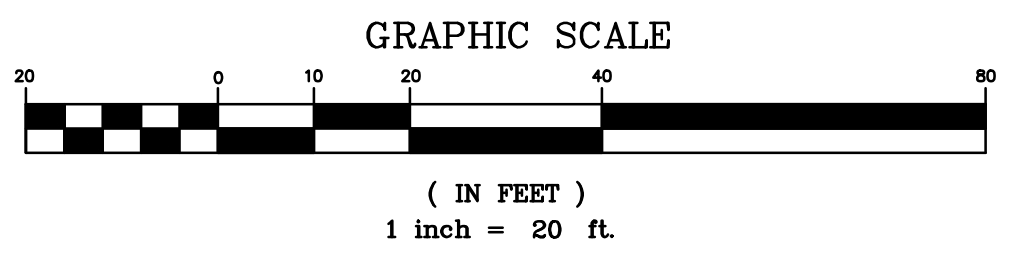
EXCEPT THEREFROM THE WESTERLY 138.08 FEET OF SAID LOT.
 ALSO EXCEPT ALL OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES AND MINERALS IN AND UNDER SAID LAND, AS RESERVED IN DEED FROM EDISON SECURITIES COMPANY, RECORDED IN BOOK 21321 FACE 1411, OFFICIAL RECORDS, ALL RIGHTS TO ENTER UPON OR TO USE THE SURFACE AND OR SUBSURFACE TO A DEPTH OF 500 FEET MEASURED FROM THE PRESENT SURFACE OF THE GROUND WERE QUITCLAIMED TO THE OWNERS OF RECORD BY DEED RECORDED OCTOBER 23, 1963 IN BOOK D-2229 PAGE 460, OFFICIAL RECORDS.

APN: 4139-017-011
REFERENCE DOCUMENT:
 PER GRANT DEED
 INSTRUMENT NO. 20230764142
 DATED AS OF: 11/07/23.

LEGEND:
 APN - ASSESSOR'S PARCEL NUMBER
 BLDG - BUILDING
 C/L, CL - CENTERLINE
 COR. - CORNER
 FB - FIELD BOOK
 FD - FOUND
 INTER - INTERSECTION
 L&T - LEAD & TACK
 M.B. - MAP BOOK
 P/L, PL - PROPERTY LINE
 P.O.L. - POINT ON LINE
 PROD - PRODUCED (PROLONGED)
 PWFB - PUBLIC WORKS FIELD BOOK
 RCE - REGISTERED CIVIL ENGINEER
 S&W - SPIKE & WASHER
 TR. - TRACT MAP

N'LY - NORTHERLY
 S'LY - SOUTHERLY
 E'LY - EASTERLY
 W'LY - WESTERLY
 N/O - NORTH OF
 S/O - SOUTH OF
 E/O - EAST OF
 W/O - WEST OF

--- PROPERTY LINE
 --- CENTERLINE
 --- WALL LINE
 --- BUILDING LINE
 - - - - - FENCE LINE



TITLE: LOT LINE SURVEY 1625 & 1629 EAST MAPLE AVENUE, EL SEGUNDO, CA 90245	
CLIENT: Mr. Woody Stahl	JOB NO.: 24-21642
SCALE: 1" = 10'	DATE: 09/11/2024
DESIGNED BY: F.G. / WC	REVISION (S):
DRAWN BY: GEORGE	SHEET 1
CHECKED BY: C.D.L.	OF 1 SHEET

M&G CIVIL ENGINEERING & LAND SURVEYING
 347 S. ROBERTSON BLVD.
 BEVERLY HILLS, CALIFORNIA 90211
 TEL. (310) 659-0871 FAX (310) 659-0845
 info@mglansur.com www.mglansur.com



City Council Agenda Statement

Meeting Date: November 19, 2024

Agenda Heading: Consent

Item Number: B.7

TITLE:

Amendments to Agreements with Kardent, Inc. for Architectural Design Services, Z&K Consultants for Construction Inspection Services, and Project Partners, Inc for Providing Temporary Engineering Services.

RECOMMENDATION:

1. Authorize the City Manager to execute an amendment to Agreement No. 7008 with Kardent, Inc. to increase the annual not-to-exceed amount by \$50,000 for a total not-to-exceed amount of \$100,000 per fiscal year for On-Call Architectural Design Services, pursuant to El Segundo Municipal Code Chapter 1-7.
2. Authorize the City Manager to execute an amendment to Agreement No. 6841 with Z&K Consultants to increase the annual not-to-exceed amount by \$100,000 for a total not-to-exceed amount of \$150,000 per fiscal year for On-Call Construction Inspection Services pursuant to El Segundo Municipal Code Chapter 1-7.
3. Authorize the City Manager to execute an amendment to Agreement No. 7034 with Project Partners, Inc to provide temporary engineering services for the Public Works department for an additional amount of \$50,000 and not to exceed \$100,000 in FY 2024-25, pursuant to El Segundo Municipal Code Chapter 1-7.
4. Authorize Appropriation of \$200,000 from the 001-400-4101-4101 engineering salary fund to 001-400-4101-6206 engineering contractual services fund to budget for Kardent, Inc., Z&K Consultant, and Project Partners, Inc amendments in Fiscal Year 2024-25, pursuant to El Segundo Municipal Code Chapter 1-7.
5. Alternatively, discuss and take other action related to this item.

FISCAL IMPACT:

The FY 2024-25 adopted budget includes \$50,000 for Professional and Technical Services for Kardent, Inc, \$50,000 for Z&K Consultants, and \$50,000 for Project

Amendments to Agreements with Kardent, Inc. for Architectural Design Services, Z&K Consultants for Construction Inspection Services, and Projects Partners, Inc.

November 19, 2024

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Partners. Approval of the amendments will require an additional appropriation of \$200,000 for FY 2024-25 from the General Fund Reserves. Salary Savings from the Public Work's Engineering Division would cover the additional contract amendment. The budget breakdown is as follows:

Amount Budgeted: \$150,000 (\$50,000 Kardent, \$50,000 Z&K, \$50,000 Project Partners) Additional Appropriation: \$200,000 (\$50,000 Kardent, \$100,000 Z&K, \$50,000 Project Partners)

Account number(s): 001-400-4101-6206 (Contractual Services)

BACKGROUND:

The fiscal year adopted budget includes \$50,000 for Professional and Technical Services for Kardent, Inc., \$50,000 for Construction Inspection Services for Z&K Consultants, and \$50,000 for Project Partners. Salary Savings from the Public Works Department will cover the additional \$200,000 funding needed for these three contract amendments in FY 2024-25.

With the growing demand for Capital Improvement Projects and development activities, the City Public Works Department has maintained on-call agreements regarding Architectural Professional Services, Construction Inspection Services, and Engineering Contractual Services to maintain a consistent level of service when experiencing surges in the projects, permit activity, and staff turnover.

Pursuant to El Segundo Municipal Code Chapter 1-7, agreements for professional services, such as engineering, accounting, and architectural services are not subject to competitive bidding requirements.

DISCUSSION:

The Engineering Division under the Public Works Department currently has 4 vacant positions (two senior civil engineers, an engineering technician and a public works inspector). Despite the ongoing recruitment efforts over the last several years, a shortage in the availability of qualified candidates to fill the vacant positions has created a greater reliance on contracting with consulting firms. The Division currently has only three project managers who are responsible for all the City's construction projects as well as maintaining the Engineering Division's workload.

The Public Works Department does not maintain a licensed architect position, and consequently, an On-Call Architectural Professional Services agreement has been established. This agreement is being used by the project managers who are working on various projects that require needed expertise in the architectural field.

Amendments to Agreements with Kardent, Inc. for Architectural Design Services, Z&K Consultants for Construction Inspection Services, and Projects Partners, Inc.

November 19, 2024

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Another one of the services provided by the Engineering Division is construction inspection services for various projects, including projects that are initiated by the permitting programs. With the engineering technician and public works inspector positions vacant, the department has established an On-Call Construction Inspection Services agreement to aid the department's permitting and construction inspection needs.

The recruitment efforts will continue to fill the vacant positions. However, to keep up with the current demand and maintain a good level of service, the Public Works Department staff need to amend these agreements. Once the vacant positions are filled, the on-call services will be scaled back and used on a limited basis. The agreement terms expire at the end of FY 2026-27.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 1: Develop and Maintain Quality Infrastructure and Technology

Strategy A: Seek opportunities to implement and expedite the projects in the Capital Improvement Program and ensure that City-owned infrastructure is well maintained, including streets, entryways, and facilities.

Strategy B: Seek opportunities to implement the use of innovative technology to improve services, efficiency, and transparency.

Goal 4: Promote and Celebrate a Quality Workforce Through Teamwork and Organizational Excellence

Strategy A: Enhance staff recruitment, retention, and training to ensure delivery of unparalleled City services and implementation of City Council policies.

PREPARED BY:

Arianne Bola, Sr. Engineer Associate

REVIEWED BY:

Elias Sassoon, Public Works Director

APPROVED BY:

Barbara Voss, Deputy City Manager

ATTACHED SUPPORTING DOCUMENTS:

None



City Council Agenda Statement

Meeting Date: November 19, 2024

Agenda Heading: Consent

Item Number: B.8

TITLE:

Continue Emergency Action for the Permanent Repair of the City of El Segundo
Wisburn Aquatics Center Pool Heaters

RECOMMENDATION:

1. Receive and file staff's report regarding the status of the permanent repairs to El Segundo Wisburn Aquatics Center Pool Heaters.
2. Adopt a motion by four-fifths vote to determine the need to continue the emergency action approved under Resolution No. 5519.
3. Alternatively, discuss and take other action related to this item.

FISCAL IMPACT:

As described on the November 5, 2024 Council agenda:

The estimated total cost for the permanent repair of the Aquatics Center Pool Heaters is \$700,000 (\$613,724 repair + \$86,276 contingency). The project costs were not included in the adopted FY 2024-25 CIP Budget and requires a budget appropriation from General Fund Reserves to the Capital Improvement Fund. WUSD agreed to reimburse the City half of the construction cost after the competition of the work, up to \$300,000. The budget request is as follows:

Amount Budgeted in FY 2024-25: \$0

Additional Appropriation: \$700,000

Expense Account Number: 301-400-8202-8463 (General Fund CIP - Aquatics Center Pool Heaters)

Establish Transfer Out Budget: \$700,000

Transfer Out Account Number: 001-400-0000-9301 (Transfer out from General Fund to CIP Fund)

Establish Transfer In Budget: \$700,000

Permanent Repair of the City of El Segundo Wiseburn Aquatics Center Pool Heaters

November 19, 2024

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Transfer In Account Number: 301-300-0000-9001 (Transfer in to CIP Fund from General Fund)

Set Revenue budget: \$300,000 Revenue Account Number: 001-300-XXXX-XXXX (WUSD Pool Heater Contribution)*

* Revenue account will be generated after funds are received from WUSD

BACKGROUND:

On November 5, 2024, the City Council adopted a by four-fifths vote, declaring the existence of an emergency and authorizing the award of a contract without competitive bidding pursuant to Public Contract Code §§ 1102, 20168, and 22050 regarding the needed permanent repair work for the heaters at the Aquatic Center.

The City Council also authorized the City Manager to approve and execute a standard Public Works Construction Contract with Knorr Systems International to repair existing heaters at the El Segundo Wiseburn Aquatics Center for an amount of \$613,724 and authorize an additional \$86,276 as contingency funds for potential unforeseen conditions, for a total budget amount of \$700,000.

DISCUSSION:

The emergency repairs are expected to take place in July and August 2025. State law requires the Council to revisit the emergency at the next regular meeting and subsequent regular meetings until the required action is terminated. Staff respectfully recommend approval of the recommended actions as noted.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 1: Develop and Maintain Quality Infrastructure and Technology

Strategy B: Seek opportunities to implement the use of innovative technology to improve services, efficiency, and transparency.

Strategy C: Maintain an innovative General Plan to ensure responsible growth while preserving El Segundo's quality of life and small-town character.

Goal 2: Optimize Community Safety and Preparedness

PREPARED BY:

Cheryl Ebert, Senior Civil Engineer

REVIEWED BY:

Elias Sassoon, Public Works Director

Permanent Repair of the City of El Segundo Wiseburn Aquatics Center Pool Heaters

November 19, 2024

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APPROVED BY:

Barbara Voss, Deputy City Manager

ATTACHED SUPPORTING DOCUMENTS:

None



City Council Agenda Statement

Meeting Date: November 19, 2024

Agenda Heading: Consent

Item Number: B.9

TITLE:

Resolution Approving Final Vesting Tract Map No. 83776 for a Subdivision at 301-305 West Palm Avenue

RECOMMENDATION:

1. Adopt resolution approving Final Vesting Tract Map No. 83776 (EA-1323) and find that such action is exempt from the California Environmental Quality Act, pursuant to CEQA Regulation § 15268(b)(3), which statutorily exempts the approval of final subdivision maps from further environmental review.
2. Authorize and direct City staff to execute and record the map.
3. Alternatively, discuss and take other action related to this item.

FISCAL IMPACT:

None.

BACKGROUND:

On December 8, 2022, El Segundo Planning Commission adopted Resolution No. 2931, approving Environmental Assessment No. EA-1323 and Subdivision No. SUB 22-01 for Vesting Tentative Tract Map No. 83776, which constitutes a subdivision of two existing contiguous lots to be merged into a single parcel for eight new residential condominium units with subterranean parking on property located at 301-305 West Palm Avenue. The application was processed by the Community Development Department and is currently under construction. Currently, the applicant is seeking the approval of the final vesting tract map.

DISCUSSION:

Government Code § 66458 states that a "final map" must be reviewed and approved by a jurisdiction's legislative body, which for El Segundo is the City Council. The requested

Resolution Approving Final Vesting Tract Map No. 83776 (EA-1323)

November 19, 2024

Page 2 of 2

final vesting tract map conforms with the vesting tentative tract map approved by the Planning Commission and meets the conditions of approval associated with the project. The Los Angeles County Department of Public Works has been reviewed and approved the map, and the El Segundo Public Works Department has reviewed and approved it for technical accuracy.

Staff has determined that Final Tract Map No. 83776 is in substantial conformance with the General Plan and applicable zoning and building ordinances. Accordingly, it recommends the City Council adopt the proposed resolution to approve the final Vesting Tract Map No. 83776. Following approval, staff will obtain all necessary signatures and have the map recorded in the Los Angeles County Recorder's Office.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 1: Develop and Maintain Quality Infrastructure and Technology

Strategy A: Seek opportunities to implement and expedite the projects in the Capital Improvement Program and ensure that City-owned infrastructure is well maintained, including streets, entryways, and facilities.

Goal 5: Champion Economic Development and Fiscal Sustainability

Strategy D: Implement community planning, land use, and enforcement policies that encourage growth while preserving El Segundo's quality of life and small-town character.

PREPARED BY:

James Rice, Associate Engineer

REVIEWED BY:

Elias Sassoon, Public Works Director

APPROVED BY:

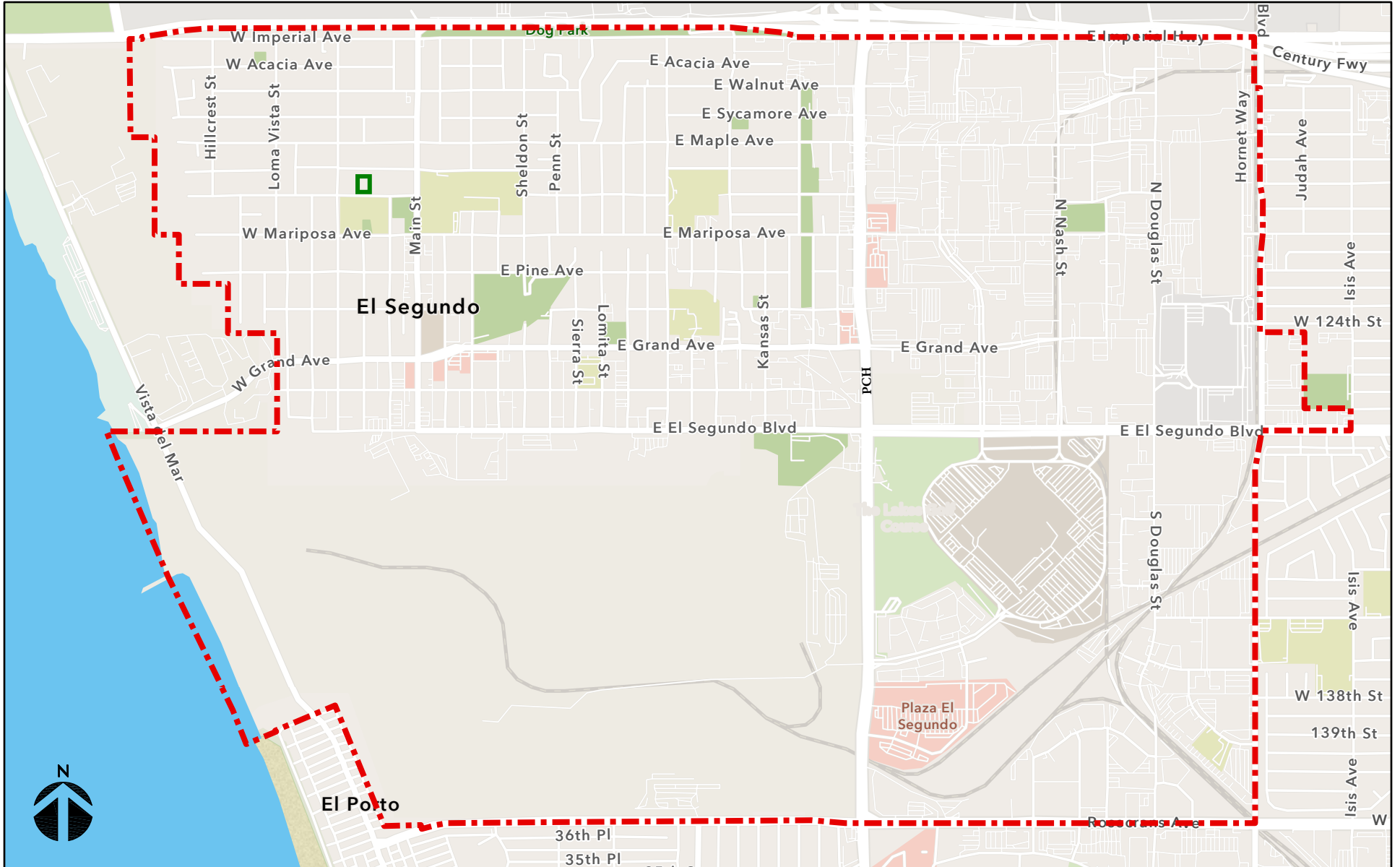
Barbara Voss, Deputy City Manager

ATTACHED SUPPORTING DOCUMENTS:

1. Vicinity Map
2. Location Map
3. Resolution for Final Vesting Tract Map No. 83776
4. Final Vesting Tract Map No. 83776

Vicinity Map

Final Vesting Tract Map No. 83776 (EA-1323)



10/31/2024

1:27,046

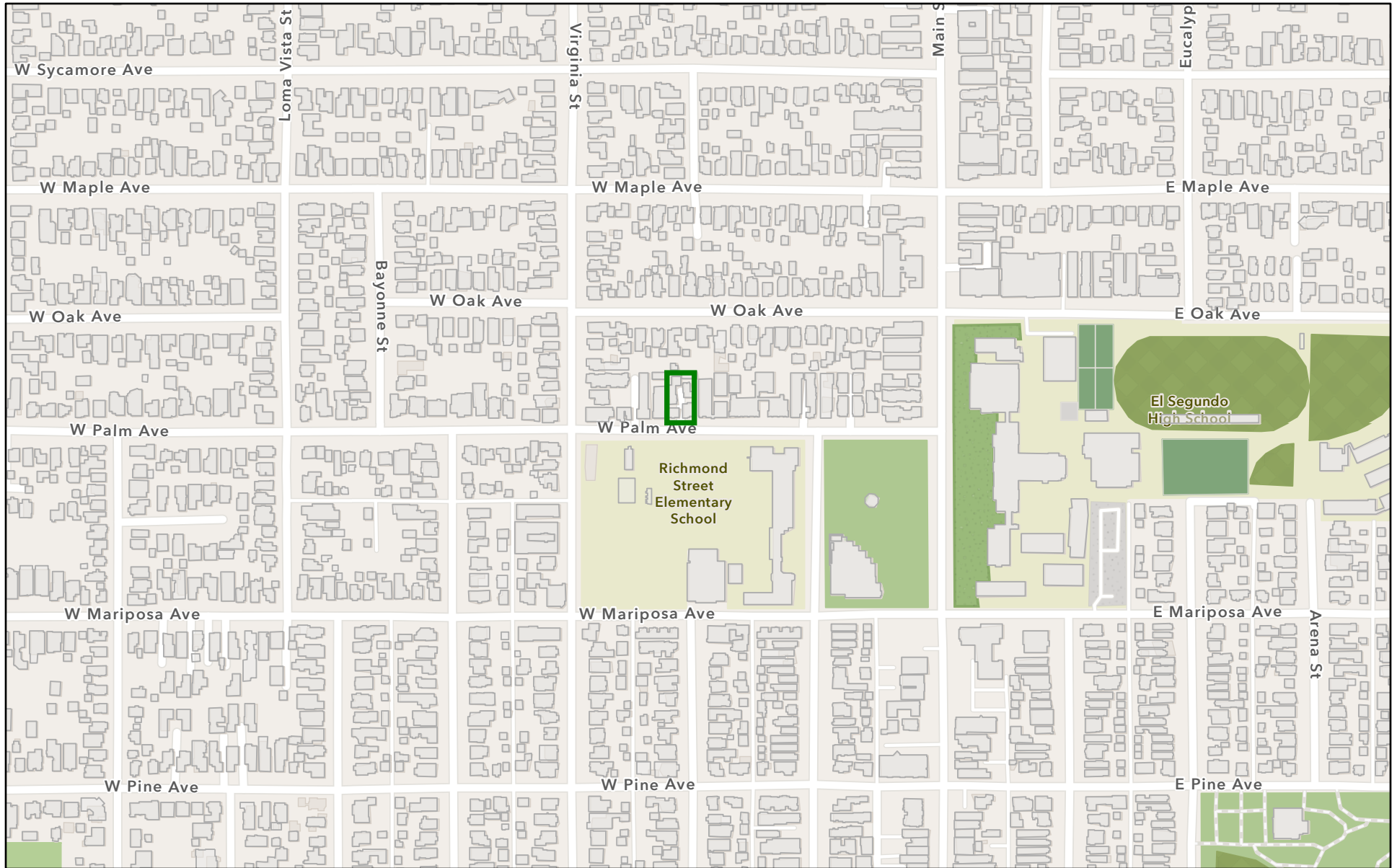
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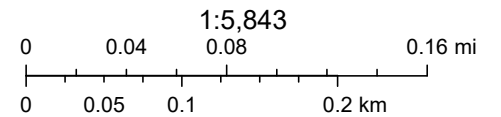
City of El Segundo, County of Los Angeles, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

Location Map

Final Vesting Tract Map No. 83776 (EA-1323)



10/31/2024



Esri Community Maps Contributors, County of Los Angeles, California State Parks, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

RESOLUTION NO. _____

**A RESOLUTION APPROVING FINAL VESTING TRACT MAP NO. 83776
FOR ENVIRONMENTAL ASSESSMENT NO. EA-1323 AND
SUBDIVISION NO. 22-01 FOR A MULTI-LOT SUBDIVISION LOCATED
AT 301-305 WEST PALM AVENUE.**

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

SECTION 1: The City Council finds and declares that:

- A. On June 2, 2022, Craig Maples on behalf of Villas on West Palm, LLC ("Applicant") filed an application for Environmental Assessment No. EA-1323, and Subdivision No. 22-01 for Vesting Tentative Tract Map No. VTTM 83776 to subdivide two existing contiguous lots to be merged into a single parcel for eight new residential condominium units with subterranean parking at 301 and 305 West Palm Avenue in the Multi-Family Residential (R-3) Zone;
- B. On December 8, 2022, the Planning Commission adopted Resolution No. 2931 approving Environmental Assessment No. EA-1323 and Subdivision No. SUB 22-01 for Vesting Tentative Tract Map No. 83776; and
- C. The Final Vesting Tract Map now requires approval by the City Council.

SECTION 2: *Final Vesting Tract Map Findings.* Based upon the entirety of the record including, without limitation, the staff report, the City Council approves the Final Vesting Tract Map for the following reasons:

- A. The Final Vesting Tract Map substantially conforms to Vesting Tentative Tract Map No. 83776 approved by Planning Commission Resolution No. 2931; and
- B. The Final Vesting Tract Map conforms to all applicable provisions of the El Segundo Municipal Code and Subdivision Map Act (Government Code §§ 66410, *et seq.*).

SECTION 3: *Authorization.* The City Engineer, Director of Planning and Building Safety and the City Clerk are hereby authorized to sign and record said Final Vesting Tract Map and take any further actions needed to effectuate this Resolution.

SECTION 4: This Resolution is the City Council's final decision and will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

SECTION 5: The City Clerk is directed to mail a copy of this Resolution to any person requesting a copy.

PASSED, APPROVED AND ADOPTED this 19th day of November, 2024.

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, approved and adopted by said City Council at a regular meeting held on the 19th day of November, 2024, approved and signed by the Mayor, and attested to by the City Clerk, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tracy Weaver, City Clerk

APPROVED AS TO FORM:

Mark D. Hensley, City Attorney

1 LOT
13,408 SQ.FT.

VESTING
TRACT NO. 83776

SHEET 1 OF 3 SHEETS

IN THE CITY OF EL SEGUNDO
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

BEING A SUBDIVISION OF LOTS 5 AND 6, TRACT NO. 9642, AS PER MAP
RECORDED IN BOOK 134, PAGE 96 OF MAPS, IN THE OFFICE OF THE
COUNTY RECORDER OF SAID COUNTY.

FOR CONDOMINIUM PURPOSES

OWNER'S STATEMENT:

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR ARE INTERESTED IN THE LAND INCLUDED WITHIN THE
SUBDIVISION SHOWN ON THIS MAP WITHIN THE DISTINCTIVE BORDERLINES, AND WE CONSENT TO THE
PREPARATION AND FILING OF SAID MAP AND SUBDIVISION.

VILLAS ON WEST PALM LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, OWNER

BY: _____
LYLE R. MAUL, MANAGING MEMBER

CATHAY BANK, BENEFICIARY, UNDER A DEED OF TRUST RECORDED AUGUST 11, 2023 AS INSTRUMENT NO.
20230532854, OF OFFICIAL RECORDS.

BY: _____

SIGNATURE OMISSION NOTES:

THE SIGNATURE OF OCCIDENTAL PETROLEUM CORPORATION, LESSEE UNDER A SUBSURFACE OIL AND
GAS LEASE RECORDED MARCH 1, 1966 AS INSTRUMENT NO. 3501, OF OFFICIAL RECORDS, HAS BEEN
OMITTED PURSUANT TO THE PROVISIONS OF SECTION 66436 (C) (3) OF THE SUBDIVISION MAP ACT.

CONDOMINIUM NOTE:

THIS SUBDIVISION IS APPROVED AS A CONDOMINIUM PROJECT FOR 8 (EIGHT) UNITS, WHEREBY THE
OWNERS OF THE UNITS OF AIR SPACE WILL HOLD AN UNDIVIDED INTEREST IN THE COMMON AREAS
THAT WILL, IN TURN, PROVIDE THE NECESSARY ACCESS AND UTILITY EASEMENTS FOR THE UNITS.

I HEREBY CERTIFY THAT ALL CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE THAT
ARE REQUIRED UNDER THE PROVISIONS OF SECTIONS 66492 AND 66493 OF THE SUBDIVISION MAP ACT.

EXECUTIVE OFFICER, BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BY _____ DATE _____
DEPUTY

I HEREBY CERTIFY THAT SECURITY IN THE AMOUNT OF \$ _____
HAS BEEN FILED WITH THE EXECUTIVE OFFICER, BOARD OF SUPERVISORS OF THE COUNTY OF LOS
ANGELES AS SECURITY FOR THE PAYMENT OF TAXES AND SPECIAL ASSESSMENTS COLLECTED AS
TAXES ON THE LAND SHOWN ON MAP OF TRACT NO. 83776 AS REQUIRED BY LAW.

EXECUTIVE OFFICER, BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BY _____ DATE _____
DEPUTY

ENGINEER'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A TRUE AND COMPLETE
FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECTION IN MARCH 2022, IN CONFORMANCE WITH THE
REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF VILLAS ON
WEST PALM LLC., ON MARCH 16, 2022. I HEREBY STATE THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS
TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP; THAT ALL THE MONUMENTS ARE OF THE
CHARACTER AND OCCUPY THE POSITIONS INDICATED; AND THAT THE MONUMENTS ARE SUFFICIENT TO
ENABLE THE SURVEY TO BE RETRACED.



GARY J. ROEHL, R.C.E. NO. 30826 DATE _____

BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING N 89°58'30"E OF THE CENTERLINE OF PALM
AVENUE, AS SHOWN ON TRACT NO. 46944, M.B. 1159, PAGES 52 & 53, OF MAPS, RECORDS OF SAID
COUNTY.

CITY ENGINEER'S CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP; THAT IT CONFORMS SUBSTANTIALLY TO THE
TENTATIVE MAP AND ALL APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION
ORDINANCES OF THE CITY OF EL SEGUNDO APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP
HAVE BEEN COMPLIED WITH; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT SECTION 66442 (a)(1)(2)
AND (3) HAVE BEEN COMPLIED WITH; AND THAT I AM SATISFIED THIS MAP IS TECHNICALLY CORRECT WITH
RESPECT TO CITY RECORDS.

CHERYL EBERT, R.C.E. NO. 78578 DATE _____
ACTING CITY ENGINEER, CITY OF EL SEGUNDO

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE CITY COUNCIL OF THE CITY OF EL SEGUNDO BY MOTION _____
ADOPTED AT ITS SESSION HELD ON THE _____ DAY OF _____,
_____, APPROVED THE ANNEXED MAP AND SUBDIVISION.

CITY CLERK, CITY OF EL SEGUNDO DATE _____

CITY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL SPECIAL ASSESSMENTS LEVIED UNDER THE JURISDICTION OF THE CITY OF EL
SEGUNDO, TO WHICH THE LAND INCLUDED WITHIN THIS SUBDIVISION OR ANY PART THEREOF IS SUBJECT,
AND WHICH MAY BE PAID IN FULL, HAVE BEEN PAID IN FULL.

MATTHEW ROBINSON DATE _____
CITY TREASURER, CITY OF EL SEGUNDO

PLANNING COMMISSION CERTIFICATE

I HEREBY CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF EL SEGUNDO BY RESOLUTION NO.
2931, ADOPTED AT ITS SESSION HELD ON DECEMBER 8, 2022 APPROVED THE ANNEXED MAP AND
SUBDIVISION.

MICHAEL ALLEN DATE _____
SECRETARY OF THE PLANNING COMMISSION
CITY OF EL SEGUNDO

COUNTY SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP; THAT IT COMPLIES WITH ALL PROVISIONS OF STATE
LAW APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP; AND THAT I AM SATISFIED THAT THIS
MAP IS TECHNICALLY CORRECT IN ALL RESPECTS NOT CERTIFIED BY THE CITY ENGINEER.

COUNTY SURVEYOR

BY _____ DATE _____
DIEGO G. RIVERA, DEPUTY
L.S NO. 9742

VESTING
TRACT NO. 83776

IN THE CITY OF EL SEGUNDO
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

FOR CONDOMINIUM PURPOSES

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

ON _____ BEFORE ME, _____,

A NOTARY PUBLIC, PERSONALLY APPEARED _____,
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE
NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT
HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES) AND THAT BY
HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S) OR THE ENTITY UPON BEHALF
OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE
FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE: _____

PRINTED NAME: _____

MY PRINCIPAL PLACE OF BUSINESS IS IN LOS ANGELES COUNTY

MY COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

ON _____ BEFORE ME, _____,

A NOTARY PUBLIC, PERSONALLY APPEARED _____,
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE
NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT
HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES) AND THAT BY
HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S) OR THE ENTITY UPON BEHALF
OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE
FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE: _____

PRINTED NAME: _____

MY PRINCIPAL PLACE OF BUSINESS IS IN LOS ANGELES COUNTY

MY COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

VESTING TRACT NO. 83776

IN THE CITY OF EL SEGUNDO
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

FOR CONDOMINIUM PURPOSES



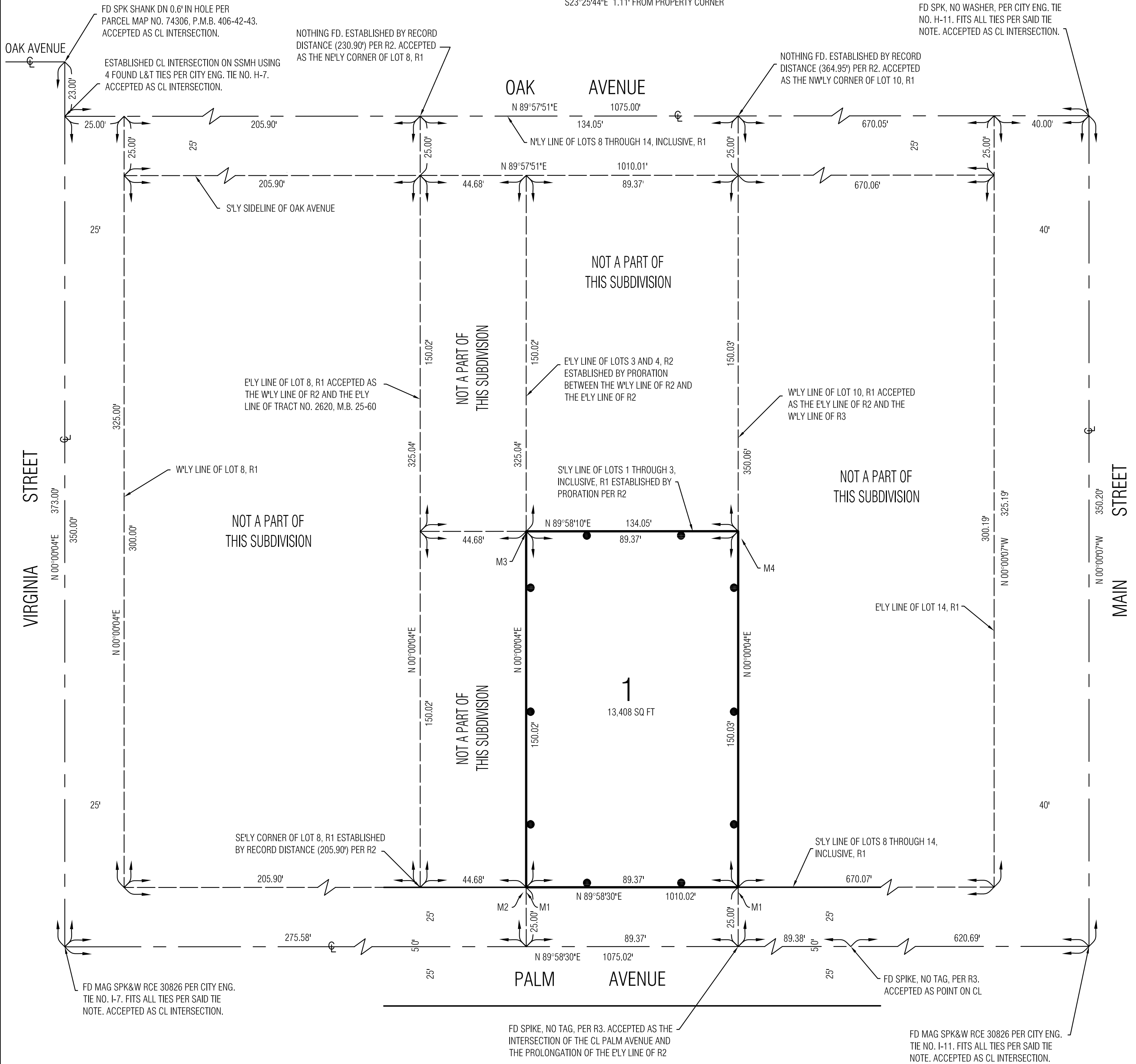
LEGEND:



INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP

- R1 BLOCK 95, EL SEGUNDO, M.B. 20-22-23
- R2 TRACT NO. 9642, M.B. 134-96
- R3 TRACT NO. 40008, M.B. 981-23-24

- M1 SET L&T RCE 30826 S00°00'04"W 2.00' FROM PROPERTY CORNER
- M2 FD L&T LS 2887 PER LACO PWFB 0816-701-702 S16°01'28"W 2.03' FROM PROPERTY CORNER
- M3 SET L&T RCE 30826 ON TOP OF BLOCK WALL S13°59'36"W 0.24' FROM PROPERTY CORNER
- M4 SET L&T RCE 30826 ON TOP OF BLOCK WALL S23°25'44"E 1.11' FROM PROPERTY CORNER





City Council Agenda Statement

Meeting Date: November 19, 2024

Agenda Heading: Consent

Item Number: B.10

TITLE:

United States Department of Homeland Security 2023 Urban Area Security Initiatives Grant Program Award and Subaward Agreement with the City of Los Angeles

RECOMMENDATION:

1. Authorize the City Manager to execute a subaward agreement with the City of Los Angeles and accept a federally-funded \$251,765 2023 Urban Area Security Initiatives grant to combat terrorism and other threats.
2. Alternatively, discuss and take other action related to this item.

FISCAL IMPACT:

Funds were appropriated during the FY 2024-25 budget process. No additional appropriation is necessary at this time. The federal Urban Area Security Initiatives (UASI) Grant Program is a reimbursable grant. The upfront cost of \$251,765 will come from City reserves until the funds are reimbursed per the agreement. The budget breakdown is as follows:

Expenditure Amount Budgeted: \$251,765

Additional Appropriation: \$0

Account number: 124-400-3101-6411

Revenue Amount Budgeted: \$251,765

Addition Revenue: \$0

Account number: 124-300-3101-6411

BACKGROUND:

In October 2022, the El Segundo Police Department (ESPD) applied for the 2023 UASI Grant Program with an application totaling \$348,355 and a grant period of September 1, 2023, to May 31, 2026, to purchase an armored rescue vehicle. In November 2022, ESPD received notice that the law enforcement working group approved the application

2023 UASI Grant
November 19, 2024
Page 2 of 3

with the reduced amount of \$251,765. The projects were then presented to the UASI approval authority for final approval at the December 6, 2022, meeting. By motion, the UASI approval authority approved the UASI 2023 projects and funding allocations, as presented.

The primary purpose of the UASI Grant Program is to provide financial assistance to dense urban areas with high concentrations of people, high-visibility targets, and critical infrastructure to help those areas improve their ability to prevent, protect against, respond to and recover from threats or acts of terrorism. This financial assistance can be used to support the purchase of homeland security equipment, as well as the costs of planning, training, exercises, limited operational costs, and grant administration. The Department of Homeland Security (DHS) awards UASI funds by using a discretionary risk-based formula and assessing the effectiveness of each applicant's proposed solutions to address these risks. The UASI Grant Program is overseen by the State Administrative Agency (SAA), which is the California Governor's Office of Emergency Services (Cal OES). The grant is then administered by the Mayor's Office of Public Safety, as designated by Cal OES, on behalf of the participating local area jurisdictions that comprise the Los Angeles/Long Beach Urban Area.

DISCUSSION:

On May 21, 2024, ESPD presented the UASI 2023 Grant agenda item to the City Council, seeking approval to enter into an agreement for the purchase of an armored rescue vehicle. The motion to authorize the agreement, including the use of asset forfeiture funds to cover the cost beyond the grant award, was not approved.

Subsequently, ESPD was informed that due to newly imposed restrictions, the purchase of an armored vehicle is no longer an eligible expense/project under the grant. As a result, all agencies that had originally requested an armored vehicle, including ESPD, are required to either revise their projects or wait indefinitely for updated guidelines from the Federal Emergency Management Agency (FEMA). In response, ESPD, along with several other agencies, decided to move forward with a project modification rather than delay. To move forward, City Council must first approve the grant agreement as is, creating a foundation for future modifications. Delaying would prolong the timeline, potentially pushing the project beyond the grant's completion date and requiring a new grant application.

To move forward with this modification, the agreement must be approved for the grant award amount of \$251,765. While the grant agreement identifies the purchase of a rescue vehicle at this time. ESPD will return to City Council to request a modification to the agreement and project approval for the UASI 2023 grant. In essence, this approval secures the grant funding but allows for future requests for modification of the use of the funds.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 2: Optimize Community Safety and Preparedness

Strategy C: Protect and prepare the El Segundo community and staff for any emergency, disaster, or environmental violation.

PREPARED BY:

Julissa Solano, Sr. Management Analyst

REVIEWED BY:

Saul Rodriguez, Police Chief

APPROVED BY:

Barbara Voss, Deputy City Manager

ATTACHED SUPPORTING DOCUMENTS:

1. Subrecipient Agreement City of El Segundo



SUBAWARD AGREEMENT

Subrecipient: City of El Segundo

Title: FY 2023 Urban Area Security Initiative (UASI) Grant Program

City Contract Number _____

City of Los Angeles Contract Number _____

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EXHIBITS

- Exhibit A DHS Standard Conditions
- Exhibit B 2023 Standard Assurances for all Cal OES Federal Grant Programs
- Exhibit C Financial Management Forms Workbook
- Exhibit D Modification Request and Reimbursement Request Forms
- Exhibit E CalOES Forms
- Exhibit F Grants Management Assessment Form

AGREEMENT NUMBER _____ OF CITY CONTRACTS
BETWEEN
THE CITY OF LOS ANGELES
AND THE CITY OF EL SEGUNDO

THIS SUBAWARD AGREEMENT (“Agreement” or “Contract”) is made and entered into by and between the City of Los Angeles, a municipal corporation (the “City”), and The City of El Segundo (“El Segundo”), (the “Subrecipient”). In consideration of the mutual covenants set forth herein and the mutual benefits to be derived therefrom, the City and Subrecipient (each a “Party” and collectively, the “Parties”) agree as follows:

I. GENERAL INFORMATION

§1.1 Federal Award Information

The “Federal award” (as such term is defined in the Code of Federal Regulations (“CFR”), 2 CFR § 200.38, and used in this Agreement) is the Fiscal Year (FY) 2023 Urban Area Security Initiative Grant Program FAIN #EMW-2023-SS-00042, CFDA #97.067, Federal Award Date September 1, 2023, having a period of performance from September 1, 2023 through May 31, 2026 This is not a “Research & Development” award as defined in 2 CFR Sections 200.87 and 200.331, and there is no “indirect cost rate” for this federal award as defined in 2 CFR Sections 200.56 and 200.331.

The “Federal awarding agency” (as such term is defined in 2 CFR § 200.36 and used in this Agreement) is the United States Department of Homeland Security, Federal Emergency Management Agency, Grants Program Directorate (“DHS”).

The State of California, through its Governor’s Office of Emergency Services (“CalOES”), acts as the “pass-through entity” (as such term is defined in 2 CFR Section 200.74 and used in this Agreement) for the subaward of the Federal award to the City for the benefit of the Los Angeles/Long Beach Urban Area (“LA/LBUA”) in the amount of \$53,932,030.00.

The City, acting through its Mayor’s Office of Public Safety (“Mayor’s Office”), acts as the pass-through entity for this subaward of the Federal award to Subrecipient.

§1.2 Subaward Information and Period of Performance

Subrecipient hereby accepts the following subaward (“Subaward”) of the Federal award upon the terms and conditions set forth in this Agreement:

Subaward amount: **\$ 251,765**

Subaward Period of Performance (“Term”): **September 1, 2023**

to May 31, 2026

Match Requirement: **None**

Subrecipient Identifier: _____

Indirect Cost Rate for Subaward: **None**

The term of this Agreement shall be the "Term" as set forth in this Section 1.2.

§1.3 Parties and Notice

The Parties to this Agreement, and their respective representatives who are authorized to administer this Agreement and to whom formal notices, demands and communications shall be given are as follows:

Party:	City of Los Angeles
Authorized Representative:	Brian K. Williams, Deputy Mayor
Authorized Department:	Mayor's Office of Public Safety
Address, Phone, Fax, E-mail:	200 N. Spring Street, Room 303 Los Angeles, CA 90012 Phone: (213) 978-0687 Email: brian.k.williams@lacity.org

Party:	City of El Segundo
Authorized Representative:	Julissa Solano
Authorized Department:	El Segundo Police Department
Address, Phone, Fax, E-mail:	348 Main Street, El Segundo, CA 90245 Email: Jsolano@elsegundo.org

Formal notices, demands and communications to be given hereunder by either Party shall be made in writing and may be effected by personal delivery or by registered or certified mail, postage prepaid, return receipt requested and shall be deemed communicated as of the date of mailing. If the name of the person designated to receive the notices, demands or communications or the address of such person is changed, written notice shall be given, in accordance with this section, within five business days of said change.

§1.4 Authorities

The Los Angeles City Council and the City's Mayor have accepted the Federal award and have authorized the City to execute this Agreement (C.F. # 23-0690, _____).

Subrecipient warrants that it has obtained written authorization from its governing board or authorized body to execute this Agreement and accept and use the Subaward. Subrecipient further warrants that such written authorization specifies that Subrecipient, governing board or authorized body agree:

- a. That any liability arising out of the performance of this Agreement shall be the responsibility of Subrecipient, governing board or authorized body.
- b. That Subaward funds shall not be used to supplant expenditures controlled by governing board or authorized body.
- c. That the official executing this Agreement is authorized to do so.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

II. SUBAWARD TERMS AND CONDITIONS

§2.1 Summary of Requirements

By executing this Agreement, Subrecipient hereby agrees that it shall comply with all terms and conditions set forth in this Agreement, which includes all guidance, regulations and requirements (collectively, "Requirements") of the Federal awarding agency and CalOES that are applicable to a recipient and/or subrecipient of a Federal award or grant. Such Requirements are set forth in the following documents and incorporated herein by this reference: (1) Department of Homeland Security FY 2023 Homeland Security Grant Program Notice of Funding Opportunity ("DHS NOFO"), (2) FY 2023 DHS Standard Terms and Conditions ("DHS Standard Conditions") (**Exhibit A**), (3) FEMA Information Bulletins ("IB"), (4) CalOES 2023 Homeland Security Grant Program California Supplement to the Federal Notice of Funding Opportunity ("CalOES Supplement"), (5) CalOES 2023 Standard Assurances for CalOES Federal Grant Programs ("CalOES Assurances") (**Exhibit B**), (6) CalOES Grant Management Memos ("GMM"), and (7) the cost principles, uniform administrative requirements and audit requirements for federal grant programs as housed in Title 2, Part 200 of the CFR and in updates issued by the Office of Management and Budget ("OMB") on <http://www.whitehouse.gov/omb/>.

Subrecipient hereby certifies that it has the institutional, managerial and financial capability to ensure proper planning, management and completion of its projects being funded by the Subaward (**Exhibit C**).

§2.2 City Administrative Requirements

- A. Subrecipient acknowledges and agrees that the City is acting as a "pass-through entity" (as such term is defined in 2 CFR § 200.74 and used in this Agreement) for this Subaward and that the City shall have the rights and obligations relating to this Subaward and its administration as set forth in this Agreement and in 2 CFR Part 200.
- B. Subrecipient and the City have previously completed a mutually approved Budget/Expenditure Plan as incorporated in the Financial Management Forms Workbook (the "Workbook"), which is pending approval by CalOES (the "Budget") and is attached hereto as **Exhibit C**. Upon approval by CalOES, such Budget shall be the effective Budget for this Agreement. The Workbook contains detailed listings of items and projects and the amount of Subaward funds allocated for such items and projects. The City shall provide Subrecipient with an electronic Workbook of Subrecipient's projects. Subrecipient shall use the Subaward funds strictly in accordance with the Workbook, and any expenditures not so made shall be deemed disallowed under this Subaward.

Any request by Subrecipient to modify the Workbook must be made in writing and accompanied by a completed Modification Request Form

(attached hereto as **Exhibit D**), all required supporting documentation and a revised Workbook showing such modification. Workbook modification requests must be submitted prior to deadlines set by the City. Inaccurate or incomplete requests shall be returned to the Subrecipient for revision. Subrecipient shall not expend any funds on modified Workbook items until such modification is approved by the City and CalOES.

- C. Subrecipient previously submitted to the City a Project Application in connection with the Subaward, which included a Project Timeline (“Project Timeline”) setting forth milestones and completion dates for projects funded under the Subaward. Subrecipient shall manage its projects in accordance with the Project Timeline and provide, in a timely manner, any plans and reports requested by the City regarding the status of such projects. If a Workbook modification request requires a modification to the Project Timeline, Subrecipient shall update the Project Timeline accordingly and submit it along with its Workbook modification request for approval.
- D. Subrecipient shall complete and deliver to the City all forms required by CalOES pertinent to the implementation of Subrecipient’s projects under the Subaward. Such forms, which are collectively attached hereto as **Exhibit E**, include: (1) an aviation equipment request form, (2) a watercraft equipment request form, (3) an Environmental and Historical Preservation (“EHP”) request form, and (4) a sole source procurement request form. Approval of such requests and forms shall be made by the City and CalOES in their respective sole discretion. Subrecipient acknowledges that all such forms must be approved by the City and CalOES *prior* to expending Subaward funds. Failure to gain advance approval of such completed requests and forms by the City and CalOES may result in the disallowance of such costs incurred by Subrecipient.
- E. Subrecipient agrees that any equipment, product, service or activity funded with this Subaward shall comply with any and all technological and/or interoperability specifications and standards as may be approved by the LA/LBUA region, and any such equipment, product, service or activity not so compliant shall be not eligible for funding by this Subaward. Subrecipient shall further ensure that it retains from its contractors, subcontractors, and vendors all rights related to inventions, copyrightable materials, and data for which the Federal awarding agency and CalOES has rights to, as more fully set forth in 2 CFR Section 315 and Section 2.3.P. of this Agreement.
- F. Any “equipment” (as such term is defined in 2 CFR § 200.33 and used in this Agreement) acquired or obtained with Subaward funds: (1) shall be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with

representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the LA/LBUA, and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan; (2) shall be consistent with needs as identified in the State Homeland Security Strategy and will be deployed in conformance with that Strategy; and (3) shall have an LA/LBUA identification decal affixed to it, and, when practical, shall be affixed where it is readily visible and prominently marked as follows: "*Purchased with funds provided by the U.S. Department of Homeland Security.*"

Subrecipient shall take a physical inventory of all equipment acquired or obtained with Subaward funds and reconcile the results with equipment records at least once every year.

- G. This Subaward is not a "fixed amount award" as such term is defined in 2 CFR Section 200.45. Subrecipient agrees that disbursement of this Subaward to Subrecipient shall be made on a reimbursement method. If Subrecipient requests advance payment of Subaward funds, Subrecipient shall comply with, and provide evidence to the City of compliance with, the criteria and obligations related to the use of advance payments as set forth in 2 CFR Section 200.305 as well as satisfying any other City and CalOES requirements for advance payments.

In requesting reimbursement from Subaward funds, Subrecipient shall provide to the City a completed Reimbursement Request Form (attached hereto as **Exhibit D**) along with invoices, purchase orders, proof of delivery, proof of payment and payroll records, timesheets, receipts and any other supporting documentation necessary to fully and accurately describe the expenditure of funds for which reimbursement from the Subaward is requested (collectively, the "Reimbursement Request"). All such supporting documentation for the Reimbursement Request shall satisfy applicable Federal, State and City audit and review standards and requirements. Such documentation shall be prepared at the sole expense and responsibility of Subrecipient, and the City and the Subaward will not reimburse the Subrecipient for any costs incurred for such preparation. The City reserves the right to request additional supporting documentation to substantiate costs incurred at any time. Inaccurate and/or incomplete Reimbursement Requests shall be returned to Subrecipient for revision.

The City shall forward Reimbursement Requests to CalOES for payment within thirty (30) days of receipt, provided such request is deemed accurate and complete. The City shall reimburse Subrecipient within thirty (30) days of its receipt of funds from CalOES.

Final Reimbursement Requests for this Subaward must be received by the City no later than One Hundred Twenty (120) days prior to the end of the Term to allow the City sufficient time to complete close-out activities for this Subaward (the "Reimbursement Deadline"). Any Reimbursement Request submitted after the Reimbursement Deadline shall be rejected unless approved by the Mayor's Office in advance of the Reimbursement Deadline. After the Reimbursement Deadline, any unexpended Subaward funds may be re-directed to other needs across the LA/LBUA region. The City will notify Subrecipient, in writing, when unexpended Subaward funds may be re-directed.

- H. Subrecipient acknowledges that the City makes no commitment to disburse Subaward funds beyond the terms set forth herein and that funding for all periods during the Subaward Term is subject to the continuing availability to the City of federal funds for this Subaward from CalOES and the Federal awarding agency. This Agreement may be terminated immediately upon written notice to Subrecipient of any loss or reduction of Subaward funds.
- I. Subrecipient shall comply with all federal, state, and local laws and regulations for vaccine requirements. Each Subrecipient shall comply with their own policies and mandates for COVID-19 vaccine requirements.

§2.3 DHS and CalOES Requirements

Subrecipient shall comply with all Requirements promulgated by DHS (which is the Federal awarding agency for this Subaward) and CalOES which are applicable to this particular Subaward and set forth in Section 2.1. Some of these DHS and CalOES Requirements are set forth below in this Section 2.3.

- A. Subrecipient will not use Subaward funds to supplant (replace) funds that have been budgeted for the same purpose through non-federal sources. Upon request by the City, CalOES and/or the Federal awarding agency, Subrecipient may be required to provide supporting documentation that certifies a reduction in non-Federal resources that occurred for reasons other than the receipt or expected receipt of Subaward funds. Subrecipient shall not charge any costs allocable under this Subaward to any other Federal award to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of Federal awards, or for other reasons. Subrecipient shall not be delinquent in the repayment of any Federal debt. Subrecipient must request instruction from the City and CalOES for proper disposition of any original or replacement equipment acquired with Subaward funds.
- B. Subrecipient shall comply with the requirement of 31 U.S.C. Sections 3729 to 3733, which sets forth that no subgrantee, recipient or

subrecipient of federal funds or payments shall submit a false claim for payment, reimbursement, or advance. Subrecipient agrees to be subject to the administrative remedies under 38 U.S.C. Sections 3801 to 3812 for violations of this requirement.

- C. Subrecipient shall comply with the provisions of *DHS Specific Acknowledgements and Assurances* section set forth in the DHS Standard Conditions and the *Reporting Accusations and Findings of Discrimination* section of the CalOES Assurances.
- D. Subrecipient shall comply with the provisions of the *Lobbying and Political Activities* section set forth in the CalOES Assurances. In connection thereto, Subrecipient hereby certifies that:
 - 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of Subrecipient, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
 - 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, Subrecipient shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying" in accordance with its instructions.
 - 3. Subrecipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Subrecipient shall comply with provisions of the Hatch Act (5 U.S.C. §§ 1501-1508, 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

- E. As required by Executive Orders (EO) 12549 and 12689, and 2 CFR Section 200.214 and codified in 2 CFR Part 180, Subrecipient shall provide protection against waste, fraud and abuse by debaring or suspending those persons deemed irresponsible in their dealings with the Federal government. Subrecipient hereby certifies that it and its principals:
1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 2. Have not within a three-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph 2.3.E.2. above; and
 4. Have not within a three-year period preceding this Agreement had one or more public transactions (Federal, State, or local) terminated for cause or default.
- F. Subrecipient shall comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.) which is adopted at 2 CFR Part 3001. In connection thereto, Subrecipient hereby certifies that it will or will continue to provide a drug-free workplace and a drug-free awareness program as outlined in such Act.
- G. Subrecipient shall comply with all Federal statutes relating to non-discrimination, including, without limitation, those statutes and provisions set forth in the *Non-Discrimination and Equal Employment Opportunity* section of the CalOES Assurances.

Subrecipient hereby certifies that it will comply with the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. § 12101 et seq.) and its implementing regulations, the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) (Pub.L. No. 110-325) and all subsequent amendments, Section 504 of the Rehabilitation Act of 1973 (Rehab. Act), as amended, 29 U.S.C. Section 794 and 24 CFR Parts 8 and 9, the Uniform Federal Accessibility Standards (UFAS), 24 CFR

Part 40, and the Fair Housing Act, 42 U.S.C. Section 3601 et seq.; 24 CFR Parts 100, 103, and 104 (FHA) and all implementing regulations. Subrecipient will provide reasonable accommodations to allow qualified individuals with disabilities to have access to and to participate in its programs, services and activities in accordance with the provisions of the ADA, the ADAAA, the Rehab Act, the UFAS and the FHA and all subsequent amendments. Subrecipient will not discriminate against persons with disabilities or against persons due to their relationship to or association with a person with a disability. Any contract entered into by Subrecipient (or any subcontract thereof), relating to this Agreement, to the extent allowed hereunder, shall be subject to the provisions of this paragraph.

- H. Subrecipient shall comply with the provisions set forth in the *Environmental Standards* section of the CalOES Assurances.
- I. Subrecipient shall comply with the provisions set forth in the *Reporting-Accountability* section of the CalOES Assurances, which relate to compliance with the Federal Funding Accountability and Transparency Act (Pub.L. No. 109-282) and statutory requirements for whistleblower protections.
- J. Subrecipient shall comply with the provisions set forth in the *Human Trafficking* section of the CalOES Assurances, which relate to compliance with the Trafficking Victims Protection Act (TVPA) of 2000 (as amended by 22 U.S.C. § 7104).
- K. Subrecipient shall comply with the provisions set forth in the *Labor Standards* section and *Worker's Compensation* section of the CalOES Assurances, which relate to compliance with various Federal statutes regarding labor standards and State worker's compensation requirements set forth in California Labor Code Section 3700 et seq.
- L. Subrecipient shall comply with the provisions set forth in the *Property-Related* section of the CalOES Assurances and the provisions applicable to construction projects as set forth in the *Certifications Applicable Only to Federally-Funded Construction Projects* section of the CalOES Assurances.
- M. Subrecipient acknowledges the applicability of the Freedom of Information Act (5 U.S.C. § 552) and the California Public Records Act (Gov. Code, § 6250 et seq.) to certain information as more fully set forth in the *California Public Records Act and Freedom of Information Act* section of the CalOES Assurances.

- N. Subrecipient shall comply with the provisions set forth in the *Best Practices for Collection and Use of Personally Identifiable Information (PII)* section of the CalOES Assurances.
- O. Subrecipient shall comply with the provisions set forth in the *Acknowledgement of Federal Funding from DHS* section and *Use of DHS Seal, Logo, and Flags* section of the CalOES Assurances, which relate to requirements for acknowledging the use of federal funds and obtaining approval for use of various DHS seals, logos, and flags.
- P. Subrecipient shall affix applicable copyright notices as required under the *Copyright* section of the CalOES Assurances and shall comply with and be subject to the provisions set forth in the *Patents and Intellectual Property Rights* section of the DHS Standard Conditions and the CalOES Assurances.
- Q. If the total value of Subrecipient's currently active grants, cooperative agreements, and procurement contracts from all Federal assistance office exceeds \$10,000,000.00 for any period of time during the period of performance of this Subaward, Subrecipient shall comply with the provisions set forth in the *Reporting of Matters Related to Recipient Integrity and Performance* section of the DHS Standard Conditions and the CalOES Assurances.
- R. Subrecipient shall comply with the SAFECOM Guidance for Emergency Communication Grants when using Subaward funds in connection with emergency communication equipment, including provisions on technical standards that ensure and enhance interoperable communications.
- S. Subrecipient shall comply with the *Conflict of Interest* section, which requires Subrecipient to establish safeguards to prohibit employees from using their positions for a purpose that constitutes, or presents the appearance of personal or organizational conflict of interest or personal gain. Subrecipient shall comply with all Federal and State conflict of interest laws and regulations.
- T. Subrecipient shall comply with California Vehicle Code Sections 23123 and 23123.5, and the provisions set forth in the *Use of Cellular Device While Driving is Prohibited* section of the CalOES Assurances.
- U. Subrecipient must ensure that any project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

- V. Subrecipient shall comply with the provisions set forth in the following sections of the DHS Standard Conditions and the CalOES Assurances; (1) *Energy Policy and Conservation Act*, (2) *Hotel and Motel Fire Safety Act of 1990*, (3) *Terrorist Financing (E.O. 13224)*, (4) *USA Patriot Act of 2001*, (5) *Fly America Act of 1974*, and (6) *Whistleblower Protections and Whistleblower Protection Act*.
- W. Subrecipient acknowledges and shall comply with the following Special Conditions and Corrective Actions applicable to this UASI 23 Subaward:
1. Subaward funding is subject to restricted drawdown for the duration of the Term;
 2. Subrecipient shall submit sufficient documentation to support expenditures prior to reimbursement or advance of funds. Documentation must include invoices, timesheets, evidence supporting overtime and backfill costs, cancelled checks or other proof of payment, and copies of related contracts (See § 2.2.G). CalOES may request additional procurement material. CalOES will not issue reimbursement or advance payment until the documentation is reviewed and the payment is determined to be adequately supported;
 3. Failure to comply with these conditions may result in disallowed costs or additional restrictions on current and future subaward funding, pursuant to 2 CFR Sections 200.205 and 200.338.
- X. Subrecipient shall comply with Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (NDAA) (Pub.L. No. 115-232) and 2 C.F.R. Section 200.216, 200.471, and Appendix II to 2 C.F.R. Part 200. which prohibit Subrecipient (including their subcontractors) from using federal funds, including FEMA awards, under open or new awards for the telecommunications equipment or services listed in Section 889(f)(2)-(3) of the NDAA.
- Y. Subrecipient shall comply with the Build America, Buy America Act (BABAA) enacted as part of the Infrastructure Investment and Jobs Act § 70901-70927, Pub. L. No. 117-58 (2021); and Executive Order 14005 ensuring “the future is made in all of America by all of America’s Workers.” This provision requires that “all of the iron, steel, manufactured products, and construction materials” used in the project are produced in the United States.
- Z. Subrecipients shall ensure and maintain the adoption and implementation of the National Incident Management System (NIMS) to prevent, protect against, mitigate, respond to and recover from incidents.

- AA. Subrecipient shall comply with the National Cybersecurity Review (NCSR) assessment designed to measure gaps and capabilities of state, local, tribal, territorial, nonprofit, and private sector agencies' cybersecurity programs. Additional information may be found in IB 439 and 429a

§2.4 Uniform Requirements for Federal Awards

Subrecipient acknowledges that this Subaward is a "Federal award" as such term is defined in 2 CFR Section 200.38 and that Subrecipient's use of this Subaward is subject to the uniform administrative requirements, cost principles, and audit requirements for Federal awards which are codified in 2 CFR Part 200 (the "Uniform Requirements"). Subrecipient agrees that it is considered a "non-Federal entity" and a "subrecipient" as such terms are defined in 2 CFR Sections 200.69 and 200.93, respectively. Thus, Subrecipient hereby agrees to comply with, and be subject to, all provisions, regulations and requirements applicable to a "subrecipient" and a "non-Federal entity" as set forth in the Uniform Requirements. Further, Subrecipient agrees that the City and CalOES are each a "pass-through entity" as such term is defined in 2 CFR Section 200.74 and that each of them shall have the rights and remedies of a "pass-through entity" in relation to this Subaward and Subrecipient as set forth in the Uniform Requirements. Without limitation, some of these Uniform Requirements are set forth below in this Section 2.4.

- A. Subrecipient shall disclose to the City any potential conflict of interest in connection to this Subaward and its use in accordance with 2 CFR Section 200.112.
- B. Subrecipient shall comply with the mandatory disclosure requirements for violations of Federal criminal law involving fraud, bribery, or gratuity as set forth in 2 CFR Section 200.113.
- C. Subrecipient acknowledges that the City may impose additional specific conditions to this Subaward in accordance with 2 CFR Section 200.207, and Subrecipient shall comply with such conditions, including, but not limited to, the sampling of procurements and equipment to ensure grant compliance during the City's bi-annual monitoring. Subrecipient shall also submit any annual certifications and representations deemed required by the City in accordance with 2 CFR Section 200.208.
- D. **Financial Management and Internal Controls**
Subrecipient shall comply with the requirements for a non-Federal entity regarding financial management and the establishment of a financial management system, all as more fully set forth in 2 CFR Section 200.302. Further, Subrecipient shall comply with the requirements set forth in 2 CFR Section 200.303, which relate to certain obligations required of Subrecipient to maintain internal controls over the use of this Subaward.

Subrecipient shall complete and submit an annual Grants Management Assessment Form to the City (**Exhibit F**) to evaluate risk and determine grant funding eligibility.

- E. In the event this Subaward requires cost sharing or matching of funds from Subrecipient, Subrecipient shall comply with the cost sharing and matching requirements set forth in 2 CFR Section 200.306.
- F. Subrecipient shall comply with the requirements relating to program income as more fully set forth in 2 CFR Section 200.307.
- G. Subrecipients may consider the use of this funding to assist their jurisdiction's alignment with the State of California Alert and Warning Guidelines.
- H. Property Standards

When property (real, tangible or intangible) is, in whole or in part, improved, developed, purchased or otherwise acquired with Subaward funds, Subrecipient shall comply with the regulations set forth in 2 CFR Sections 200.310 through 200.316 ("Property Regulations"). These Property Regulations include, without limitation, provisions related to the following:

1. Requirements for insurance coverage for real property and equipment.
2. Requirements for title, use, disposition and transfer of title of "real property" (as defined in 2 CFR § 200.85).
3. Regulations involving Federally-owned and exempt property.
4. Requirements for title, use, management (including recordkeeping, inventory, control systems and maintenance procedures), and disposition of "equipment" (as defined in 2 CFR § 200.33).
5. Requirements for title, use and disposition of "supplies" (as defined in 2 CFR § 200.94).
6. Requirements for title, rights, use and disposition of "intangible property" (as defined in 2 CFR § 200.59). Such requirements include, without limitation, (a) a reservation of rights by the Federal awarding agency to a royalty-free, non-exclusive and irrevocable right to use certain copyrighted work or work subject to copyright, (b) the rights of the Federal government to data produced under the Subaward, (c) the applicability of the Freedom of Information Act to certain research data produced or acquired under the Subaward, and (d) Subrecipient's compliance with applicable regulations governing patents and inventions, including government wide regulations codified at 37 CFR Part 401.

Subrecipient agrees that it shall hold in trust all real property, equipment

and intangible property acquired, developed or improved with Subaward funds in accordance with the provisions set forth in 2 CFR Section 200.316.

I. Procurement and Contracting Regulations

When procuring and/or contracting for property and/or services that are to be paid or reimbursed by any amount of Subaward funds, Subrecipient shall comply with all regulations applying to “non-Federal entities” as set forth in 2 CFR Sections 200.318 through 200.326 (the “Procurement Regulations”). These Procurement Regulations include, without limitation, provisions requiring the following:

1. Documentation and use of procurement procedures in compliance with Procurement Regulations.
2. Contracting oversight and maintenance of written standards of conduct covering conflicts of interest.
3. Compliance with federal standards regarding procurement and award of contracts, competition, and procurement methods.
4. Affirmative steps required to encourage contracting with small and minority businesses, women’s business enterprises, and labor surplus area firms.
5. Compliance with Section 6002 of the Solid Waste Disposal Act in the procurement of recovered materials.
6. Requirement to perform a cost or price analysis in connection with procurements.
7. Bonding requirements.
8. Requirement to make procurement documentation available for review by the City, CalOES and the Federal awarding agency.
9. Threat Hazard Identification and Risk Assessment requirement is to be submitted every three years also an annual capability assessment will still be required.

In addition, Subrecipient must include in all of its contracts paid or reimbursed in whole or in part with Subaward funds the provisions set forth in Appendix II to 2 CFR Part 200 (Contract Provisions for non-Federal Entity Contracts under Federal Awards) as required by 2 CFR Section 200.326.

J. Financial and Performance Monitoring and Reporting

Subrecipient shall comply with the monitoring requirements for a non-Federal entity as set forth in 2 CFR Section 200.328, which requires the Subrecipient to oversee and monitor activities supported by the Grant to assure compliance with applicable Federal requirements and performance

expectations. Further, Subrecipient shall comply with the financial and performance reporting requirements for a non-Federal entity as set forth in 2 CFR Sections 200.327 to 200.329 and any other reporting requirements that may be promulgated by the Federal awarding agency, CalOES or the City in accordance with such regulations. Such reporting requirements include the provision of any information required for the assessment or evaluation of any activities funded by the Subaward and the reporting of information related to real property in which the Federal government retains an interest.

Subrecipient acknowledges that the City, as a “pass-through entity,” may make various findings, determinations, evaluations and reports regarding Subrecipient and its use of Subaward funds, as set forth in 2 CFR Sections 200.330 to 200.332. In accordance with such regulations, Subrecipient shall comply with, and timely grant to the City and its auditors, any monitoring requests, requests for on-site access to facilities, equipment and personnel, and requests for any other information as may be authorized under such regulations. Subrecipient shall also timely grant to the City and its auditors access to Subrecipient’s records and financial statements as required under 2 CFR Section 200.331(a)(5). In addition, Subrecipient shall comply with any conditions that may be placed upon Subrecipient as part of the City’s risk evaluation of Subrecipient under 2 CFR Section 200.331(b).

K. Record Retention and Access

Subrecipient shall comply with all records retention, maintenance, storage, transmission, and collection requirements applicable to a non-Federal entity as set forth in 2 CFR Sections 200.333 to 200.335.

In accordance with the provisions set forth in 2 CFR Section 200.336, Subrecipient hereby grants the Federal awarding agency, the Inspectors General, the Comptroller General of the United States, CalOES, and the City, or any of their authorized representatives, the right of access to any documents, papers, or other records of Subrecipient which are pertinent to the Subaward, in order to make audits, examinations, excerpts, and transcripts. This right also includes timely and reasonable access to Subrecipient’s personnel for the purpose of interview and discussion related to such documents. These access rights shall not be limited to any required record retention period but last as long as the records are retained, and access shall not otherwise be limited unless as specifically permitted under 2 CFR Sections 200.336 to 200.337.

Subrecipient shall require any of its subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with the provisions of this Section.

L. Cost Principles

Subrecipient shall comply with the cost principles for federal awards as set forth in 2 CFR Part 200 Subpart E (“Cost Principles”). Subrecipient acknowledges and agrees that any costs incurred by Subrecipient may only be charged to or reimbursed by Subaward funds if it is incurred in compliance with all Requirements for the Subaward and is also deemed allowable and allocable under the Subaward in accordance with the provisions set forth in the Cost Principles.

M. Audit Requirements

By virtue of using Subaward funds, Subrecipient acknowledges and agrees that it is subject to the provisions set forth in 2 CFR Part 200 Subpart F (“Audit Requirements”). Subrecipient shall comply with all provisions applicable to a non-Federal entity and an “auditee” (as defined in 2 CFR § 200.6) as set forth in such Audit Requirements, including the requirement to conduct a single audit if applicable.

N. Closeout and Post Closeout

Subrecipient shall comply with the obligations applicable to a non-Federal entity as it pertains to the closeout of this Subaward as set forth in 2 CFR Section 200.343. Subrecipient acknowledges and agrees that it shall continue to comply with the post closeout obligations set forth in 2 CFR Section 200.344 after closeout of the Subaward and expiration of the Term of this Agreement.

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III. STANDARD PROVISIONS

§3.1 Independent Party

Subrecipient is acting hereunder as an independent party, and not as an agent or employee of the City. No employee of Subrecipient is, or shall be, an employee of the City by virtue of this Agreement, and Subrecipient shall so inform each employee organization and each employee who is hired or retained under this Agreement. Subrecipient shall not represent or otherwise hold out itself or any of its directors, officers, partners, employees, or agents to be an agent or employee of the City by virtue of this Agreement.

§3.2 Construction of Provisions and Titles Herein

All titles, subtitles, or headings in this Agreement have been inserted for convenience and shall not be deemed to affect the meaning or construction of any of the terms or provisions hereof. The language of this Agreement shall be construed according to its fair meaning and not strictly for or against either party. The word "Subrecipient" herein and in any amendments hereto includes the party or parties identified in this Agreement. The singular shall include the plural. If there is more than one Subrecipient as identified herein, unless expressly stated otherwise, their obligations and liabilities hereunder shall be joint and several. Use of the feminine, masculine, or neuter genders shall be deemed to include the genders not used.

§3.3 Applicable Law, Interpretation and Enforcement

Each party's performance hereunder shall comply with all applicable laws of the United States of America, the State of California, the County and City of Los Angeles, including but not limited to, laws regarding health and safety, labor and employment, wage and hours and licensing laws which affect employees. This Agreement shall be enforced and interpreted under the laws of the State of California without regard to conflict of law principles. Subrecipient shall comply with new, amended, or revised laws, regulations, and/or procedures that apply to the performance of this Agreement.

In any action arising out of this Agreement, Subrecipient consents to personal jurisdiction, and agrees to bring all such actions, exclusively in state and federal courts located in Los Angeles County, California.

If any part, term or provision of this Agreement shall be held void, illegal, unenforceable, or in conflict with any law of a federal, state or local government having jurisdiction over this Agreement, the validity of the remaining parts, terms or provisions of this Agreement shall not be affected thereby.

§3.4 Integrated Agreement

This Agreement sets forth all of the rights and duties of the parties with respect to the subject matter hereof, and replaces any and all previous agreements or understandings, whether written or oral, relating thereto. This Agreement may be amended only as provided for herein.

§3.5 Excusable Delays

In the event that performance on the part of any party hereto shall be delayed or suspended as a result of circumstances beyond the reasonable control and without the fault and negligence of said party, none of the parties shall incur any liability to the other parties as a result of such delay or suspension.

Circumstances deemed to be beyond the control of the parties hereunder shall include, but not be limited to, acts of God or of the public enemy; insurrection; acts of the Federal Government or any unit of State or Local Government in either sovereign or contractual capacity; fires; floods; epidemics; quarantine restrictions; strikes, freight embargoes or delays in transportation; to the extent that they are not caused by the party's willful or negligent acts or omissions and to the extent that they are beyond the party's reasonable control.

§3.6 Breach

Except for excusable delays as described in §3.5 herein, if any party fails to perform, in whole or in part, any promise, covenant, or agreement set forth herein, or should any representation made by it be untrue, any aggrieved party may avail itself of all rights and remedies, at law or equity, in the courts of law. Said rights and remedies are cumulative of those provided for herein except that in no event shall any party recover more than once, suffer a penalty or forfeiture, or be unjustly compensated.

§3.7 Prohibition Against Assignment or Delegation

Subrecipient may not, unless it has first obtained the written permission of the City:

- A. Assign or otherwise alienate any of its rights hereunder, including the right to payment; or
- B. Delegate, subcontract, or otherwise transfer any of its duties hereunder.

§3.8 Indemnification

Each of the parties to this Agreement is a public entity. In contemplation of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities, solely by reason of such entities being parties to an Agreement as defined by Section 895 of said Code, the parties hereto, as between themselves, pursuant to the authorization contained in Sections 895.4 and 895.6 of said Code, will each assume the full liability imposed upon it or upon any of its officers, agents, or employees by law, for injury caused by a negligent or wrongful act or omission occurring in the performance of this Agreement, to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above-stated purpose, each party indemnifies and holds harmless the other party solely by virtue of said Section 895.2. The provision of Section 2778 of the California Civil Code is made a part hereto as if fully set forth herein. Subrecipient certifies that it has adequate self-insured retention of funds to meet any obligation arising from this Agreement.

- A. Pursuant to Government Code Sections 895.4 and 895.6, the parties shall each assume the full liability imposed upon it, or any of its officers, agents or employees, by law for injury caused by any negligent or wrongful act or omission occurring in the performance of this Agreement.
- B. Each party indemnifies and holds harmless the other party for any loss, costs, or expenses that may be imposed upon such other party by virtue of Government Code Section 895.2, which imposes joint civil liability upon public entities solely by reason of such entities being parties to an agreement, as defined by Government Code Section 895.
- C. In the event of third-party loss caused by negligence, wrongful act or omission by both Parties, each party shall bear financial responsibility in proportion to its percentage of fault as may be mutually agreed or judicially determined. The provisions of Civil Code Section 2778 regarding interpretation of indemnity agreements are hereby incorporated.

§3.9 Subcontractor Assurances

Subrecipient shall contractually obligate all of its contractors, subcontractors and vendors funded by Subaward funds as may be required to ensure that Subrecipient can comply with all of the Requirements and other provisions of this Agreement.

§3.10 Remedies for Noncompliance

Subrecipient acknowledges and agrees that, in the event Subrecipient fails to comply with the terms and conditions of this Agreement or with any Requirements referenced in Section 2.1 above, the Federal awarding agency, CalOES or the City shall have the right to take one or more of the actions set forth in 2 CFR Section 200.338. Such actions may include, without limitation, the withholding of cash payments, suspension and/or termination of the Subaward, and the disallowing of certain costs incurred under the Subaward. Any costs incurred by Subrecipient during a suspension or after termination of the Subaward shall not be considered allowable under the Subaward unless allowed under 2 CFR Section 200.342. Subrecipient shall be liable to the Federal awarding agency, CalOES and the City for any Subaward funds the Federal awarding agency or CalOES determines that Subrecipient used in violation of any Requirements reference in Section 2.1 above, and Subrecipient shall indemnify and hold harmless the City for any sums the Federal awarding agency or CalOES determines Subrecipient used in violation of such Requirements.

Subrecipient shall be granted the opportunity to object to and challenge the taking of any remedial action by the Federal awarding agency, CalOES or the City in accordance with the provisions set forth in 2 CFR Section 200.341.

§3.11 Termination

Subrecipient acknowledges and agrees that the Subaward, and any obligation to disburse to or reimburse Subrecipient in connection thereto, may be terminated in whole or in part by the Federal awarding agency, CalOES or the City as set forth in 2 CFR Section 200.339. Subrecipient shall have the right to terminate

the Subaward only as set forth in 2 CFR Section 200.339. In the event the Subaward is terminated, all obligations and requirements of this Agreement and the Grant shall survive and continue in full force and effect in connection with any portion of the Subaward remaining prior to such termination, including, without limitation, the closeout and post closeout requirements set forth in this Agreement.

§3.12 Amendments

Any change in the terms of this Agreement, including the performance period of the Subaward and any increase or decrease in the amount of the Subaward, which are agreed to by the City and Subrecipient shall be incorporated into this Agreement by a written amendment properly executed and signed by the person(s) authorized to bind the parties thereto.

§3.13 Complete Agreement

This Agreement sets forth all of the rights and duties of the parties with respect to the subject matter hereof, and replaces any and all previous agreements or understandings, whether written or oral, relating thereto. This Agreement may be amended only as provided for herein and neither verbal agreement nor conversation with any officer or employee of either party shall affect or modify any of the terms and conditions of this Agreement.

This Agreement may be executed in one or more counterparts, and by the parties in separate counterparts, each of which when executed shall be deemed to be an original but all of which taken together shall constitute one and the same agreement. The parties further agree that facsimile signatures or scanned signatures (or signatures in another electronic format designated by City) and sent by e-mail shall be deemed original signatures.

This Agreement includes twenty-two (22) pages and six Exhibits which constitute the entire understanding and agreement of the parties.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the City and Subrecipient have caused this Subaward Agreement to be executed by their duly authorized representatives.

<p>APPROVED AS TO FORM: HYDEE FELDSTEIN SOTO, City Attorney</p> <p>By _____ Barak Vaughn, Deputy City Attorney</p> <p>Date _____</p>	<p>For: THE CITY OF LOS ANGELES KAREN BASS, Mayor</p> <p>By _____ Karen Bass, Mayor</p> <p>Date _____</p>
<p>ATTEST:</p> <p>HOLLY L. WOLCOTT, City Clerk</p> <p>By _____ Deputy City Clerk</p> <p>Date _____</p>	
<p>APPROVED AS TO FORM:</p> <p>By _____ [Attorney]</p> <p>Date _____</p>	<p>For: City of El Segundo</p> <p>By _____</p> <p>Date _____</p>
<p>ATTEST:</p> <p>By _____</p> <p>Date _____</p>	<p>[SEAL]</p>

City Business License Number: _____
 Internal Revenue Service ID Number: _____
 Council File/OARS File Number: C.F. #23-0690; Date of Approval: _____
 City Contract Number: _____

EXHIBIT A

FY 2023 DHS Standard Terms and Conditions

The Fiscal Year (FY) 2023 DHS Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2023. These terms and conditions flow down to subrecipients unless an award term or condition specifically indicates otherwise. The United States has the right to seek judicial enforcement of these obligations.

All legislation and digital resources are referenced with no digital links. The FY 2023 DHS Standard Terms and Conditions will be housed on dhs.gov at www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions.

A. Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

- I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency.
- II. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002.
- III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. § 170.315, certify that their policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

B. General Acknowledgements and Assurances

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

- I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS.
- II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel.
- III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
- IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance.
- V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and

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Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. DHS Civil Rights Evaluation Tool | Homeland Security

The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

C. Standard Terms & Conditions

I. Acknowledgement of Federal Funding from DHS

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

II. Activities Conducted Abroad

Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

III. Age Discrimination Act of 1975

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

IV. Americans with Disabilities Act of 1990

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

V. Best Practices for Collection and Use of Personally Identifiable Information

Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

VI. Civil Rights Act of 1964 – Title VI

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

VII. Civil Rights Act of 1968

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection

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therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units— i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

VIII. Copyright

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

IX. Debarment and Suspension

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

X. Drug-Free Workplace Regulations

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

XI. Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons.

XII. Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

XIII. E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety

Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.

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XIV. Energy Policy and Conservation Act

Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

XV. False Claims Act and Program Fraud Civil Remedies

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§3729-3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)

XVI. Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

XVII. Federal Leadership on Reducing Text Messaging while Driving

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government.

XVIII. Fly America Act of 1974

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

XIX. Hotel and Motel Fire Safety Act of 1990

Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a

XX. John S. McCain National Defense Authorization Act of Fiscal Year 2019

Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

XXI. Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

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XXII. Lobbying Prohibitions

Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

XXIII. National Environmental Policy Act

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

XXIV. Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

XXV. Non-Supplanting Requirement

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

XXVI. Notice of Funding Opportunity Requirements

All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

XXVII. Patents and Intellectual Property Rights

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

XXVIII. Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

XXIX. Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides

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that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

XXX. Reporting of Matters Related to Recipient Integrity and Performance

General Reporting Requirements:

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

XXXI. Reporting Subawards and Executive Compensation

Reporting of first tier subawards.

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

XXXII. Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Recipients must comply with the “Build America, Buy America” provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

(1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

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Waivers

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements is on the website below.

- (a) When the Federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that:
- (1) applying the domestic content procurement preference would be inconsistent with the public interest;
 - (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
 - (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described at ["Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov](#).

The awarding Component may provide specific instructions to Recipients of awards from infrastructure programs that are subject to the "Build America, Buy America" provisions. Recipients should refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process.

XXXIII. SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

XXXIV. Terrorist Financing

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

XXXV. Trafficking Victims Protection Act of 2000 (TVPA)

Trafficking in Persons.

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.

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XXXVI. Universal Identifier and System of Award Management

Requirements for System for Award Management and Unique Entity Identifier Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

XXXVII. USA PATRIOT Act of 2001

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

XXXVIII. Use of DHS Seal, Logo and Flags

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

XXXIX. Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

EXHIBIT B



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

As the duly authorized representative of the Applicant, I hereby certify that the Applicant has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application, within prescribed timelines.

The requirements outlined in these assurances apply to Applicant and any of its subrecipients.

I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within the:

- (a) Applicable Federal Regulations (see below);
- (b) Federal Program Notice of Funding Opportunity (NOFO);
- (c) Federal Preparedness Grants Manual;
- (d) California Supplement to the NOFO; and
- (e) Federal and State Grant Program Guidelines.

Federal Regulations

Government cost principles, uniform administrative requirements, and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.). Updates are issued by the [Office of Management and Budget \(OMB\)](http://www.whitehouse.gov/omb/) and can be found at <http://www.whitehouse.gov/omb/>.

In the event Cal OES determines that changes are necessary to the subaward after a subaward has been made, including changes to period of performance or terms and conditions, Applicants will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate Applicant acceptance of the changes to the subaward.

State and federal grant award requirements are set forth below. The Applicant hereby agrees to comply with the following:

1. Proof of Authority

The Applicant will obtain proof of authority from the city council, governing board, or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board, or authorized body agree:



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

- (a) To provide all matching funds required for the grant project and that any cash match will be appropriated as required;
- (b) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board, or authorized body;
- (c) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board, or authorized body;
- (d) The Applicant is authorized by the city council, governing board, or authorized body to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project cost, if any) to ensure proper planning, management and completion of the project described in this application; and
- (e) The official executing this agreement is authorized by the Applicant.

This Proof of Authority must be maintained on file and readily available upon request.

2. Period of Performance

The period of performance is specified in the Award. The Applicant is only authorized to perform allowable activities approved under the award, within the period of performance.

3. Lobbying and Political Activities

As required by Section 1352, Title 31 of the United States Code (U.S.C.), for persons entering into a contract, grant, loan, or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, the Applicant certifies that:

- (a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

- (b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The Applicant shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

The Applicant will also comply with provisions of the Hatch Act (5 U.S.C. §§ 1501- 1508 and §§ 7324-7328) which limit the political activities of employees whose principle employment activities are funded in whole or in part with federal funds.

Finally, the Applicant agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation or policy without the express written approval from the California Governor's Office of Emergency Services (Cal OES) or the federal awarding agency.

4. Debarment and Suspension

As required by Executive Orders 12549 and 12689, and 2 C.F.R. § 200.214 and codified in 2 C.F.R. Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant certifies that it and its subrecipients:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;



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For Cal OES Federal Non-Disaster Grant Programs

- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (4)(b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

5. Non-Discrimination and Equal Employment Opportunity

The Applicant will comply with all state and federal statutes relating to non-discrimination, including:

- (a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. § 2000d et. seq.) which prohibits discrimination on the basis of race, color, or national origin and requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;
- (b) Title IX of the Education Amendments of 1972, (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in any federally funded educational program or activity;
- (c) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794), which prohibits discrimination against those with disabilities or access and functional needs;
- (d) Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. § 12101 et seq.), which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs;
- (e) Age Discrimination Act of 1975, (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (f) Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd—2), relating to confidentiality of patient records regarding substance abuse treatment;
- (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), relating to nondiscrimination in the sale, rental or financing of housing as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

- be designed and constructed with certain accessible features (See 24 C.F.R. § 100.201);
- (h) Executive Order 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identification or national origin;
 - (i) Executive Order 11375, which bans discrimination on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin in hiring and employment in both the United States federal workforce and on the part of government contractors;
 - (j) California Public Contract Code § 10295.3, which prohibits discrimination based on domestic partnerships and those in same sex marriages;
 - (k) Department of Homeland Security (DHS) policy to ensure the equal treatment of faith-based organizations, under which the Applicant must comply with equal treatment policies and requirements contained in 6 C.F.R. Part 19;
 - (l) The Applicant will comply with California's Fair Employment and Housing Act (FEHA) (California Government Code §§ 12940-12957), as applicable. FEHA prohibits harassment and discrimination in employment because of ancestry, familial status, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave, military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions;
 - (m) Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
 - (n) The requirements of any other nondiscrimination statute(s) that may apply to this application.

6. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), the Applicant certifies that it will maintain a drug-free workplace and a drug-free awareness program as outlined in the Act.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

7. Environmental Standards

The Applicant will comply with state and federal environmental standards, including:

- (a) California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000-21177), to include coordination with the city or county planning agency;
- (b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000-15387);
- (c) Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters;
- (d) Federal Clean Air Act of 1955 (42 U.S.C. § 7401) which regulates air emissions from stationary and mobile sources;
- (e) Institution of environmental quality control measures under the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; and Executive Order 12898 which focuses on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities;
- (f) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
- (g) Executive Order 11514 which sets forth national environmental standards;
- (h) Executive Order 11738 instituted to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each federal agency empowered to extend federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act Executive Order 11990 which requires preservation of wetlands;
- (i) The Safe Drinking Water Act of 1974, (P.L. 93-523);
- (j) The Endangered Species Act of 1973, (P.L. 93-205);
- (k) Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);
- (l) Conformity of Federal Actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); and



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

(m) Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

The Applicant shall not be: (1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease-and-desist order pursuant to section 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or 3) determined to be in violation of federal law relating to air or water pollution.

8. Audits

For subrecipients expending \$750,000 or more in federal grant funds annually, the Applicant will perform the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 C.F.R., Part 200, Subpart F Audit Requirements.

9. Cooperation and Access to Records

The Applicant must cooperate with any compliance reviews or investigations conducted by DHS. In accordance with 2 C.F.R. § 200.337, the Applicant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award. The Applicant will require any subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with this provision.

10. Conflict of Interest

The Applicant will establish safeguards to prohibit the Applicant's employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

11. Financial Management

False Claims for Payment - The Applicant will comply with 31 U.S.C §§ 3729-3733 which provides that Applicant shall not submit a false claim for payment, reimbursement, or advance.

12. Reporting - Accountability

The Applicant agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (P.L. 109-282), including but not limited to (a) the reporting of subawards obligating \$30,000 or more in federal funds,



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

and (b) executive compensation data for first-tier subawards as set forth in 2 C.F.R. Part 170, Appendix A. The Applicant also agrees to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A.

13. Whistleblower Protections

The Applicant must comply with statutory requirements for whistleblower protections at 10 U.S.C. § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. § 4304 and § 4310.

14. Human Trafficking

The Applicant will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) which prohibits the Applicant or its subrecipients from: (1) engaging in trafficking in persons during the period of time that the award is in effect; (2) procuring a commercial sex act during the period of time that the award is in effect; or (3) using forced labor in the performance of the award or subawards under the award.

15. Labor Standards

The Applicant will comply with the following federal labor standards:

- (a) The Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally-assisted construction contracts or subcontracts, and
- (b) The Federal Fair Labor Standards Act (29 U.S.C. § 201 et seq.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

16. Worker's Compensation

The Applicant must comply with provisions which require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this Agreement, as per the workers compensation laws set forth in California Labor Code §§ 3700 et seq.

17. Property-Related

If applicable to the type of project funded by this federal award, the Applicant will:

- (a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646)



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

- which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchase;
- (b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires federal award subrecipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more;
 - (c) Assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Executive Order 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. § 469a-1 et seq.); and
 - (d) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4831 and 24 CFR Part 35) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

18. Certifications Applicable Only to Federally-Funded Construction Projects

For all construction projects, the Applicant will:

- (a) Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project;
- (b) Comply with the requirements of the awarding agency with regard to the drafting, review and approval of construction plans and specifications; and
- (c) Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

19. Use of Cellular Device While Driving is Prohibited

The Applicant is required to comply with California Vehicle Code sections 23123 and 23123.5. These laws prohibit driving motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

Drivers are also prohibited from the use of a wireless telephone without hands-free listening and talking, unless to make an emergency call to 911, law enforcement, or similar services.

20. California Public Records Act and Freedom of Information Act

The Applicant acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity's grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Act, California Government Code §7920.000 et seq. The Applicant should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.

HOMELAND SECURITY GRANT PROGRAM (HSGP) – PROGRAM SPECIFIC ASSURANCES / CERTIFICATIONS

21. Acknowledgment of Federal Funding from DHS

The Applicant must acknowledge its use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

22. Activities Conducted Abroad

The Applicant must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

23. Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. If the Applicant collects PII, the Applicant is required to have a publicly-available privacy policy that describes standards on the usage and maintenance of PII they collect. The Applicant may refer to the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as a useful resource.



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

24. Copyright

The Applicant must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of United States Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

25. Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude the Applicant from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

26. Energy Policy and Conservation Act

The Applicant must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

27. Federal Debt Status

The Applicant is required to be non-delinquent in its repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

28. Fly America Act of 1974

The Applicant must comply with Preference for United States Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

29. Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, the Applicant must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. § 2225a.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

30. Non-supplanting Requirement

If the Applicant receives federal financial assistance awards made under programs that prohibit supplanting by law, the Applicant must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

31. Patents and Intellectual Property Rights

Unless otherwise provided by law, the Applicant is subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. The Applicant is subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

32. SAFECOM

If the Applicant receives federal financial assistance awards made under programs that provide emergency communication equipment and its related activities, the Applicant must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

33. Terrorist Financing

The Applicant must comply with Executive Order 13224 and United States law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. The Applicant is legally responsible for ensuring compliance with the Order and laws.

34. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the Applicant's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, the Applicant must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

35. USA Patriot Act of 2001

The Applicant must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c.

36. Use of DHS Seal, Logo, and Flags

The Applicant must obtain permission from their DHS Financial Assistance Office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

37. Performance Goals

In addition to the Biannual Strategy Implementation Report submission requirements outlined in the Preparedness Grants Manual, the Applicant must demonstrate how the grant-funded project addresses the core capability gap associated with each project and identified in the Threat and Hazard Identification and Risk Analysis or Stakeholder Preparedness Review or sustains existing capabilities, as applicable. The capability gap reduction or capability sustainment must be addressed in the Project Description of the BSIR for each project.

38. Applicability of DHS Standard Terms and Conditions to Tribes

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon the Applicant and flow down to any of its subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

39. Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

The Applicant must comply with the “Build America, Buy America” Act (BABAA), enacted as part of the Infrastructure Investment and Jobs Act and Executive Order 14005. Applicants receiving a federal award subject to BABAA requirements may not use federal financial assistance funds for infrastructure projects unless:

- (a) All iron and steel used in the project are produced in the United States – this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

- (b) All manufactured products used in the project are produced in the United States – this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
- (c) All construction materials are manufactured in the United States – this means that all manufacturing processes for the construction material occurred in the United States.

The “Buy America” preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. It does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a “Buy America” preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Per section 70914(c) of BABAA, FEMA may waive the application of a “Buy America” preference under an infrastructure program in certain cases.

On July 1, 2022, OMB approved FEMA's General Applicability Public Interest Waiver of the BABAA requirements to be effective for a period of six months, through January 1, 2023. Applicants will not be required to follow the BABAA requirements for FEMA awards made, and any other funding FEMA obligates, during this waiver period. For any new awards FEMA makes after January 1, 2023, as well as new funding FEMA obligates to existing awards or through renewal awards where the new funding is obligated after January 1, 2023, Applicants will be required to follow the BABAA requirements unless another waiver is requested and approved.

40. Advancing Effective, Accountable Policing and Criminal Justice Practice to Enhance Public Trust and Public Safety

The Applicant must comply with the requirements of section 12(c) of Executive Order 14074. The Applicant is also encouraged to adopt and enforce policies consistent with Executive Order 14074 to support safe and effective policing.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

IMPORTANT

The purpose of these assurances is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. Applicant recognizes and agrees that state financial assistance will be extended based on the representations made in these assurances. These assurances are binding on Applicant, its successors, transferees, assignees, etc. as well as any of its subrecipients. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the Applicant may be ineligible for award of any future grants if Cal OES determines that the Applicant: (1) has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document must be included in the award documents for all subawards at all tiers. Applicants are bound by DHS Standard Terms and Conditions 2023, Version 2, hereby incorporated by reference, which can be found at: <https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>.

The undersigned represents that he/she is authorized to enter into this agreement for and on behalf of the Applicant.

Applicant: _____

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: _____

Title: _____ Date: _____

EXHIBIT C

		Line #				Project Information							Sub-Line #'s Total Allocated		
National Priority	Project Letter	Item #	Sub-Line #	Mayor's Office ID #	U	Jurisdiction	Department	Project Title	Funding Source	Disc	Solution	Sub-Solution	Expenditure Category		
	P	25	207	56	IJ-3	El Segundo	Police	Armored Tactical and Multipurpose Response/Recovery Vehicle	HSGP-UASI	LE	Equipment	CBRNE Incident Response Vehicle		\$	251,765.00
														\$	251,765.00

EXHIBIT D

LAVLB UASI Modification Request Form

Please fill out the Modification Request Form, and associated Project Timeline, and submit it to your Grant Specialist. Include the project details for each line # affected by the modification request. For new line #'s being created, leave the Project Letter, Item #, and Sub-Line # columns in the 'Modified To' section blank- your Grant Specialist will assign them. You **MUST** include the reason for the modification request. Your Grant Specialist will advise if your modification request requires additional information. Additionally, you **MUST** attach a completed ledger(s) with the proposed changes. Formulas are embedded in the Form to automatically calculate the \$ Change, and the Form is balanced when the Totals (highlighted yellow) in the 'Modified From' and the 'Modified To' sections are equal. Modification requests are submitted to CalOES on a monthly basis. To be considered for that month's modification request, please submit by the 15th of each month.



REQUIREMENTS FOR SUBMISSION:

Jurisdiction	Department	Name of Representative	Email Address	Phone Number	Today's Date	Grant Year
Grant Specialist to complete Contract Amount \$ - Revised Amount \$ - Amendment Y/N? - 25% Increase \$ - Council/14.8 Y/N? -						
Summary and reason for modification request:			Are the modified ledgers attached electronically?			
Equipment Ledger			EHP			
Training Ledger			Sole Source			
Organization Ledger			EOC			
Planning Ledger			Watercraft			
Exercise Ledger			Aircraft			

Modified From:

Project Letter	Item #	Sub Line #	Project Name	Investment Justification (IJ)	Disc	Solution	Sub-Solution	\$ Before	\$ After	\$ Change	Action	APPR #
From										\$ -		
From										\$ -		
From										\$ -		
From										\$ -		
From										\$ -		
Total:										\$ -		

Modified To:

Project Letter	Item #	Sub Line #	Project Name	Investment Justification (IJ)	Disc	Solution	Sub-Solution	\$ Before	\$ After	\$ Change	Action	APPR #
To								\$ -	\$ -	\$ -		
To								\$ -	\$ -	\$ -		
To								\$ -	\$ -	\$ -		
To								\$ -	\$ -	\$ -		
To								\$ -	\$ -	\$ -		
Total:										\$ -		

MOPS Use Only:

Grant Specialist	Date Received	Date Approved by MOPS	Modification #	Notes
FMU Verification-- Name	Date Reviewed	Modification #	Notes	

EXHIBIT E

California Governor's Office of Emergency Services

AIRCRAFT/AVIATION-RELATED EQUIPMENT REQUEST

Subgrantee Name: _____

Homeland Security Grant Program FY _____ Grant Number _____ Cal OES ID# _____

Urban Area Security Initiative (UASI) FY _____ Grant Number _____ Cal OES ID# _____

Other Program FY _____ Grant Number _____ Cal OES ID# _____

Project Amount: UASI \$ _____ SHSP \$ _____

1. Indicate the type of aircraft/aviation equipment for this request (choose only one of the following).

Aircraft _____ Aviation Related Equipment _____

2. Please provide a description of the area that will be served by the requested equipment.

Equipment & Description	Cost	AEL number

3. Please justify the need for the aircraft/aviation equipment, and how the requested platform best meets that need as compared to other options. Include the cost, discipline, and funding source.
4. Please identify the applicable goals and objectives in your State/Urban Area Homeland Security Strategy that the requested aircraft/aviation equipment addresses.
5. Please explain how the requested aircraft/aviation equipment fits into the State/Urban Area's integrated operational plans.

6. Please explain what types of terrorism incident response and prevention equipment with which the requested aircraft/aviation equipment will be outfitted.

7. Please describe how this aircraft/aviation equipment will be used operationally and which response assets will be deployed using the requested aircraft/aviation equipment.

8. Please describe how this aircraft/aviation equipment will be utilized on a regular, non-emergency basis.

9. Please certify on signed letterhead that an existing aviation unit is operating and will continue to operate independent of the requested funding. Describe the active, operating aviation unit and certify that no expenses will be charged against the grant award for the operation of such aviation unit. Please certify licensing, registration fees, insurance, and all ongoing operational expenses are the responsibility of the grantee or the local units of government and are not allowable under this grant.

10. Attach letters of endorsement, if applicable.

Submitted by: _____ Date: _____
(Name) (Signature)

California Governor's Office of Emergency Services

WATERCRAFT REQUEST

Subgrantee Name: _____

Homeland Security Grant Program FY _____ Grant Number _____ Cal OES ID# _____

Urban Area Security Initiative (UASI) FY _____ Grant Number _____ Cal OES ID# _____

Other Program FY _____ Grant Number _____ Cal OES ID# _____

Project Amount: UASI \$ _____ SHSP \$ _____

1. Indicate the type of equipment for this request (choose only one of the following).

Watercraft _____ Watercraft- Related Equipment _____

2. Please provide a description of the area that will be served by the requested equipment.

Equipment & Description	Cost	AEL number

3. Please justify the need for the watercraft and how the requested platform best meets that need as compared to other options. Include the cost, discipline, and funding source.
4. Please describe the active, operating waterway patrol unit and certify on signed letterhead that no expenses will be charged against the grant award for the operation of such unit.
5. Please identify the applicable goals and objectives in your State/Urban Area Homeland Security Strategy that the requested watercraft addresses, and the waterway identified as critical asset requiring state and/or local prevention and response capabilities.
6. Please explain how the requested watercraft fits into the State/Urban Area's integrated operational plans and vulnerability assessment.

California Governor's Office of Emergency Services

WATERCRAFT REQUEST

7. Please describe how this watercraft will be used operationally and which response assets will be deployed using the requested watercraft.
8. Please describe how this watercraft will be utilized on a regular, non-emergency basis.
9. Please describe what types of terrorism incident response and prevention equipment with which the requested watercraft will be outfitted. Include any specialized navigational, communications, safety, and operational equipment necessary to enable such watercraft to support the homeland security mission. Please certify on signed letterhead that licensing, registration fees, insurance, and all ongoing operational expenses are the responsibility of the grantee or the local units of government and are not allowable under this grant.
10. Attach letters of endorsement, if applicable.

Submitted by: _____ Date: _____
(Name) (Signature)

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency

ENVIRONMENTAL AND HISTORIC PRESERVATION SCREENING FORM

OMB Control Number: 1660-0115
Expiration: 1/31/2024

Paperwork Burden Disclosure Notice

Public reporting burden for this data collection is estimated to average 8 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. This collection of information is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, Washington, DC, 20472, Paperwork Reduction Project (1660-0115).

PRIVACY NOTICE

The collection of this information is authorized by the National Environmental Policy Act of 1969, as amended, Pub. L. No. 91-190, § 102, 42 U.S.C. §§ 4321-4347; and National Historic Preservation Act of 1966, as amended, Pub. L. No. 89-665, § 102, 16 U.S.C. § 470.

This information is being collected for the primary purpose of determining eligibility and administration of FEMA Preparedness Grant Programs and to ensure compliance with existing laws and regulations regarding the environment and historic preservation.

The disclosure of information on this form is required by law and failure to provide the information requested may delay or prevent the organization from receiving grant funding.

Directions for completing this form: This form is designed to initiate and facilitate the environmental and historic preservation (EHP) compliance review for your FEMA preparedness grant-funded project(s). FEMA conducts its EHP compliance reviews in accordance with National Environmental Policy Act (NEPA) and other EHP-related laws and executive orders. In order to initiate EHP review of your project, you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds. **Be advised that completion of this form does not complete the EHP review process.** You will be notified by FEMA when your review is complete and/or if FEMA needs additional information.

This form should be completed electronically. The document is available in both Word and Adobe Acrobat (pdf) formats at this website: (<http://www.fema.gov/library/viewRecord.do?fromSearch=fromsearch&id=4802>). The following website has additional guidance and instructions on the EHP review process and the information required for the EHP review: <https://www.fema.gov/environmental-planning-and-historic-preservation-compliance>

Submit completed form through your grant administrator who will forward it to GPDEHPInfo@fema.dhs.gov. Please use the subject line: *EHP Submission: Project Title, location, Grant Award Number (Example, EHP Submission: Courthouse Camera Installation, Any Town, State, 12345; 2011-SS-0xxxx)*.

SECTION A. PROJECT INFORMATION

DHS Grant Award Number: _____

Grant Program: _____

Grantee: _____

Grantee POC: _____

Mailing Address: _____

E-Mail: _____

Sub-Grantee: _____

Sub-Grantee POC: _____

Mailing Address: _____

E-Mail: _____

Estimated cost of project: _____

Project title: _____

Project location (physical address or latitude-longitude): _____

Project Description. Provide a complete project description. The project description should contain a summary of what specific action is proposed, where it is proposed, how it will be implemented. Include a brief description of the objectives the project is designed to accomplish (the purpose), and the reason the project is needed. Use additional pages if necessary. If multiple sites are involved, provide the summary for each site:

SECTION B. PROJECT TYPE

Based on the proposed project activities, determine which project type applies below and complete the corresponding sections that follow. For multi-component projects or those that may fit into multiple project types, complete the sections that best apply and fully describe all major components in the project description. If the project involves multiple sites, information for each site (such as age of structure, location, ground disturbance, etc.) must be provided. Attach additional pages to this submission, if needed.

1. **Purchase of equipment.** Projects in this category involve the purchase of equipment that will require installation on or in a building or structure. Complete other portions of Section B as needed. Complete Section C.1.
2. **Training and exercises.** Projects in this category involve training exercises with any field-based components, such as drills or full-scale exercises. Complete Section C.2.
3. **Renovations/upgrades/modifications or physical security enhancements to existing structures.** Projects in this category involve renovations, upgrades, retrofits, and installation of equipment or systems in or on a building or structure. Examples include, but are not limited to: interior building renovations; electrical system upgrades; sprinkler systems; vehicle exhaust systems; closed circuit television (CCTV) cameras; security fencing; access control for an area, building, or room; bollards; motion detection systems; alarm systems; security door installation or upgrades; lighting; and audio-visual equipment (projectors, smart boards, whiteboards, monitors, displays, and projector screens). Complete Section C.3.
4. **Generator installation.** Projects in this category involve installation of new or replacement generators, to include the concrete pads, underground fuel and electric lines, and if necessary, a fuel storage tank. Complete Section C.4.
5. **New construction/addition.** Projects in this category involve new construction, addition to, or expansion of a facility. These projects involve construction of a new building, or expansion of the footprint or profile of a current structure. Complete Section C.5.
6. **Communication towers, antennas, and related equipment.** Projects in this category involve construction of new or replacement communications towers, or installation of communications-related equipment on a tower or building or in a communications shelter or building. Complete Section C.6.
7. **Other.** Projects that do not fit in any of the categories listed above. Complete Section C.7.

SECTION C. PROJECT TYPE DETAILS

Check the box that applies to the proposed project and complete the corresponding details.

1. **Purchase of equipment.** *If the entire project is limited to purchase of mobile/portable equipment and there is no installation needed, this form does not need to be completed and submitted.*

a. Specify the equipment, and the quantity of each: _____

b. Provide the Authorized Equipment List (AEL) number(s) (if known): _____

c. Complete Section D.

2. **Training and exercises.** *If the training is classroom and discussion-based only, and is not field-based, this form does not need to be completed and submitted.*

a. Describe the scope of the proposed training or exercise (purpose, materials, and type of a activities required): _____

b. Provide the location of the training (physical address or latitude-longitude): _____

c. Would the training or exercise take place at an existing facility which has established procedures for that particular proposed training or exercise, and that conforms with existing land use designations? Yes No

• If yes, provide the name of the facility and the facility point of contact (name, telephone number, and e-mail address): _____

• If no, provide a narrative description of the area where the training or exercise would occur (e.g., exercise area within four points defined by latitude/longitude coordinates): _____

• Does the field-based training/exercise differ from previously permitted training or exercises in any way, including, but not limited to frequency, amount of facilities/land used, materials or equipment used, number of participants, or type of activities? _____

• If yes, explain any differences between the proposed activity and those that were approved in the past, and the reason(s) for the change in scope: _____

• If no, provide reference to previous exercise (e.g., FEMA grant name, number, and date): _____

d. Would any equipment or structures need to be installed to facilitate training? _____

• If yes, complete Section D

3. **Renovations/upgrades/modifications, or physical security enhancements to existing structures.** **If so, Complete Section D.**

4. **Generator installation.**

- a. Provide capacity of the generator (kW): _____
- b. Identify the fuel to be used for the generator (diesel/propane/natural gas): _____
- c. Identify where the fuel for the generator would be stored (e.g. stand-alone tank, above or below ground, or incorporated in generator): _____
- d. Complete Section D.

5. **New construction/addition.**

- a. Provide detailed project description (site acreage, new facility square footage/number of stories, utilities, parking, stormwater features, etc): _____
- b. Provide technical drawings or site plans of the proposed project: Attached
- c. Complete Section D.

6. **Communication towers, antennas, and related equipment.**

- a. Provide the current net height (in feet above ground level) of the existing tower or building (with current attached equipment): _____
- b. Provide the height (in feet above ground level) of the existing tower or building after adding/replacing equipment: _____

Complete items 6.c through 6.q below ONLY if this project involves construction of a new or replacement communications tower. Otherwise continue to Section D.

- c. Provide the ground-level elevation (feet above mean sea level) of the site of the proposed communications tower: _____
- d. Provide the total height (in feet above ground level) of the proposed communications tower or structure, including any antennas to be mounted: _____
- If greater than 199 feet above ground level, state why this is needed to meet the requirements of the project: _____
- e. Would the tower be free-standing or require guy wires? Free standing Guy wires
- If guy wires are required, state number of bands and the number of wires per band: _____
- Explain why a guyed tower is needed to meet the requirements of this project: _____
- f. What kind of lighting would be installed, if any (e.g., white strobe, red strobe, or steady burning)? _____
- g. Provide a general description of terrain (e.g., mountainous, rolling hills, flat to undulating): _____
- h. Describe the frequency and seasonality of fog/low cloud cover: _____

i. Provide a list of habitat types and land use at and adjacent to the tower site (within ½ mile), by acreage and percentage of total (e.g., woodland conifer forest, grassland, agriculture) water body, marsh: _____

j. Is there evidence of bird roosts or rookeries present within ½ mile of the proposed site? Yes No

• Describe how presence/absence of bird roosts or rookeries was determined: _____

k. Identify the distance to nearest wetland area (e.g., forested swamp, marsh, riparian, marine) and coastline if applicable: _____

l. Distance to nearest existing telecommunication tower: _____

m. Have measures been incorporated for minimizing impacts to migratory birds? Yes No

• If yes, Describe: _____

n. Has a Federal Communications Commission (FCC) registration been obtained for this tower? Yes No

• If yes, provide Registration #: _____

• If no, why? _____

o. Has the FCCE106 process been completed? Yes No

p. Has the FCC Tower Construction Notification System (TCNS) process been completed? Yes No

• If yes, Describe: _____

q. Would any related equipment or structures need to be installed (e.g., backup generator and fuel source, communications shelter, fencing, or security measures)? Yes No

• If yes, explain where and how each installation would be done. Provide details about generator capacity (kW), fuel source, fuel location and tank volume, amount of fencing, and size of communication shelter: _____

r. Complete Section D.

7. **Other:** Complete this section if the proposed project does not fit any of the categories above.

a. Provide a complete project description: _____

b. Complete Section D.

SECTION D. PROJECT DETAILS

Complete all of the information requested below.

1. Project Installation

- a. Explain how and where renovations/upgrades/modifications would take place, or where equipment/systems will be installed:

- b. Would ground disturbance be required to complete the project or training? Yes No

- If Yes, provide total extent (depth, length, and width) of each ground-disturbing activity. Include both digging and trenching. For example, light poles and fencing have unique ground-disturbing activities (e.g., six light poles, 24" dia. x 4' deep; trenching 12" x 500' x 18" deep; 22 fence posts, 12" diameter x 3' deep, and 2 gate posts, 18" diameter x 3' deep):

- If yes, describe the current disturbed condition of the area (e.g., parking lot, road right-of-way, commercial development): _____

- c. Would the equipment use the existing infrastructure for electrical distribution systems? Yes No

- If no, describe power source and detail its installation at the site: _____

2. Age of structure/building at project site

- a. Provide the year existing building(s) or structure(s) on/in/nearest to the location involved in the proposed project was built: _____

- If the building or structure involved is over 45 years old and significant renovation, rehabilitation, or modification has occurred, provide the year(s) modified and briefly describe the nature of the modification(s): _____

- b. Are there any structures or buildings that are 50 years old or older in or adjacent to the project area? Yes No

- If yes, provide the location of the structure(s), ground-level color photographs of the structure(s), and identify their location(s) on an aerial map: _____

- c. Is the project site listed in the National Register of Historic Places (National Register), or in/near a designated local or National Register Historic District? The internet address for the National Register is: <http://nrhp.focus.nps.gov/> Yes No

- If yes, identify the name of the historic property, site and/or district and the National Register document number: _____

3. **Site photographs, maps and drawings**

a. Attach site photographs. Site photographs are required for all projects. Use the following as a checklist for photographs of your project. Attach photographs to this document or as accompanying documents in your submission.

• Labeled, color, ground-level photographs of the project site: Required

• Labeled, color photograph of each location where equipment would be attached to a building or structure: Required

• Labeled, color aerial photographs of the project site: Required

• Labeled, color aerial photographs that show the extent of ground disturbance (if applicable): Attached

• Labeled, color ground-level color photographs of the structure from each exterior side of the building/structure (applicable only if building/structure is more than 45 years old): Attached

b. Are there technical drawings or site plans available? Yes No

• If yes, attach: Attached

Appendix A has guidance on preparing photographs for EHP review

4. **Environmental documentation**

a. Is there any previously completed environmental documentation for this project at this proposed project site (e.g., Environmental Assessment, or wetland delineation, or cultural/archaeological study)? Yes No

• If yes, attach documentation with this form: Attached

b. Is there any previously completed agency coordination for this project (e.g., correspondence with the U.S. Fish and Wildlife Service, State Historic Preservation Office, Tribal Historic Preservation Office)? Yes No

• If yes, attach documentation with this form: Attached

c. Was a NEPA document prepared for this project? Yes No

• If yes, what was the decision? (Check one, and please attach):

Finding of No Significant Impact (FONSI) from an Environmental Assessment (EA) or

Record of Decision (ROD) from an Environmental Impact Statement (EIS).

Name of preparing agency: _____

Date Attached: _____

Appendix A. Guidance for Supporting Photographs for EHP Grant Submissions

Photographs are a vital component of the EHP review process and add an additional level of understanding about the nature and scope of the project. They also provide pre-project documentation of site conditions. Please follow the guidance provided below when preparing photographs for your EHP submission. The following pages provide examples of best practices used in earlier EHP submissions.

Minimum requirements for photographs

1. Photographs should be in color.
2. Label all photographs with the name of facility, location (city/county, state) and physical location (physical address or latitude-longitude).
3. Label the photographs to clearly illustrate relevant features of the project, such as location of installed features (e.g., cameras, fences, sirens, antennas, generators) and ground disturbance. See examples below.
4. Identify ground disturbance. Adding graphics to a digital photograph is a means to illustrate the size, scope and location of ground disturbing activities.

Best Practices

1. Provide photographs in a separate file.
2. Place no more than 2 pictures per page.
3. Compressing pictures files (such as with Microsoft Picture Manager)¹ or saving the file in PDF format will reduce the size of the file and facilitate e-mail submissions.
4. Identify the photograph file with the project name so that it can be matched to the corresponding FEMA EHP screening form.
5. Maximum file size for enclosures should not exceed 12 MB. If the total size of files for an EHP submission exceeds 12 MB, send the submission in multiple e-mails.
6. If necessary, send additional photographs or data in supplemental e-mails. Please use the same e-mail subject line with the additional label: 1 of x, 2 of x, . . . x of x.

Options for Creating Photographs

1. Obtain an aerial photo. There are multiple online sources for aerial photographs.
2. For the aerial photo, use the screen capture feature (Ctrl + Print Screen keys) and copy the image to photo editing software, such as Paint, or PhotoShop.¹ Use that software to crop the image so the photo has the content necessary.
3. Open PowerPoint, or other graphics-oriented software, and paste the aerial or ground-level photograph on the canvas.
4. Use drawing tools, such as line drawing and shapes, to indicate the location of project features (for example: fencing, lighting, sirens, antennas, cameras, generators).
5. Insert text to label the features and to label the photograph.
6. Use drawing tools to identify ground-disturbing activities (if applicable).
7. Save the file with the project name or grant number so that it can be appropriately matched to the corresponding FEMA EHP screening form. Include this file with the EHP screening when submitting the project.

Example Photographs

Aerial Photographs. The example in Figure 1 provides the name of the site, physical address and proposed location for installing new equipment. This example of a labeled aerial photograph provides good context of the surrounding area.

Figure 1. Example of labeled, color aerial photograph.

Ground-level photographs. The ground-level photograph in Figure 2 supplements the aerial photograph in Figure 1, above. Combined, they provide a clear understanding of the scope of the project. This photograph has the name and address of the project site, and uses graphics to illustrate where equipment will be installed.



Figure 2. Example of ground-level photograph showing proposed attachment of new equipment.

Appendix A. Supporting Photographs for EHP Grant Submissions

Ground-level photograph with equipment close-up. Figure 3 includes a pasted image of a CCTV camera that would be placed at the project site. Using desktop computer software, such as PowerPoint,1 this can be accomplished by inserting a graphic symbol (square, triangle, circle, star, etc.) where the equipment would be installed. This example includes the name and location of the site. The site coordinates are in the degree-minute-second format.

New CCTV Camera

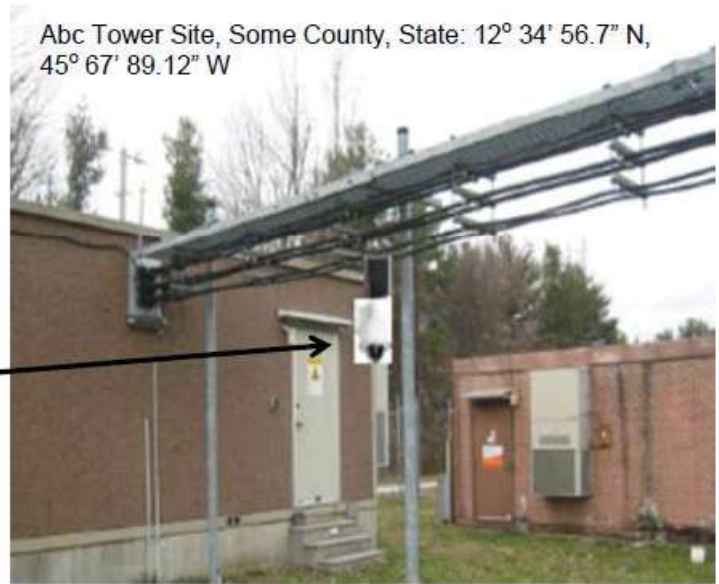


Figure 3. Ground-level photograph with graphic showing proposed equipment installation.

Ground-level photograph with excavation area close-up. The example in Figure 4 shows the proposed location for the concrete pad for a generator and the ground disturbance to connect the generator to the building's electrical service. This information can be illustrated with either an aerial or ground-level photograph, or both. This example has the name and physical address of the project site.

Trenching from generator to building's electrical service: 22 ft x 18 in x 6 in.

Generator Pad, 4 ft x 10 ft x 8 in



Figure 4. Ground-level photograph showing proposed ground disturbance area.

Appendix A. Supporting Photographs for EHP Grant Submissions

Communications equipment photographs. The example in Figure 5 supports a project involving installation of equipment on a tower. Key elements are identifying where equipment would be installed on the tower, name of the site and its location. This example provides site coordinates in decimal format.



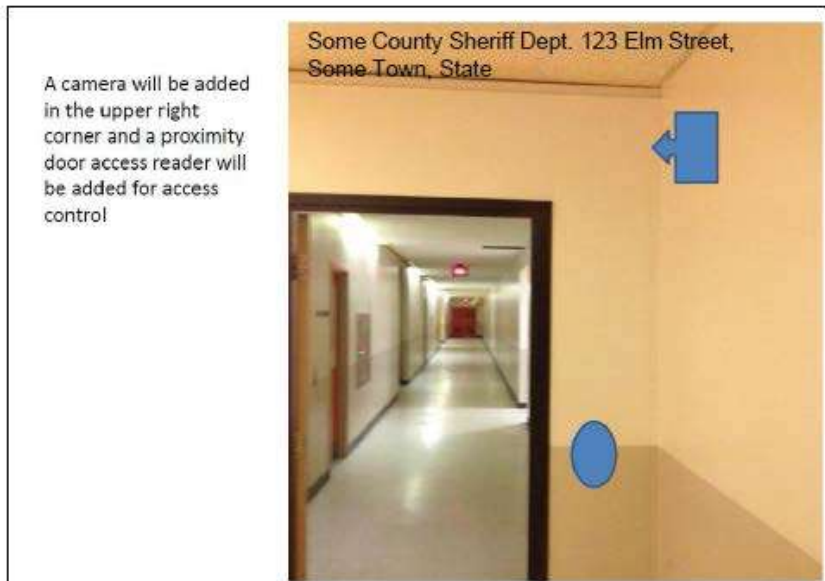
6ft and 3ft
Microwave
Dishes at 50ft

4ft Microwave
Dish at 20ft

Any County Tower, State: 12.3456° N, 34.5678° W

Figure 5. Ground-level photograph showing proposed locations of new communications equipment on an existing tower.

Interior equipment photographs. The example in Figure 6 shows the use of graphic symbols to represent security features planned for a building. The same symbols are used in the other pictures where the same equipment would be installed at other locations in/on the building. This example includes the name of the facility and its physical address.



Some County Sheriff Dept. 123 Elm Street,
Some Town, State

A camera will be added
in the upper right
corner and a proximity
door access reader will
be added for access
control

Figure 6. Interior photograph showing proposed location of new equipment.

Ground-level photographs of nearby historic structures and buildings. Consultation with the State Historic Preservation Office (SHPO) may be required for projects involving structures that are more than 50 years old, or are on the National Register of Historic Places. In that event, it will be necessary to provide a color, ground-level photograph of each side of the building/structure.

1 Use of brand name does not constitute product endorsement, but is intended only to provide an example of the type of product capable of providing an element of the EHP documentation.



Non-Competitive Procurement Request

Information and Instructions

A Non-competitive procurement transaction is a purchase of property/goods or services, where only a single source that can provide the services or goods is afforded the opportunity to offer a price for the specified services or goods. Contracts may include goods as well as services, and this definition will also apply to those circumstances (see Subrecipient Handbook (SRH) Section 6.045).

All non-competitive procurements for contracted services or purchased goods greater than \$10,000 must be justified and have prior written approval by Cal OES.

Complete this form and include the required narrative justification (as an attachment) addressing each of the elements outlined in SRH Section 6.045. The Grant Subaward Director, or their designee identified on the Grant Subaward Signature Authorization (Cal OES Form 2-103), must sign this form.

This form can be submitted as part of the Grant Subaward Application and/or with a Grant Subaward Modification (Cal OES Form 2-223), if not previously approved as part of the Grant Subaward Application.



Non-Competitive Procurement Request

Grant Subaward #: _____

Subrecipient: _____

Total Procurement Amount: \$_____ Procurement: _____

Required narrative justification is attached and meets the requirements of

SRH Section 6.045: YES NO

I certify a non-competitive procurement is necessary for the contract/procurement identified on this form.

Grant Subaward Director Name	Grant Subaward Director Signature	Date
------------------------------	-----------------------------------	------

Cal OES Approval

Narrative response meets the requirements per Subrecipient Handbook Section 6.045.

	Yes	N/A
• Description of the product of service being procured	<input type="checkbox"/>	<input type="checkbox"/>
• Description of why it is necessary to procure the good or service in a non-competitive manner	<input type="checkbox"/>	<input type="checkbox"/>
• Addresses all elements for one or more of the following		
➤ The good or services is available only from one source	<input type="checkbox"/>	<input type="checkbox"/>
➤ Public exigency or emergency for the required equipment will not permit a delay	<input type="checkbox"/>	<input type="checkbox"/>
➤ Competition is determined inadequate after solicitation	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Program Specialist Signature	Date
-----------------------------------	---------------------------------	------------------------------	------

<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Unit Chief Signature	Date
-----------------------------------	---------------------------------	----------------------	------

EXHIBIT F



Risk Scoring	
1	Very Low
2	Low
3	Medium
4	High
5	Very High

Information						Mayor's Office Use Only
Date of Assessment						
Grant Name and Grant Year UASI FY 23						
Subrecipient Name						
Type of Non-Federal Entity (Local, JPA, Non-Profit)						
Grant Administration	Yes	In Progress	No	N/A	Comments	Scoring
1. Prior to receiving a subaward from the City of Los Angeles, did the organization receive a Federal grant (direct or indirectly) within the past 3 years? If Yes, please indicate the total number of Federal awards in the Comments section.						
2. Does the organization have written policies and procedures in place in accordance with 2 CFR Part 200, that include procedures for procurements, travel, contractual services and records retention?						
3. Does the organization have a method in place to track projects performed under Federal awards?						
4. Does the organization have a method in place to track revenues and expenditures separately and distinctly from other sources of revenues and expenditures?						
5. Does the organization have a method in place to track costs incurred against the approved grant budget?						
Personnel	Yes	In Progress	No	N/A	Comments	Scoring
6. Are the individuals with primary responsibility for the fiscal and administrative oversight of the grant familiar with the applicable grants management rules, principles, and regulations including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200)?						
7. Does the organization have a structure in place whereby the preparer of documents is different than the approver?						
8. Are timesheets used to track the time staff spend on specific grants?						
Audits	Yes	In Progress	No	N/A	Comments	Scoring
9. Did the organization receive more than \$750,000 in Federal awards in the past fiscal year? If No, skip to Question 13.						
10. Was a single audit report completed per OMB Circular A-133? If No, skip to Question 13.						
11. Did the single audit result in 'No Findings?' If Yes, skip to Question 13.						
12. If findings were identified, have the findings been resolved?						
Monitoring	Yes	In Progress	No	N/A	Comments	Scoring
13. Does the organization have documented policies and procedures in place related to fraud investigations and reporting?						
14. Does the organization have equipment monitoring policies in place, including the tracking and safeguarding of equipment?						
15. Does the organization inventory grant-funded equipment at least every two years?						
Final Score						

 Name/Title of Preparer

 Signature

 Date

 Name/Title of Mayor's Office Reviewer #1

 Signature

 Date

 Name/Title of Mayor's Office Reviewer #2

 Signature

 Date



City Council Agenda Statement

Meeting Date: November 19, 2024

Agenda Heading: Staff Presentations

Item Number: D.11

TITLE:

Fiscal Year 2024-25 1st Quarter Financial Report

RECOMMENDATION:

1. Receive and file the City's fiscal year 2024-25 1st quarter financial report.
2. Alternatively, discuss and take other action related to this item.

FISCAL IMPACT:

There is no fiscal impact associated with this presentation, and no fiscal impact to receive and file this financial report.

BACKGROUND:

On June 4, 2024, City Council adopted the Fiscal Year (FY) 2023-24 Citywide Operating and Capital Budget of \$210,950,427 for all funds. Of this amount, \$97,472,672 was allocated to the General Fund Budget. During the fiscal year, additional expenditures are appropriated following City Council approval, and so, the fiscal year budget total may fluctuate throughout the fiscal year.

The General Fund pays for the majority of the City's basic operations, services, and general capital improvement projects. General Fund services include: public safety (police, fire, paramedics, emergency services), public works (highways, streets, engineering), community services (parks, recreation programs, senior programs, teen programs, library, arts & culture), development services (planning, building services, zoning, housing), support services (City Clerk, City Treasurer, finance, information technology, human resources), and general governance and administration (City Council, City Manager, City Attorney).

The following table provides an overview of the FY 2024-25 Citywide Budget, which reflects Council-approved changes during the fiscal year:

November 19, 2024

Page 2 of 3

	Fund Name	FY 2024-25 Adopted Budget	FY2024-25 Revised Budget	Variances
1	General Fund	\$97,472,672	\$98,305,665	\$832,993
2	Water Fund	39,315,822	39,333,606	17,784
3	Transportation Funds	3,957,036	4,797,863	840,827
4	Debt Service POBs	9,500,314	9,500,314	
5	Wastewater Fund	7,837,440	8,792,426	954,986
6	General Fund CIP	30,112,501	29,572,549	(539,952)
7	Equip. Replacement Fund	9,674,613	10,072,525	397,912
8	Workers Comp. Fund	3,418,321	3,418,321	
9	General Liability Fund	3,769,563	3,769,563	
10	Dev. Services Trust	800,000	800,000	
11	Public Safety Special Rev.	2,541,360	2,941,967	400,607
12	Other Special Rev.	1,253,035	2,232,535	979,500
13	Rec & Econ Dev Trust Fund	136,000	136,000	
14	Cultural Dev. Trust Fund	272,604	272,604	
15	Debt Service Fund	542,851	542,851	
16	Solid Waste Fund	330,000	330,000	
17	Senior Housing Fund	16,295	194,295	178,000
18	Golf Fund	0	0	
19	Economic Uncertainty	0	0	
	Total	\$210,950,427	\$215,013,083	\$4,062,656

During the fiscal year, additional expenditures are appropriated following City Council approval, and so, the fiscal year budget total may fluctuate from the adopted budget.

DISCUSSION:

After three months (July 1, 2024 – September 30, 2024) of fiscal activity in the current fiscal year, overall, the City’s budget has preliminarily come in as expected and there are no fiscal concerns to report.

Please refer to the attached report for discussion of the 1st Quarter Fiscal Year 2024-25 Financial Report.

CITY STRATEGIC PLAN COMPLIANCE:

November 19, 2024

Page 3 of 3

Goal 5: Champion Economic Development and Fiscal Sustainability

Strategy A: Identify opportunities for new revenues, enhancement of existing revenues, and exploration of potential funding options to support programs and projects.

PREPARED BY:

Liz Lydic, Management Analyst

REVIEWED BY:

Paul Chung, Chief Financial Officer

APPROVED BY:

Barbara Voss, Deputy City Manager

ATTACHED SUPPORTING DOCUMENTS:

1. FY 2024-25 1st Quarter Financial Report
2. 1st Quarter Fiscal Year 2024-25 Financial Report



Finance Department Memorandum

350 Main Street El Segundo, CA 90245
Phone 310-524-2300 | www.elsegundo.org

To: Honorable Mayor Boyles and Members of City Council

From: Darrell George, City Manager & Paul Chung, Chief Financial Officer

Date: November 19, 2024

Subject: Fiscal Year 2024-25 1st Quarter Financial Report (July 1, 2024-September 30, 2024)

BACKGROUND/EXECUTIVE SUMMARY:

The purpose of this report is to provide the City Council and the public with a report of financial activity for the first quarter of Fiscal Year (FY) July 1, 2024-September 30, 2024.

During the fiscal year, additional expenditures are appropriated following City Council approval, which results in fluctuations from the adopted budget; those changes are included when 'revised full year budget' is referenced.

Many expenses and revenues are cyclical or seasonal in timing, and may not have significant impact in the first quarter.

Three months of activity in the current fiscal year shows that overall, the City's General Fund budget is coming in as expected and there are no fiscal concerns to report.

The following is a brief review of notable General Fund activity in the first three months of FY 2024-25 (July 1, 2024-September 30, 2024):

- The City has received \$9,585,450, or 10.30% of the General Fund revised budget revenue. In this same time period in the previous fiscal year, the City had received \$7,912,525, or 8.96% of General Fund revenue.
- The City has expended \$23,709,916, or 24.12% (excluding encumbrances) of the General Fund current budget expenditures. In this same time period in the previous fiscal year, the City had expended \$24,914,775, or 25.77% of General Fund appropriations.

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DISCUSSION:

FY 2024-25 General Fund Revenue First Quarter

The following tables reflect actual General Fund revenues received in the current fiscal year compared to the previous fiscal year.

Fiscal Year 2024-25					
	Revenue Source	Actual Revenues Received Through Q1	Revised Full Year Budget	Variance in Dollar	Percentage Received
1	Sales & Use Tax	\$1,237,575	\$15,487,500	(\$14,249,925)	8%
2	Business License (a)	85,346	14,000,000	(13,914,654)	1%
3	Transient Occupancy Tax	1,415,348	13,387,500	(11,972,152)	11%
4	Property Tax (b)	0	13,391,758	(13,391,758)	0%
5	Chevron Tax Reso Agreement (c)	0	5,500,000	(5,500,000)	0%
6	Utility User Tax (UUT)	1,648,469	11,165,700	(9,517,231)	15%
7	Charges for Services	916,559	5,150,122	(4,233,563)	18%
8	Transfers In (d)	0	36,000	(36,000)	0%
9	Franchise Tax (e)	279	4,536,000	(4,535,721)	0%
10	Other Revenues (f)	845,547	2,513,657	(1,668,110)	34%
11	Intergovernmental (g)	0	200,000	(200,000)	0%
12	License & Permits	316,894	2,582,372	(2,265,478)	12%
13	Interest & Rental Income (h)	3,030,335	4,736,926	(1,706,591)	64%
14	Fines & Forfeitures	89,099	346,727	(257,628)	26%
Total General Fund Revenues		\$9,585,450	\$93,034,263	(\$83,448,813)	10.30%

Fiscal Year 2023-24			
	Revenue Source	Actual Revenues Received Through Q1	Revised Full Year Budget
1	Sales & Use Tax	\$1,248,120	\$14,750,000
2	Business License	298,157	14,300,000
3	Transient Occupancy Tax	1,286,481	12,750,000
4	Property Tax	0	12,539,805
5	Chevron Tax Reso Agreement	0	5,500,000
6	Utility User Tax (UUT)	1,726,296	10,634,000
7	Charges for Services	1,074,612	4,952,040
8	Transfers In	50,000	50,000
9	Franchise Tax	6,280	4,200,000
10	Other Revenues	700,921	3,112,944
11	Intergovernmental	27,796	130,000

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12	License & Permits	489,234	2,182,000
13	Interest & Rental Income	901,666	2,867,620
14	Fines & Forfeitures	102,962	327,101
Total General Fund Revenues		\$7,912,525	\$88,295,510

Footnotes:

(a) The majority of Business License Tax is collected between December-February for annual renewals.

(b) Property Tax is typically received in arrears; future quarterly reports will provide a clearer picture of Property Tax revenue actuals.

(c) The Chevron Tax Resolution Agreement (TRA) trueup payment occurs annually in the Spring.

(d) Transfers In will be recorded later in the fiscal year.

(e) Franchise Tax is received in the Spring.

(f) Other Revenue includes National Opioid Settlement payments; the City received several settlement payments in August.

(g) Intergovernmental Revenue includes reimbursement from ESUSD for school librarians. VLF payments to be received in future quarters.

(h) Interest & Rental Income is trending high in Interest in Investments

FY 2024-25 General Fund Expenditures First Quarter

The following tables reflect actual General Fund appropriations expended in the current fiscal year compared to the previous fiscal year.

Fiscal Year 2024-25					
	Expenditure Source	Actual Expenditures Received Through Q1	Revised Full Year Budget	Variance in Dollar*	Percentage Expended*
1	Police (a)	\$6,008,048	\$22,231,649	(\$16,223,601)	27%
2	Fire	3,809,383	15,932,214	(12,122,831)	24%
3	Transfers Out (b)	5,496,232	14,996,546	(9,500,314)	37%
4	Public Works (c)	1,673,675	10,250,794	(8,577,119)	16%
5	Non-departmental (d)	1,202,180	6,785,227	(5,583,048)	18%
6	Recreation, Parks & Library	2,425,944	10,889,279	(8,463,335)	22%

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7	Community Development (e)	617,586	3,745,094	(3,127,509)	16%
8	Information Technology	947,186	3,912,086	(2,964,901)	24%
9	City Manager (f)	540,569	2,881,528	(2,340,958)	19%
10	Finance	582,644	2,766,646	(2,184,001)	21%
11	Human Resources (g)	358,764	2,134,785	(1,776,021)	17%
12	City Attorney (h)	56,863	897,450	(840,587)	6%
13	City Clerk (i)	75,082	658,095	(583,013)	11%
14	City Council	42,952	224,272	(181,320)	19%
15	Covid-19 Reimbursements (j)	(127,190)	0	(127,190)	0%
Total General Fund Expenditures		\$23,709,916	\$98,305,665	(\$74,595,748)	24.12%
*Does not include encumbrances					

Fiscal Year 2023-2024			
	Expenditure Source	Actual Expenditures Received Through Q1	Revised Full Year Budget
1	Police	\$5,341,830	\$21,672,638
2	Fire	3,217,109	14,089,002
3	Transfers Out	8,529,031	17,930,206
4	Public Works	1,497,069	8,843,951
5	Non-departmental	1,919,129	6,745,052
6	Recreation, Parks & Library	1,910,842	10,372,344
7	Community Development	568,451	3,802,120
8	Information Technology	689,693	3,864,715
9	City Manager	530,842	2,903,270
10	Finance	495,411	2,754,376
11	Human Resources	180,584	2,116,401
12	City Attorney	(89,955)	835,450
13	City Clerk	85,172	516,545
14	City Council	39,568	235,329
15	COVID-19 Reimbursements	0	0
Total General Fund Expenditures		\$24,914,775	\$96,681,400

Footnotes:

(a) Police Department's Equipment Replacement Fund (internal charge) full amount was recorded for the fiscal year in the first quarter; half (50%) of the annual Regional Command Center (dispatch) contract was paid in the first quarter.

(b) Transfers Out recorded in the first quarter include CIP, Park Vista, and Sewer Fund.

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- (c) Vacancies in the Engineering Division are reflected in the low-trending Public Works budget.
- (d) Some Non-departmental expenses are timing-driven, and recorded internally; future quarterly reports will provide the recordings of these charges.
- (e) Building-Safety division of Community Development Department currently has vacancies.
- (f) City Manager’s budget is trending low specific to supplies, dues and subscriptions, employee engagement, and advertising/publishing.
- (g) Human Resources is trending lower than budget due to vacancies.
- (h) The City is billed in the Fall for attorney services provided in July, August, and September, so the first quarter actuals are reflective of little expenditure activity. This will be reconciled with future quarterly reports.
- (i) City Clerk is trending under budget due to timing of budget items related to the upcoming election, as well as a vacancy.
- (j) The City received an obligated FEMA payment from COVID-19 reimbursements. This is recorded against expenditures. Staff continues to work on recuperating the remaining project costs for COVID-19 reimbursements.

FY 2024-25 All Funds Revenue First Quarter

The following table reflects actual revenues for all funds received in the current fiscal year compared to the revised budget.

Fiscal Year 2024-25					
	Fund Name	Actual Revenues to Date	Revised Full Year Budget	Variance in Dollar	Percentage Received
1	General Fund	\$9,585,450	\$93,034,263	(\$83,448,813)	10%
2	Water Fund	10,101,423	34,630,327	(24,528,904)	29%
3	Transportation Funds	496,768	2,604,345	(2,107,577)	19%

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4	Debt Service POBs (a)	0	9,500,324	(9,500,324)	0%
5	Wastewater Fund	1,474,103	5,742,073	(4,267,970)	26%
6	General Fund CIP (b)	5,010,783	5,160,732	(149,949)	97%
7	Equip. Replacement Fund (c)	1,686,456	1,686,456	(1)	100%
8	Workers Comp. Fund	816,750	3,542,207	(2,725,457)	23%
9	General Liability Fund	775,000	3,105,000	(2,330,000)	25%
10	Dev. Services Trust	32,613	270,000	(237,387)	12%
11	Public Safety Special Rev.	242,798	2,502,326	(2,259,527)	10%
12	Other Special Rev.	(24,210)	977,364	(1,001,574)	-2%
13	Rec & Econ Dev Trust Fund	114,558	1,124,250	(1,009,692)	10%
14	Cultural Development Fund	306	250,000	(249,694)	0%
15	Debt Service Fund	1,026	35,000	(33,974)	3%
16	Solid Waste Fund (b)	300,000	300,000	0	100%
17	Senior Housing Fund (b)	1,000,000	1,038,771	(38,771)	96%
18	Golf Fund	0	0	0	0%
19	Economic Uncertainty	0	0	0	0%
	Total	\$31,613,824	\$165,503,438	(\$133,889,615)	19.10%

Footnotes:

(a) The transfer-in from the General Fund to the Debt Service POBs will be recorded at the end of the fiscal year.

(b) Transfer-ins to the CIP fund, Solid Waste, and Senior House Funds were recorded at the beginning of the fiscal year.

(c) The charges from each department into the Equipment Replacement Fund were recorded at the beginning of the fiscal year.

Revenue categories that are impacted by timing of receiving external funds (Public Safety Special Revenue; Other Special Revenue) will be reflected in future quarterly reports.

FY 2024-25 All Funds Appropriations First Quarter

The following table reflects actual appropriations for all funds expended in the current fiscal year compared to the revised budget.

Fiscal Year 2024-25					
	Fund Name	Actual Expenditures to Date	Revised Full Year Budget	Variance in Dollar*	Percentage Expended*
1	General Fund	\$23,709,916	\$98,305,665	(\$74,595,748)	24%

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2	Water Fund (a)	2,305,471	39,333,606	(37,028,135)	6%
3	Transportation Funds	81,995	4,797,863	(4,715,868)	2%
4	Debt Service POBs (b)	8,034,213	9,500,314	(1,466,100)	85%
5	Wastewater Fund	1,527,989	8,792,426	(7,264,437)	17%
6	General Fund CIP (c)	1,538,433	29,572,549	(28,034,116)	5%
7	Equip. Replacement Fund	254,630	10,072,525	(9,817,894)	3%
8	Workers Comp. Fund (d)	1,674,133	3,418,321	(1,744,188)	49%
9	General Liability Fund (e)	1,908,287	3,769,563	(1,861,276)	51%
10	Dev. Services Trust	0	800,000	(800,000)	0%
11	Public Safety Special Rev.	316,231	2,941,967	(2,625,736)	11%
12	Other Special Rev.	120,788	2,232,535	(2,111,747)	5%
13	Rec & Econ Dev Trust Fund	8,293	136,000	(127,707)	6%
14	Cultural Dev. Trust Fund	82,047	272,604	(190,557)	30%
15	Debt Service Fund	0	542,851	(542,851)	0%
16	Solid Waste Fund	73,580	330,000	(256,420)	22%
17	Senior Housing Fund	2,354	194,295	(191,942)	1%
18	Golf Fund	0	0	0	0%
19	Economic Uncertainty	0	0	0	0%
	Total	\$41,638,361	\$215,013,083	(\$173,374,722)	19.37%

*Does not include encumbrances

Footnotes:

(a) The Water Fund is trending low in potable and reclaimed water purchases.

(b) Principal and interest payments on POBs are recorded at the beginning of the fiscal year.

(c) General Fund CIPs: Timing of projects will impact the timing of expenditures.

(d) and (e) Annual Workers Compensation and General Liability payments are recorded at the beginning of the fiscal year.

Expenditure categories that are impacted by timing of expending external funds will be reflected in future quarterly reports.

ENTERPRISE RESOURCE PLANNING (ERP) IMPLEMENTATION UPDATE

The Finance Department will include status updates for the multi-year project in quarterly financial reports.

City Council approved a five-year software license agreement with Tyler Technologies to provide enterprise resource planning implementation and licenses during its August 20, 2024 meeting.

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Project Planning began in September, 2024, and included a Start-Up Call with Tyler Technologies (vendor) and Kao Hills Consulting (third-party project manager).

City Finance staff met with Koa Hills Consulting, and then began regular internal meetings to provide requested project planning document, and roles and responsibilities list to Tyler Technologies.

CONCLUSION

Many of the large General Fund revenues are cyclical rather than recurring monthly revenue sources. As a result, the first quarter (July 1 – September 30) tends to be the lowest three-month period for General Fund revenues received. This makes the first quarter financial review somewhat less significant as a gauge to measure if the actual revenues are trending in line with the budget. In general, the City's General Fund revenues are comparable to the same three-month period last year.

The General Fund expenditures are in-line with both the revised full year budget and are comparable to the same three-month period last year.

After three months (July 1, 2024-September, 2024) of fiscal activity in the current fiscal year, overall, the City's budget performed as expected and there are no fiscal concerns to report.

RECOMMENDATION

Staff recommends that the City Council receive and file the First Quarter Fiscal Year 2024-25 Financial Report.



FY 2024-25 1st Quarter Financial Report

November 19, 2024

PRESENTATION AGENDA

1. FY 2024-25 First Quarter (Q1) - Financial Report

2. Staff Recommendation:

Receive and file the First Quarter (Q1) Financial Report

GFOA CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING



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Financial Report
For the Fiscal Year Ended

June 30, 2023

Christopher P. Morill

Executive Director/CEO

- The Government Finance Officers Association (GFOA) awarded the City of El Segundo a Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ended June 30, 2023
- Awarded to governments to encourage annual comprehensive financial reports that 'evidence the spirit of transparency and full disclosure.'
- Highest form of recognition in governmental accounting and financial reporting.
- El Segundo has received this award in the past consecutive years, and the award is valid for one year.
- Another example of the City of El Segundo's identity as an award-winning government.

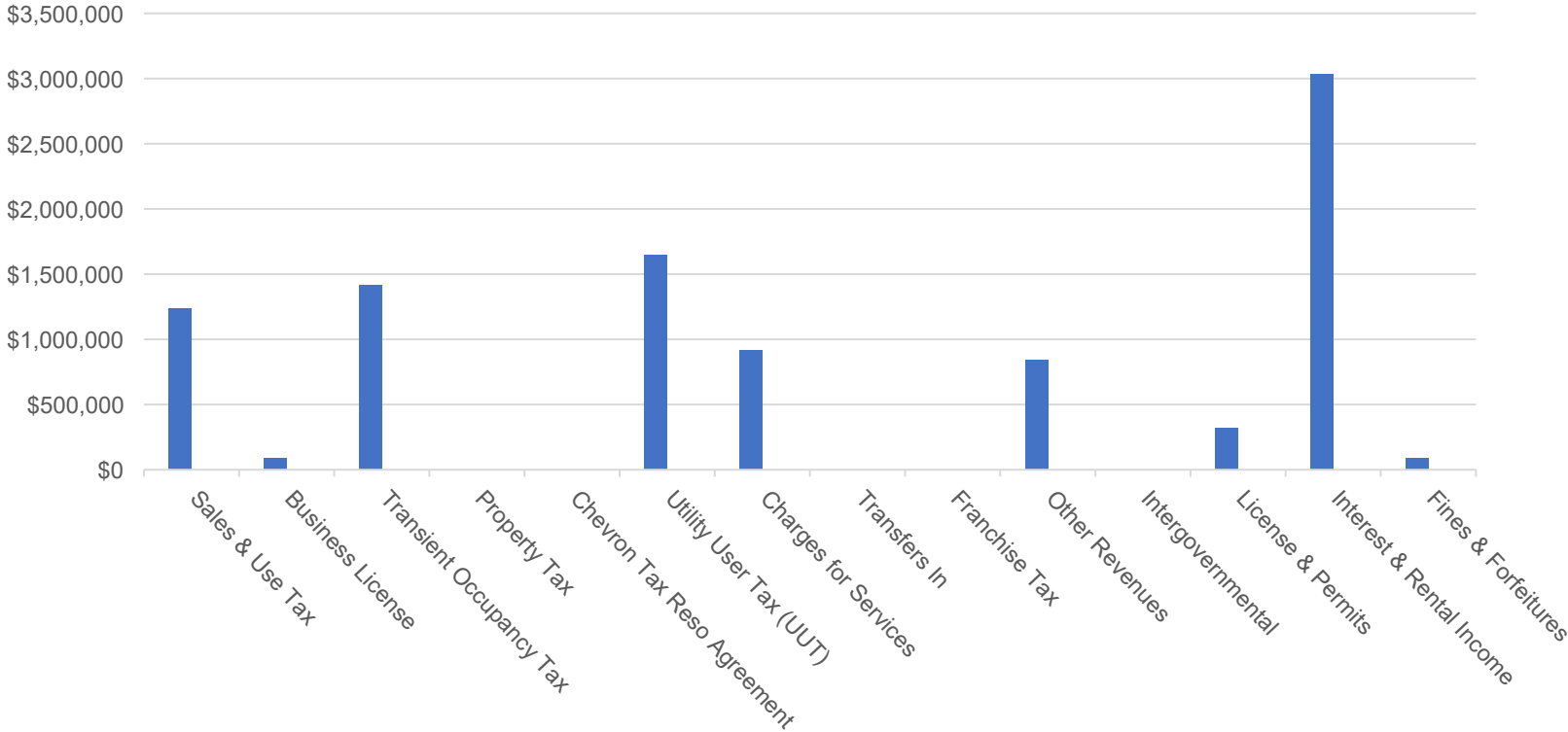
FY 2024-25 Q1 - Financial Report

Q1: GENERAL FUND – REVENUE (HIGHLIGHTS)

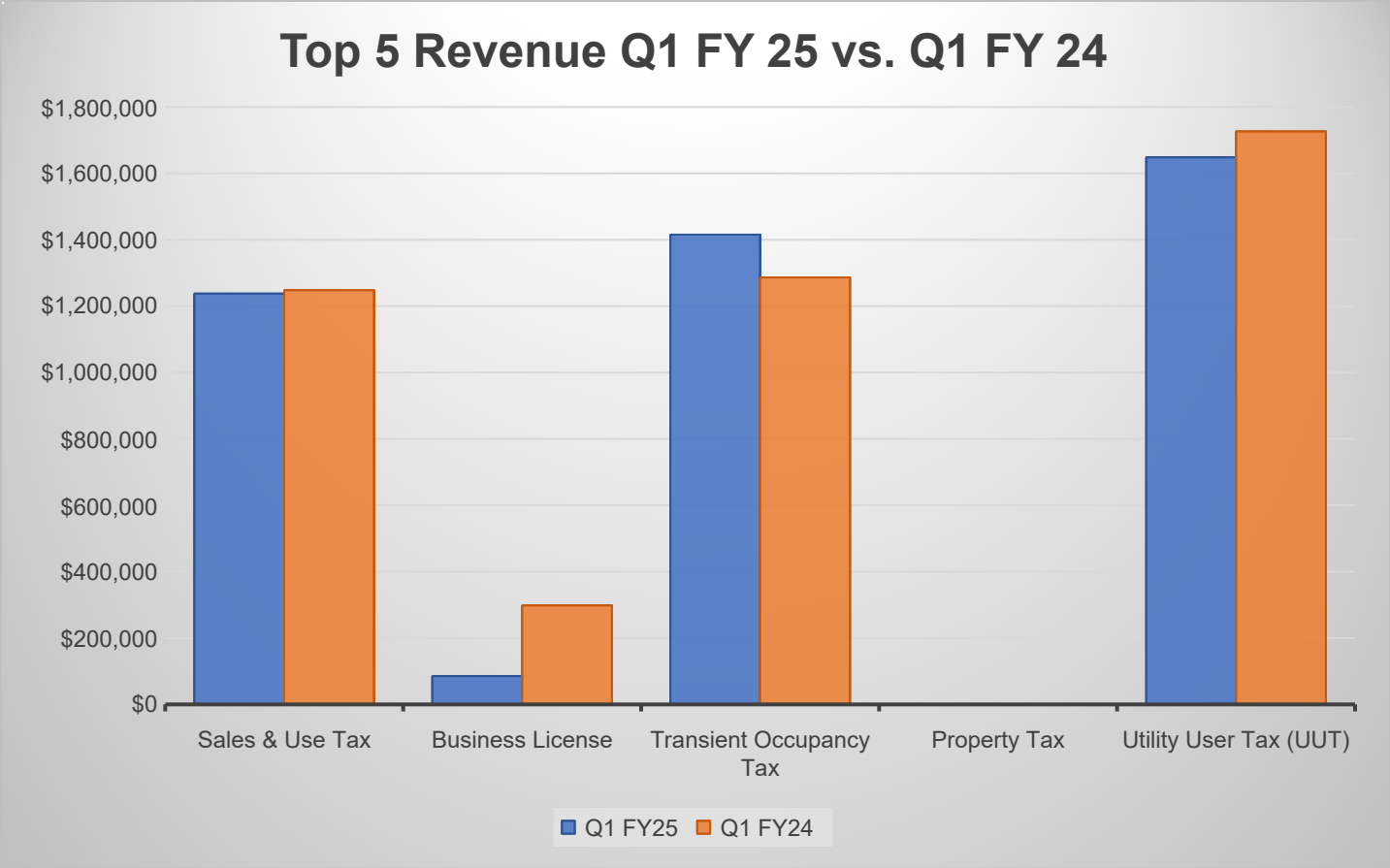
- General Fund had realized **\$9.5M** or **10.30%** revenues in the current fiscal year versus **\$7.9M** or **8.96%** in the previous fiscal year
- The combined big 5 revenues sources collectively are on track in this fiscal year compared with the previous fiscal year
- Future quarterly reports will provide continued updates on the FY 2024-25 financial picture

Q1: GENERAL FUND REVENUE

Q1 General Fund Revenues Actuals: **\$9,585,450**



Q1: GENERAL FUND REVENUE



Q1 GENERAL FUND REVENUES

Fiscal Year 2024-25						Year over Year Comparison		
	Revenue Source	Actual Revenues Received Through Q1	Revised Full Year Budget	Variance in Dollar - Budget to Actuals	Percentage Received	Prior Year Q1 Actuals	CY vs PY Q1 \$	CY vs PY Q1 %
1	Sales & Use Tax	\$1,237,575	\$15,487,500	(\$14,249,925)	8%	\$1,248,120	(\$10,545)	-1%
2	Business License	85,346	14,000,000	(13,914,654)	1%	298,157	(212,811)	-71%
3	Transient Occupancy Tax	1,415,348	13,387,500	(11,972,152)	11%	1,286,481	128,868	10%
4	Property Tax	0	13,391,758	(13,391,758)	0%	0	0	0%
5	Chevron Tax Reso Agreement	0	5,500,000	(5,500,000)	0%	0	0	0%
6	Utility User Tax (UUT)	1,648,469	11,165,700	(9,517,231)	15%	1,726,296	(77,827)	-5%
7	Charges for Services	916,559	5,150,122	(4,233,563)	18%	1,074,612	(158,053)	-15%
8	Transfers In	0	36,000	(36,000)	0%	50,000	(50,000)	-100%
9	Franchise Tax	279	4,536,000	(4,535,721)	0%	6,280	(6,001)	-96%
10	Other Revenues	845,547	2,513,657	(1,668,110)	34%	700,921	144,626	21%
11	Intergovernmental	0	200,000	(200,000)	0%	27,796	(27,796)	-100%
12	License & Permits	316,894	2,582,372	(2,265,478)	12%	489,234	(172,340)	-35%
13	Interest & Rental Income	3,030,335	4,736,926	(1,706,591)	64%	901,666	2,128,669	236%
14	Fines & Forfeitures	89,099	346,727	(257,628)	26%	102,962	(13,863)	-13%
Total General Fund Revenues		\$9,585,450	\$93,034,263	(\$83,448,813)	10.30%	\$7,912,525	\$1,672,925	21.14%

Q1 ALL FUND REVENUES

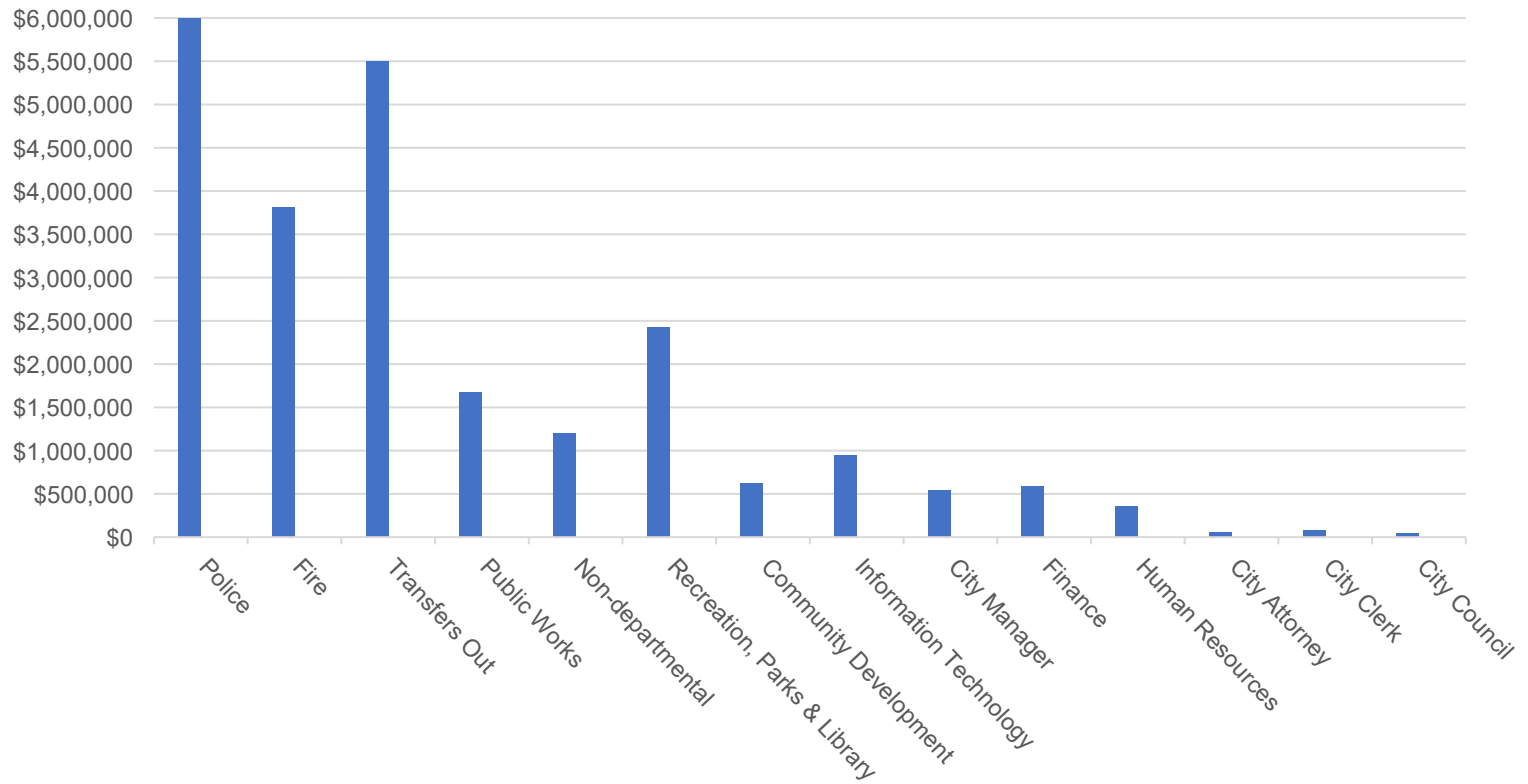
Fiscal Year 2024-25					
	Fund Name	Actual Revenues to Date	Revised Full Year Budget	Variance in Dollar	Percentage Received
1	General Fund	\$9,585,450	\$93,034,263	(\$83,448,813)	10%
2	Water Fund	10,101,423	34,630,327	(24,528,904)	29%
3	Transportation Funds	496,768	2,604,345	(2,107,577)	19%
4	Debt Service POBs	0	9,500,324	(9,500,324)	0%
5	Wastewater Fund	1,474,103	5,742,073	(4,267,970)	26%
6	General Fund CIP	5,010,783	5,160,732	(149,949)	97%
7	Equip. Replacement Fund	1,686,456	1,686,456	(1)	100%
8	Workers Comp. Fund	816,750	3,542,207	(2,725,457)	23%
9	General Liability Fund	775,000	3,105,000	(2,330,000)	25%
10	Dev. Services Trust	242,798	2,502,326	(2,259,527)	10%
11	Public Safety Special Rev.	(24,210)	977,364	(1,001,574)	-2%
12	Other Special Rev.	571	882,364	(881,792)	0%
13	Rec & Econ Dev Trust Fund	114,558	1,124,250	(1,009,692)	10%
14	Cultural Development Fund	306	250,000	(249,694)	0%
15	Debt Service Fund	1,026	35,000	(33,974)	3%
16	Solid Waste Fund	300,000	300,000	0	100%
17	Senior Housing Fund	1,000,000	1,038,771	(38,771)	96%
18	Golf Fund	0	0	0	0%
19	Economic Uncertainty	0	0	0	0%
	Total	\$31,613,824	\$165,503,438	(\$133,889,615)	19.10%

Q1: GENERAL FUND – EXPENDITURE (HIGHLIGHTS)

- General Fund has expended **\$23.7M** or **24.12%** versus **\$24.9M** or **25.77%**
- Departmental vacancies continues to be high, vacancy rate close to 10%+
- O&M costs are on pace with budget
- Future quarterly financial reports will continue to provide further financial performance information

Q1: GENERAL FUND EXPENDITURES

Q1 General Fund Expenditures Actuals: \$23,709,916



Q1 GENERAL FUND EXPENDITURES

Fiscal Year 2024-25								
	Expenditure Source	Actual Expenditures Received Through Q1	Revised Full Year Budget	Variance in Dollar - Budget to Actuals	Percentage Received*	Prior Year Q1 Actuals	QY vs PY Q1 \$	QY vs PY Q1 %
1	Police	\$6,008,048	\$22,231,649	(\$16,223,601)	27%	\$5,341,830	\$666,218	12%
2	Fire	3,809,383	15,932,214	(12,122,831)	24%	3,217,109	592,274	18%
3	Transfers Out	5,496,232	14,996,546	(9,500,314)	37%	8,529,031	(3,032,799)	-36%
4	Public Works	1,673,675	10,250,794	(8,577,119)	16%	1,497,069	176,606	12%
5	Non-departmental	1,202,180	6,785,227	(5,583,048)	18%	1,919,129	(716,949)	-37%
6	Recreation, Parks & Library	2,425,944	10,889,279	(8,463,335)	22%	1,910,842	515,102	27%
7	Community Development	617,586	3,745,094	(3,127,509)	16%	568,451	49,134	9%
8	Information Technology	947,186	3,912,086	(2,964,901)	24%	689,693	257,493	37%
9	City Manager	540,569	2,881,528	(2,340,958)	19%	530,842	9,727	2%
10	Finance	582,644	2,766,646	(2,184,001)	21%	495,411	87,233	18%
11	Human Resources	358,764	2,134,785	(1,776,021)	17%	180,584	178,180	99%
12	City Attorney	56,863	897,450	(840,587)	6%	(89,955)	146,818	-163%
13	City Clerk	75,082	658,095	(583,013)	11%	85,172	(10,090)	-12%
14	City Council	42,952	224,272	(181,320)	19%	39,568	3,384	9%
15	Covid-19 Reimbursements	(127,190)	0	(127,190)	0%	-	(127,190)	0%
Total General Fund Expenditures		\$23,709,916	\$98,305,665	(\$74,595,748)	24.12%	\$24,914,775	(\$1,204,859)	-4.84%

*Does not include encumbrances

Q1 ALL FUND EXPENDITURES

Fiscal Year 2024-25					
	Fund Name	Actual Expenditures to Date	Revised Full Year Budget	Variance in Dollar*	Percentage Expended*
1	General Fund	\$23,709,916	\$98,305,665	(\$74,595,748)	24%
2	Water Fund (a)	2,305,471	39,333,606	(37,028,135)	6%
3	Transportation Funds	81,995	4,797,863	(4,715,868)	2%
4	Debt Service POBs (b)	8,034,213	9,500,314	(1,466,100)	85%
5	Wastewater Fund	1,527,989	8,792,426	(7,264,437)	17%
6	General Fund CIP (c)	1,538,433	29,572,549	(28,034,116)	5%
7	Equip. Replacement Fund	254,630	10,072,525	(9,817,894)	3%
8	Workers Comp. Fund	1,674,133	3,418,321	(1,744,188)	49%
9	General Liability Fund (d)	1,908,287	3,769,563	(1,861,276)	51%
10	Dev. Services Trust (e)	0	800,000	(800,000)	0%
11	Public Safety Special Rev.	316,231	2,941,967	(2,625,736)	11%
12	Other Special Rev.	120,788	2,232,535	(2,111,747)	5%
13	Rec & Econ Dev Trust Fund	8,293	136,000	(127,707)	6%
14	Cultural Dev. Trust Fund	82,047	272,604	(190,557)	30%
15	Debt Service Fund	0	542,851	(542,851)	0%
16	Solid Waste Fund	73,580	330,000	(256,420)	22%
17	Senior Housing Fund	2,354	194,295	(191,942)	1%
18	Golf Fund	0	0	0	0%
19	Economic Uncertainty	0	0	0	0%
	Total	\$41,638,361	\$215,013,083	(\$173,374,722)	19.37%

*Does not include encumbrances

RESERVES

General Fund Reserve: 25% (\$23.1M)

General Fund Balance: \$54.9M (as of 9/30/24)

Economic Uncertainty Reserve: \$2M

OPEB Reserve: \$33.4M

Pension Trust Reserve: \$5.8M

General Fund CIP Reserve: \$400k

Senior Housing Trust Fund Balance: \$825K

STAFF RECOMMENDATIONS

1. **Receive and File** the First Quarter Fiscal Year 2024-25 Financial Report.



City Council Agenda Statement

Meeting Date: November 19, 2024

Agenda Heading: Staff Presentations

Item Number: D.12

TITLE:

Cultural Development Program ("1% for Art") Update

RECOMMENDATION:

1. Receive and file the Cultural Development Program update.
2. Alternatively, discuss and take other action related to this item.

FISCAL IMPACT:

There is no fiscal impact regarding the recommended action.

BACKGROUND:

Historically, the relationship between government and the arts in the United States dates back to the early 19th century. The first recorded government-funded project was in 1817, when Congress financed sculptures for the Capitol. This support expanded during the 1930s through the Works Progress Administration (WPA), commissioning thousands of artists as an economic stimulus. In 1965, the establishment of the National Endowment for the Arts (NEA) further formalized government funding, benefiting artists, organizations, and educational initiatives nationwide. Today, all levels of government commonly support the arts through public art policies and grant foundations, recognizing that investment in the arts promotes accessibility, fosters creative innovation, preserves cultural heritage, strengthens communities, and stimulates economic growth.

In 1996, in *Ehrlich v. City of Culver City*, the California Supreme Court rejected a takings challenge to Culver City's "art in public places" ordinance, which required developers to spend a specified percentage of a project's construction costs on art that is publicly accessible. The California Supreme Court determined that such a generally applicable fee is subject to a less stringent standard of constitutional review, and California cities have relied on this case to adopt similar ordinances.

Cultural Development Program Update

November 19, 2024

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El Segundo, for example, established an art in public places fee through the City Council's adoption of Ordinance No. 1594 on November 19, 2019. The parameters for the City's art in public places program, or Cultural Development Program (the "Program") are set forth in El Segundo Municipal Code (ESMC) Chapter 15-34, and pursuant ESMC § 15-34-9, the City Manager has adopted administrative guidelines for the Program, dated June 2020, which are attached to this report.

The City's Program only applies to commercial or industrial development projects with a construction cost of \$2 million or more. Residential development projects are exempt from the Program. For a development subject to the City's fee, the developer has the option to install artwork onsite equal to 1% of the project's construction cost or contribute the equivalent to the Program's Cultural Development Fund.

The City can program funds from the Cultural Development Fund only for the following:

1. For the design, acquisition, commission, installation, improvement, relocation, maintenance, conservation, restoration, utility charges, and insurance of artwork;
2. To sponsor or support artistic or cultural services;
3. For the City's costs of administering the Cultural Development Fund and associated programs

At the September 3, 2024 City Council Meeting, Mayor Boyles, in light of community feedback, expressed interest in the Council reviewing the Program to consider potential impacts on local investment and explore the Cultural Arts Coordinator's role in overseeing on-site art installations.

The Program has enhanced the City's character by integrating art into public spaces, structures, and experiences. It promotes accessibility to the arts, supports local tourism, drives revenue for local businesses, contributes to cultural equity and inclusion, and creates opportunities for artists and arts organizations, thereby strengthening the City's creative economy.

The Program operates as a division within the Recreation, Parks & Library Department, and is managed by one staff member, the Cultural Arts Coordinator, who reports directly to the Director of Recreation, Parks and Library. An Arts & Culture Advisory Committee, appointed by Council and comprised of up to 11 community representatives, provides guidance for program policy, approves developers' public art proposals, and recommends annual budget allocations for Council approval. The Cultural Arts Coordinator oversees this process, working closely with developers to ensure compliance. Staff do not apply personal judgment to the eligibility or standards of artwork, adhering instead to ordinance-defined criteria. The Arts & Culture Advisory Committee reviews on-site art proposals, with no rejections to date, and has requested revisions from one application due to the inclusion of logos and branding. The Program's purpose is to enrich the community through culturally valuable art, not to

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serve as a marketing tool for businesses, in alignment with municipal code requirements.

The Cultural Development Program has generated the following in-lieu payments:

FY 19-20 1% Fees: \$529,055.50

FY 20-21 1% Fees: \$91,369.75

FY 21-22 1% Fees: \$943,130.19

FY 22-23 1% Fees: \$28,000.00

FY 23-24 1% Fees: \$221,548.10

Projected FY 24-25 1% Fees: \$1,146,701.00 (actuals received to date \$49,942)

The Cultural Development Program has generated the following financial valuation of Public Art On-Site:

FY 19-20 Art Valuation: \$0

FY 20-21 Art Valuation: \$0

FY 21-22 Art Valuation: \$616,437.07

FY 22-23 Art Valuation: \$0

FY 23-24 Art Valuation: \$125,000

Project FY 24-25 Art Valuation: \$804,999.70

In 2024, the Cultural Arts Coordinator initiated a comprehensive program review and began developing a Cultural Arts Master Plan, expected to be completed by Q1 of 2025. The Master Plan aims to refine program guidelines and processes, strengthen partnerships with developers, expand the City's public art collection, implement programming that aligns with ordinance objectives and City priorities, foster collaborations with local cultural organizations, and identify new opportunities for economic impact.

DISCUSSION:

Since its inception, the Program has completed eight public artworks, including *Malibu Tile Mosaic* (1440 E Imperial Hwy - Embassy Suites by Hilton), *Spruce Grove* (2140 E El Segundo Blvd - Kinecta Federal Credit Union), *Sublime Moon Over El Segundo* (2160 E Grand Ave - Steelwave), *Fog Banks* (1946 E Grand Ave – SOF-XI Two Tower), *Pacific Blues* (1940 E Mariposa Ave – Montana Avenue Capital), *Plumafolium* (888 N Douglas St – Beyond Meat), *Cocoon* and *Wing* (888 N Douglas St – L'Oreal).

The Program has also launched several initiatives, such as the *Visual Artist Working in Community* program, bringing artists to engage with residents and create new artworks for the City's collection; the *Poet Laureate* program, supporting literary arts; *Cultural Excursions* for senior residents; *Festival of Holidays*, celebrating cultural diversity during the winter holidays; provided funding to support the *El Segundo Art Walk*, promoting tourism and supporting local business; and the *Community Engagement Fund*, a small

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grant program supporting events like the El Segundo Juneteenth Festival and GUNDO Pride. Additionally, the Program has contributed to capital improvement projects by funding artistic enhancements for the Gateway Project, The Plunge Renovation, and the Teen Center.

Beyond aesthetics, the arts have been shown to enhance neighborhood safety, as public art increases walkability, adds lighting, and increases surveillance. Studies show that access to the arts improves academic outcomes, with students who participate in arts education having higher GPAs, test scores, college attendance rates, and lower dropout rates. Additionally, the arts boost the local economy by driving tourism, supporting local businesses, and creating jobs across industries. Nationally, a 2018 NEA report found that every dollar invested in the arts saw a \$9 return to the economy. Locally, the El Segundo Creative Economy report indicated that in 2017, the creative sector contributed \$2.3 billion and supported 11,433 jobs in El Segundo. Events like the El Segundo Art Walk further demonstrate the Program's ability to attract tourism and generate local business revenue. In sum, the arts are integral to El Segundo's vitality, and the Program can play a key role in achieving these benefits.

While the Program is still relatively new and was impacted by the COVID-19 pandemic, it has made progress. With direction from staff and support from the Council, the emerging Cultural Arts Master Plan is shaping a strategy to create more opportunities for artists through dedicated programming and public art initiatives. The Program is exploring tourism-driving initiatives, including expanding the Festival of Holidays, establishing a film festival, and introducing temporary public art displays or a sculpture garden. Priorities also include arts education, community engagement, and promoting cultural diversity within the city.

The City's Program was designed to accomplish the goal of advancing arts and culture in the city while maintaining a pro-business environment. A recent review of similar ordinances in surrounding cities—Manhattan Beach, Redondo Beach, Inglewood, West Hollywood, and Culver City—revealed that most have a significantly lower project cost threshold, beginning at \$200,000, compared to El Segundo's \$2 million. Unlike El Segundo's ordinance, which applies only to commercial developments with no public funding allocation to the Program, other cities often include residential developments, apply the policy to capital improvement projects, or fund operating and program costs through their general funds. The percent-for-art model is commonly adopted by cities in North America. In Los Angeles County alone, a 2011 study commissioned by the Los Angeles County Arts Commission found that of the 88 municipalities in the county, 31 have private percent-for-art requirements, with 16 also including public percent-for-art requirements.

There is no documented evidence that the City's Program has discouraged investment in El Segundo; staff have no records of developers who have withdrawn a building permit application due to the 1% for Art requirement. Although a comprehensive study would be needed to assess the ordinance's full impact on investment, data shows

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relatively stable numbers of Program-eligible developments, with a marked rise in 2024, suggesting that investment into El Segundo has continued with the Program in place.

Supporters of private percent-for-art requirements point to the impact that new developments can have on property values, which often rise as developments enter communities. This increase frequently makes it more challenging for arts and culture institutions to access or retain property, leading to displacement as rising costs strain budgets. Over recent years, El Segundo has experienced the loss of several cultural institutions, including the American Youth Symphony, El Segundo Museum of Art, and the Zimmerman Automobile Museum, some due to financial pressures. These losses are significant to El Segundo's cultural landscape, underscoring the importance of maintaining mechanisms like the Program to deliver essential arts and cultural services that might otherwise disappear from the community.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 1: Develop and Maintain Quality Infrastructure and Technology

Strategy A: Seek opportunities to implement and expedite the projects in the Capital Improvement Program and ensure that City-owned infrastructure is well maintained, including streets, entryways, and facilities.

Goal 3: Deliver Solution-Oriented Customer Service, Communication, Diversity, Equity, and Inclusion

Strategy B: Implement Diversity, Equity, and Inclusion (DEI) initiatives to cultivate representation and opportunities for all the members of the community.

Goal 5: Champion Economic Development and Fiscal Sustainability

Strategy A: Identify opportunities for new revenues, enhancement of existing revenues, and exploration of potential funding options to support programs and projects.

Strategy C: Implement strategic initiatives to attract new businesses and foster business to business networking and collaboration to retain and grow existing businesses.

Strategy D: Implement community planning, land use, and enforcement policies that encourage growth while preserving El Segundo's quality of life and small-town character.

PREPARED BY:

Chelsea Shafer, Sr. Administrative Specialist

REVIEWED BY:

Aly Mancini, Recreation, Parks and Library Director

APPROVED BY:

Barbara Voss, Deputy City Manager

Cultural Development Program Update

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ATTACHED SUPPORTING DOCUMENTS:

1. 1% for Art Ordinance Comparative Analysis
2. CDP Administrative Guidelines
3. 1% FOR ART TRACK SHEET

% for ART ORDINANCE COMPARATIVE ANALYSIS

	EL SEGUNDO	MANHATTAN BEACH	REDONDO BEACH	SANTA MONICA	INGLEWOOD	CULVER CITY	WEST HOLLYWOOD	LA COUNTY
Year Established	2018	2002	2014	1986	2004	1988	2001	2001
Public % Ordinance*	No	No*	Yes	Yes	Yes	Yes	No*	Yes
Public % Calculation	N/A	*Operating costs including staff salaries paid through General Fund	1% on all Eligible Capital Projects	1% on all Eligible Capital Projects	1% on all Eligible Capital Projects	1% at \$500,000 for Capital Projects	*Staff positions, arts grants and core programming paid through General Fund	1% at \$500,000 for Capital Projects
Private % Ordinance*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
*Applies to Commercial	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
*Applies to Residential	No	Yes (4 or more units)	Yes (3 or more units)	Yes (5 or more units)	No	Yes (5 or more units)	No	Yes (30 or more units)
% for Art Formulation	1% at \$2,000,000 for art on-site OR payment in-lieu	1% at \$500,000 for all new developments 1% at \$250,000 for tenant improvement. Payments in-lieu only (no art on-site option)	1% at \$250,000 for art on-site OR payment in-lieu	2% for art on-site on new developments 7500sqft+ or 25,000+ sqft on tenant improvements OR 1% for payment in-lieu	1% at \$250,000 for art on-site OR payment in-lieu	1% at \$500,000 for new developments. 1% at \$250,000 for tenant improvement. Art on-site OR payment in-lieu.	1% at \$200,000 for art on-site or payment in-lieu	1% at \$750,000 for art on-site or payment in-lieu

**EL SEGUNDO CULTURAL DEVELOPMENT PROGRAM
ADMINISTRATIVE GUIDELINES**

Approved by City Manager

June 2020

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I. EL SEGUNDO CULTURAL DEVELOPMENT PROGRAM

A. History

On November 19, 2019, the El Segundo City Council adopted Ordinance No. 1594 amending Title 15 of the El Segundo Municipal Code establishing a Public Art or In-Lieu Fee Requirement and a Cultural Development Fund. The requirement applies to specific commercial and industrial developments with a project cost exceeding \$2,000,000.

The ordinance gives developers the option of commissioning public artwork on-site equal to 1% of the project cost or paying the 1% to the City's Cultural Development Fund in-lieu of commissioning artwork.

B. Vision and Values

Public art helps to improve the character and physical environment of El Segundo. It promotes and enhances the general welfare by allowing community members to experience and interact with artworks and art programming in an environment that is open to all. Art and cultural services provided by the program create additional public access to the arts, help drive tourism and revenue to local businesses, contribute towards realizing cultural equity and inclusion, create opportunities for artists and art organizations in the community, and help grow the creative economy.

The El Segundo Cultural Development Program indicates the City's commitment to providing residential and business community members with public spaces, structures, and experiences that enhance the character of the City through the inclusion of art.

The Program's values are:

- **Responsibility:** Art that has long-term value and maintainability, is feasible and justifiable, enhances community well-being and shows measurable benefits to the city.
- **Authenticity:** Art that is true to artist, sponsor, and City, is respectful of community history, embraces the vitality and character of the City, and is integral with the City's future direction
- **Intelligence:** Art that evidences and inspires innovative thinking, merges art, technology, and ecology, and is intellectually stimulating.
- **Synergy:** Art that draws strength from dualities, combines the familiar with the challenging, melds personal expression with civic goals, and is multifunctional and dynamic.
- **Equity:** Art that welcomes diverse viewpoints, is inclusive of all community members, and delivers value for all stakeholders.

C. Goals

The Cultural Development Program's goals are:

- **Integrate arts and culture into City life** – Weave art into the City fabric, support school and adult art programs, and support artists in residence.
- **Build a better city with art** – Integrate creative concepts into capital improvements, improve the “quality of place” throughout the City, and bridge downtown, beach, and east of Pacific Coast Highway through art.
- **Make El Segundo a prime tourist destination** – Create landmark art attractions, develop and nurture culture events, festivals, performances and art fairs, and generate media exposure.
- **Support local cultural institutions and artists** – Support museums, theatres, libraries, and performing arts groups, and foster new art by connecting aspirations and community resources.

D. El Segundo Cultural Development Program Administration

The City Council designated the Arts and Culture Advisory Committee (ACC) to be the formal body responsible for reviewing all Cultural Development Program applications in coordination with City staff. The goal is to ensure that all applicants meet program criteria, goals, and objectives.

1. The Building Official in the Department of Building and Safety is responsible for determining Project Cost of the commercial or industrial development and if a project is subject to the Cultural Development requirement.
2. Library Services staff is responsible for administrative processes for reviewing developer art plans; updates to the Cultural Development Program and related guidelines; implementing the Cultural Development Program policies and practices; and reviewing and preparing reports for art and programming funded by the El Segundo Cultural Development Program.
3. The ACC serves as the recommending body for review of public art and programming funded by the Cultural Development Program.
4. The City of El Segundo's Finance Director administers the Cultural Development Fund and the Finance Department collects payments for the Cultural Development Program.

II. DEVELOPER OBLIGATION

The Cultural Development Ordinance requires specific commercial, industrial, and mixed-use developments with a project cost exceeding \$2,000,000 to provide artwork on-site equal to 1% of the project cost or pay an equal amount to the City of El Segundo's Cultural Development Fund in lieu of commissioning artwork. This requirement does not apply to residential components of a mixed-use development project.

A. Project Applicability and Exceptions

1. Projects subject to the Cultural Development Program as stated in Section 15-34-2 of the El Segundo Municipal Code.
 - a. This chapter shall apply to all commercial and industrial projects where the project cost exceeds two million dollars (\$2,000,000.00).
2. The chapter does not apply to the following projects:
 - a. Any project which consists solely of rehabilitation work required for seismic safety or to comply with government mandates, including the American Disabilities Act of 1990 regardless of valuation;
 - b. The reconstruction of structures which have been partially damaged or completely destroyed by fire, flood, wind, earthquake or other calamity;
 - c. Any project constructed by a government agency which is constructed on property exempt from taxation pursuant to California Revenue and Taxation Code Section 214;
 - d. Residential components of a mixed-use development project;
 - e. Commercial and industrial development projects, or portion(s) thereof, that are designed and dedicated to performing arts or museum spaces, so long as the performing arts or museum spaces are maintained within the building, provided the premises continue to be dedicated as such. Acceptable facilities include museums, theaters, performance arts centers, and other similar facilities.

B. Procedures for Providing Artwork on Private Property

The Cultural Development Program review process is a collaborative one, intended to develop the best possible art for the project and the community at large. The art must be an integral part of the development project and the artist should be included as a member of the project design team.

Developers wishing to meet the requirements of the Cultural Development Program by including art on the project site must develop a Public Art Plan concurrently with the design and development phases of the building project. On-site art must be original work, visible and accessible (as defined by the ordinance), produced by a practicing artist, and compatible with the building project site.

1. **Artist and Artwork Selection.** The developer is responsible for selecting the artist(s) and artwork, provided both meet the program criteria set forth in this policy.
2. **Maintenance Requirements.** The developer and/or property owner is responsible for operating and maintaining artwork at all times in substantial conformity with the condition the artwork was originally approved by the City. This includes any landscaping and lighting associated with the artwork.

Artwork shall be maintained as stated in the El Segundo Municipal Code Section 15-34-6.

a. Maintenance of Artwork

- i. Installed public artwork shall be maintained by the owner of the site for the life of the building or structure
- ii. If artwork is damaged beyond repair, destroyed, or stolen the City body that approved the original artwork must approve the proposed replacement of the artwork
- iii. The artist shall provide maintenance instructions to the owner of the site and specify the long-term care of the artwork
- iv. The removal of any artwork from the site is prohibited for any reason without the City's prior written authorization. The indefinite removal of an artwork from permanent display whether or not the artwork is disposed, affects the artist's right, and can carry serious legal consequences for the property owner. An owner wishing to remove, modify, destroy or in any way alter artwork must first seek the artist's legal consent and must provide a compelling reason for taking such action with the artwork. Request for removal shall be submitted to the City Council or its designee for consideration and approval, and consent from the original artist. (See Deaccession section below.)

b. Non-maintenance of Installation

If the artwork required by this policy is altered, removed, not maintained in good condition, or not provided as required by this policy, the City of El Segundo may exercise any and all remedies authorized by law, including revocation or suspension of any discretionary permit, as described in ESMC Section 15-34-10.

3. Installation of Artwork

Artwork shall be installed prior to issuance of Certificate of Occupancy, or otherwise agreed upon and approved by the Building Official and Library Services Director. For phased developments, the artwork may be installed in the final phase prior to issue of the Certificate of Occupancy.

4. Project and Art Valuation

The minimum art allocation for each project/development is equal to one percent (1%) of the Project Cost as determined by the Building Official. Value of the art shall be verified by a public art consultant, chosen from the City's pre-selected public art consultant list.

The one percent (1%) art requirement shall include both direct costs of the artwork and direct expenses, such as:

- a. Art valuation by public art consultant.
- b. Consultation regarding art selection and purchase, and direct administration thereof, not to exceed ten percent (10%) of the art requirement.
- c. Insuring the art, up to the time of installation.
- d. Shipping or storage of the art, up to the time of installation.
- e. Preparation of the site, and actual installation.
- f. Other expenses, including waterproofing, lighting, structural engineering, and additional structural support

Direct expenses may not, however, include maintenance of the installed artwork and indirect administrative costs.

C. Application Procedures for Public Art Plan

An application for the Public Art Plan (placement of artwork on private property) shall be submitted to Library Services staff and shall include:

1. Meeting with staff to review requirements, guidelines, and approval process;
2. Completed application, budget breakdown, and other necessary forms;
3. A narrative description of the art plan with design concepts, public spaces, urban design, exterior materials and finishes and project landscaping. The narrative shall demonstrate that the artwork will be displayed in a public space as defined in this policy;
4. Preliminary sketches, photographs, or other documentation with sufficient descriptive clarity to indicate the nature of the proposed artwork and art plan;
5. A résumé and portfolio from the artist who will create the artwork;
6. An appraisal or other evidence of the value of the proposed artwork including acquisition and installation costs;
7. Preliminary plans containing such detailed information as may be required by the reviewing entity to adequately evaluate the location of the artwork proposed, its compatibility with the proposed development project, and its relationship to the goals and objectives of the Cultural Development Program and City Specific Plans (the City reserves the right to discuss placement of artwork with any appropriate City Department);
8. A written agreement executed by the artist who created the artwork, in which he or she expressly waives all rights that may be waived under the California Art Preservation Act, the Visual Artists Rights Act, or other applicable state and federal laws;

9. A written statement executed by the property owner and approved by the City Attorney that requires the landowner of his or her successors and assigns to defend, indemnify and hold the City harmless against any liability, loss, damage, costs, or expenses arising from any claim, action, or liability related to the artwork; and
10. A Public Art Maintenance Covenant stating that the property owner shall be responsible for maintaining the artwork in the condition in which it was approved.

D. Review and Approval of Public Art Plan

The Developer is responsible for meeting with Library Services staff to ensure El Segundo Cultural Development Program requirements are met and the application is complete. Staff will serve as the initial reviewer and will prepare a report for Arts and Culture Advisory Committee review.

1. Completed application and budget breakdown shall be submitted for consideration and approval of the artwork based upon the artwork's conformity to the definition of artwork, its aesthetic quality and harmony with the proposed project, location, and public accessibility.
2. The value of the proposed art shall be determined by a public art consultant that is on the pre-selected list provided to the developer;
3. The ACC must approve the Public Art Plan.
4. Additional approval from the ACC is needed if significant changes are made to the Public Art Plan.
5. Prior to requesting the issuance of a Certificate of Occupancy or other final building approval, the developer will notify Library Services staff that the Public Art is complete and request an on-site inspection.
6. Library Services staff will sign the Certificate of Occupancy after a successful inspection of the on-site art work, the documentation of the art expenditures has been received, an approved art plaque has been installed, and the Public Art Maintenance Covenant has been successfully filed with the LA County Registrar Recorder.
 - a. Developers must incorporate a plaque on or close to the work of art which properly acknowledges the artist and the City's Cultural Development Program. The City approved plaque must be 6" by 9" in a weather resistant material. The plaque must identify the name of the artist and the title of the piece (as approved by the artist), the year of installation, and the following words "El Segundo Cultural Development Program." Any additional wording must be approved by City staff.

E. Deaccession Procedures

It is the goal of the Cultural Development Program to maintain a high quality Public Art Collection within the City of El Segundo. Art works commissioned through the Public Art Program are considered a permanent part of the Public Art Collection, as long as the work maintains its physical integrity, identity and authenticity, and as long as it remains useful to the purposes of the City's Cultural Development Program. When any of these conditions no longer prevail, the ACC may consider removal of the artwork from public display and/or deaccessioning the art.

1. The ACC will review deaccession requests and select one of the following options: (i) request owner replace the deaccessioned artwork with a new art work of equal value or (ii) the owner will enter into a new covenant with the City to release the owner from the existing maintenance requirements for the deaccessioned artwork.
2. The ACC retains the right to: (i) approve or deny a deaccession request, (ii) institute a formal process for removing accessioned objects permanently from the Public Art Collection; and (iii) approve or deny the request to release the property owner from the public art covenant for on-site art work.
3. Owner is responsible to notify the artist of the intent to remove the artwork in accordance with the Visual Artists Rights Act and the California Art Preservation Act.

F. Challenged Decisions

An Appeal Process is stated in the El Segundo Municipal Code Section 15-34-8.

1. Any person may seek review of a decision by either the Building Official or the Arts and Culture Advisory Committee. Appeals of the Building Official's decision must be made pursuant to Section 113.3 of the California Building Code, as amended by Section 13-1-2 of the El Segundo Municipal Code.
2. Appeals of a decision of the Arts and Culture Advisory Committee must be made by filing a written appeal with the City Clerk's Office within 10 working days of the Committee's decision and pay an appeal fee. The City Council shall hold at least one hearing on the Arts and Culture Advisory Committee's decision and the hearing shall be held within forty (40) calendar days of the appeal request. The City Council may affirm, reverse, or modify a decision of the Committee and the decision of the City Council shall be final.

G. Procedures for Paying the In-Lieu Fee to the El Segundo Cultural Development Program Fund

As an alternative to the art plan and installation requirements of the Cultural Development Program, a developer may choose to make a payment to the El Segundo Cultural Development Program Fund in an amount equivalent to one percent (1%) of the project cost as determined by the Building Official. All fees must be paid to the El Segundo Cultural Development Program Fund before the issuance of final building permits.

If the valuation of the project changes during construction, the fee shall be adjusted accordingly. The balance of the fee, if any, shall be paid prior to final building inspection.

Payment instructions follow.

Payments by mail (check only)

City of El Segundo Finance Department
REF: Cultural Development Program
350 Main Street
El Segundo, CA 90245

- Make checks payable to City of El Segundo
- Write your Planning and Building Safety Permit/Application# in the memo
- Federal Tax ID# 95-6000706

Payments in person (cash, check, or credit card)

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

- Monday-Thursday 7 AM-5 PM and Friday 7 AM-4 PM
- Call for holiday hours (310) 524-2300

Payments via wire transfer

City of El Segundo (ART)
Account# 235126957
ABA/Routing 021000021

Please email remittance for proper payment posting to:

treasury@elsegundo.org

For questions regarding wire transfer, please call: (310) 524-2310

III. CULTURAL DEVELOPMENT FUND

A. Cultural Development Fund

As an alternative to the art plan and installation requirements of the Cultural Development Program, a developer may choose to contribute to the El Segundo Cultural Development Program Fund in an amount equivalent to one percent (1%) of the project cost. These funds are kept in the El Segundo Cultural Development Fund, administered by the City of El Segundo's Director of Finance.

B. Cultural Development Fund Public Art and Programming

The Cultural Development Fund shall be used to provide art in public places in order to further the intent and purpose of the Cultural Development Program. Expenditures of funds are limited to the following uses:

1. For the design, acquisition, commission, installation, improvement, relocation, maintenance, conservation, restoration, utility charges, and insurance of artwork;
2. To sponsor or support artistic or cultural services;
3. For the City's costs of administering the Cultural Development Fund and associated programs.

The Fund shall also be used as a depository for monetary endowments, bequests, grants, or donations made for public art purposes. Such sums may be expended as set forth above.

The ACC will propose an annual budget to be considered and approved by the City Council during the regular budget process. Recommended expenditure categories will include funding for artistically enhanced capital projects, permanent art, community experiences, grants, and project-based public art consultants.

The City Council will approve the Cultural Development Program priorities and annual budget as well as expenditures/contracts over \$50,000, but not individual art projects. This process may be adjusted in the future if needed.

C. Artist and Project Selection

The ACC, in coordination with City staff, shall determine procedures for selecting artists, artwork, and public art programming supported with the El Segundo Cultural Development Fund. Staff will assist in the selection of artists, artworks, and proposals for consideration and approval.

The selection process for artwork and public art programming may include the following depending on the scope of the project:

1. Open competition;
2. Limited competition;
3. Invitation;
4. Direct purchase;
5. Donations; and
6. Any combination of the above

All decisions involving selection of an artist or group of artists for non-City projects will involve a public process using one of these methods: Requests for Qualifications (RFQ), Requests for Proposals (RFP), or Invitational Competition. Proposals will be evaluated by a jury of ACC members, other community members, and City staff using the criteria outlined in the Cultural Development Ordinance, Administrative Guidelines, and project-specific Calls for Artists.

1. Requests for Qualifications (RFQ): This is the preferred method to be used by the ACC to select the artist or group of artists. A short list of finalists will be invited to interview and one artist and an alternate will be selected by the jury. If the design process is sufficiently advanced that a context has been established for the artists to respond to, each of the finalists may be asked to develop a preliminary proposal, which will be evaluated during an interview. If a preliminary proposal is requested, an honorarium will be paid to the artists.
2. Requests for Proposals (RFP):
 - a. This method is appropriate for selection of artists where there is an existing site or building or for projects with small budgets where local artists are being targeted.
 - b. The City may issue an RFP requesting conceptual proposals and detailing the proposal requirements. The respondents' proposals will provide the jury members with an understanding of the artists' thought process or approach. The ACC may choose to invite several finalists to interview before making a final selection. Artists responding to an RFP will not be compensated for proposals.
3. Invitational Competition:
 - a. This process may be appropriate in the case of complex projects where a limited numbers of artists may be capable of successful completion. It is also appropriate in a case where there are severe schedule restrictions.
 - b. Based on the project requirements, submittal of qualifications or a specific proposal may be requested. Invitational competitions may also be conducted in two stages, with the first phase based on qualifications and the second phase based on a proposal. Artists

invited to develop proposals will be compensated in the same manner as described in the RFQ process.

Final selection of artwork will be by a review panel and will take into account the following:

- Frank discussions and thoughtful deliberations using the criteria and guidelines approved in the Ordinance, Administrative Guidelines, and Calls for Artists/Proposals
- Community representatives providing valuable information about what artist's work and process are most suited to the community
- Decisions based on artistic distinction and best fit of artist and project

The ACC is committed to public outreach and engagement in the preliminary phases of a public art project. Examples include:

- Visioning of the project prior to artist selection
- Interaction with the artist finalists prior to development of an artwork proposal
- Initial introduction of a selected artist to the community
- Guided tours and visits to the project site

ACC members will not participate in agenda items or decisions in which they have a financial interest. The City Attorney's Office will provide guidance when questions arise.

D. Approval of Public Art and Programming funded by the Cultural Development Fund

Public Art proposals to be funded by the Cultural Development Fund shall be submitted to the Arts and Culture Advisory Committee and shall include:

1. Preliminary sketches, photographs, or other documentation with sufficient descriptive clarity to indicate the nature of the proposed art plan.
2. A narrative description of the public art with design concepts, public space, context, materials, finishes and project landscaping. The narrative shall demonstrate that the artwork will be displayed in a public place as defined in this policy.
3. An appraisal or other evidence of the value of the proposed art plan including acquisition and installation costs.
4. Preliminary plans containing such detailed information as may be required to adequately evaluate the location of the art proposed, its compatibility with the site and proposed development project, and its relationship to the goals and objectives of the Cultural Development Program and City Specific Plans.
5. A résumé and portfolio from the artist who will create the artwork.

6. A written agreement executed by the artist who created the artwork, in which he or she expressly waives all rights that may be waived under the California Art Preservation Act, the Visual Artists Rights Act, or other applicable state and federal laws.
7. The ACC shall consider each artist and proposed public art plan on a case-by-case basis, and if necessary, with a recommendation from City staff.

Funding decisions for programming funded by the Cultural Development Fund and not sponsored by the City will be handled in a way similar to public art decisions. Support will be grant based and proposals will be evaluated by a jury consisting of ACC and other community members as well as City staff.

Criteria for evaluating proposals may include artistic vision, qualifications and experience, target audience, anticipated audience size, outreach plans, funding requested, cost for people attending (should be free or low-cost for programs on City property), and fit for El Segundo.

As used in the previous sentence, “Fit for El Segundo” means programming should take into consideration the location and community and have some relevancy to the City. It should highlight and/or relate to El Segundo’s history and neighborhoods, demographic groups, and major industries, have an arts and culture component, and align with the City’s values of equity and inclusiveness.

APPENDIX I

DEFINITIONS

1. **Artist.** An individual, team of individual artists, or team composed of a lead artist and other individuals from other disciplines, whose body of work and/or professional activities demonstrate serious commitment to the fine arts.
2. **Artistic and Cultural Services.** Performances and experiences, including but not limited to, performing arts, literary arts, media arts, arts education, art events, temporary artworks, and festivals.
3. **Artwork.** Original creations of art which is intended for and capable of being displayed outdoors, including but not limited to, sculpture, murals, mosaic, fountains, artist-designed landscape features, streetscape features and earthworks. These categories may be realized through such mediums as steel, bronze, stained glass, concrete, wood, ceramic tile and stone, as well as other suitable materials.
4. **Commercial and industrial Development.** Any project which results in the development of property in any land use categories, except for single and multi-family residential projects designed for long-term occupancy.
5. **Development Project.** Any development, including remodeling, which requires a building permit or permits as described on the precise plan submitted for approval to the city.
6. **Durable.** Lasting, enduring, and highly resistant to deterioration due to weather or the passage of time.
7. **Nonprofit.** An organization that is registered with the California Secretary of State as a 501(c)3 under the Internal Revenue Service tax code.
8. **Project Developer.** The owner, including its successor and assigns, of the subject property.
9. **Project Valuation.** The total value of a development project, as indicated on the building permit or permits, and determined by the Building Official.
10. **Public Accessibility.** Artworks must be visible from a public right-of-way, by pedestrian or motorists, twenty-four (24) hours of the day. The Arts and Culture Advisory Committee may recommend approving exception to the 24-hour public accessibility requirement, provided that the location is still accessible to the general public during normal business hours.
11. **Public Art Plan.** The Public Art Plan shall include detail of the artwork, including materials, landscaping, lighting, programming, and public accessibility. In addition, the Public Art Plan shall include details of installing and maintaining the work.

CULTURAL DEVELOPMENT PROGRAM

STEPS FOR DEVELOPERS

- 01** • **Obtain Cultural Development Application** from *Department of Planning and Building Safety* during plan check
 - Review Ordinance & Administrative Guidelines
 - If project exceeds \$2 million, choose an option (On-site Art or Cultural Development Fund Contribution) within 90 days of plan submittal
 - For *On-site Art* option, \$75K or larger budget is recommended (consider hiring a professional public art consultant too)
 - Obtain 1% Cultural Development Requirement from El Segundo Building Official
 - Refer any questions regarding the program to the *Library Director*
- 02** • **Submit Application** to *Department of Planning and Building Safety*
 - A signed agreement with city is needed for either option prior to issuance of building permit
 - If contributing to Cultural Development Fund, submit payment to Finance Department
- 03** • For On-site Art option, submit **Public Art Plan** to the *Library Services Department*
Be sure to include:
 - Context within the project
 - Artist Selection Process and Artist Qualifications
 - Schematic Designs by Artist
 - Budget Breakdown
 - Art appraisal by pre-approved public art consultant
 - Signed agreements with the artist and city, including provisions for long-term maintenance of the art work
- 04** • **Obtain Public Art Plan Approval** by Arts and Culture Advisory Committee (ACC)
 - Once approval is received, proceed with project
 - Contact the Library Director before making changes to the Public Art Plan
 - Additional approval by the ACC is needed for significant changes
- 05** • **Project Implementation & Closeout**
 - For *On-site Art* option:
 - Submit a Complete Record
 - Install approved Art Plaque
 - Complete successful On-site Inspection of Art with *Library Director*

To meet the Cultural Development Program requirement, final approval by Library Director is needed to obtain Certificate of Occupancy.



APPENDIX III

FORM A

CULTURAL DEVELOPMENT PROGRAM APPLICATION

Return the completed application to the

Department of Planning and Building Safety within 90 days of plan submittal

The Cultural Development Ordinance requires specific commercial, industrial, and mixed-use developments with a project cost exceeding \$2,000,000 to provide artwork on-site equal to 1% of the project cost or pay an equal amount to the City of El Segundo’s Cultural Development Fund in lieu of commissioning artwork. This requirement does not apply to residential components of a mixed-use development project.

DEVELOPMENT ADDRESS:	PROJECT VALUATION (obtain from Building Official):
	ESTIMATED DEVELOPMENT SIZE (square feet):
APPLICANT/ARCHITECT:	
ADDRESS:	
PHONE:	EMAIL:
OWNER:	
ADDRESS:	
PHONE:	EMAIL:

Note: If the final project cost exceeds the estimated amount on the application, the 1% requirement will be based on the higher valuation. Multiple building permits issued for a single project site shall be considered in the aggregate in determining the Cultural Development requirement.

1% of Project Cost: \$ _____

Please choose one of the following options:

- Placement of public art on-site
- Payment of in-lieu fee to the Cultural Development Fund

Property Owner Signature: _____

Date: _____

DEPARTMENT OF PLANNING AND BUILDING SAFETY

El Segundo City Hall

350 Main Street

El Segundo, CA 90245

- Monday-Thursday 7 AM-5 PM and Friday 7 AM-12 PM and 2 PM-4 PM

IN-LIEU FEE PAYMENT OPTIONS

Payments by mail (check only)

City of El Segundo Finance Department

REF: Cultural Development Program

350 Main Street

El Segundo, CA 90245

- Make checks payable to City of El Segundo
- Write your Planning and Building Safety Permit/Application# in the memo
- Federal Tax ID# 95-6000706

Payments in person (cash, check, or credit card)

El Segundo City Hall

350 Main Street

El Segundo, CA 90245

- Monday-Thursday 7 AM-5 PM and Friday 7 AM-4 PM

Payments via wire transfer

City of El Segundo (ART)

Account 235126957

ABA/Routing 021000021

- Please email remittance for proper payment posting to treasury@elsegundo.org
- For questions regarding wire transfer, please call 310-524-2310

CONTACT INFORMATION

- Julie Todd, Senior Librarian, Cultural Development & Communications, jtodd@elsegundo.org or 310-524-2729
- Sia Poursabahian, Building Official, spoursabahian@elsegundo.org or 310-524-2339
- Dino Marsocci, Deputy City Treasurer, dmarsocci@elsegundo.org or 310-524-2310

CULTURAL DEVELOPMENT PROGRAM WEBSITE

<https://www.elsegundolibrary.org/services/arts-and-culture/cultural-development-program>

APPENDIX IV

FORM B



**CITY OF EL SEGUNDO CULTURAL DEVELOPMENT PROGRAM
DEVELOPER'S ACKNOWLEDGMENT & AGREEMENT**

The City of El Segundo Cultural Development Program provides developers a way to make a lasting and visible contribution to the community to mitigate impacts of development. The Cultural Development Ordinance (Ordinance No. 1594) was adopted by the El Segundo City Council in November 2019.

Projects valued at more than \$2,000,000 must either:

- (a) commission or acquire and install new artwork in a location on or in the vicinity of the project site, with the appraised value of such artwork and any direct expenses as described herein being equal to or exceeding one percent of the project cost; or
- (b) pay to the City an amount equal to one percent of the project cost.

More details about the Cultural Development Program may be found in the ordinance and in the administrative guidelines. Copies of these documents may be provided upon request.

ACKNOWLEDGMENT & AGREEMENT

I, as the developer or property owner for this project, agree to the following (*check one*):

_____ I agree to pay to the City the 1% in-lieu fee by: _____ (*date*).
I acknowledge that the City will not issue a building permit for the project until the total fee has been paid.

_____ I agree to provide public art at the project site. Accordingly, I acknowledge and agree to the following:

- If the undersigned is not the property owner, I agree to submit a letter from the property owner, in a form acceptable to the City, acknowledging the property owner’s understanding and acceptance of this agreement.
- I agree to submit an application for the Public Art Plan to the City’s Library Services staff by: _____ (date). The application will include preliminary plans that include the proposed location of the artwork and any other documents reasonably required pursuant to the guidelines.
- I acknowledge that the Arts and Culture Advisory Committee shall review the completed application for the Public Art Plan and approve, approve with conditions, or deny the proposed artwork, and its proposed location, based on the “Standards for Artworks” outlined in ESMC Section 15-34-6. The committee’s decision is subject to appeal pursuant to ESMC Section 15-34-9.
- I agree to fully comply with the City’s Cultural Development Ordinance.
- I acknowledge that the City will not issue a certificate of occupancy unless and until (a) the application for the Public Art Plan has been approved, the artwork has been installed at the project site, and the artwork complies with the Cultural Development Ordinance and (b) the property owner executes and records with the Los Angeles County Registrar-Recorder’s office, a covenant regarding the maintenance of the artwork, as required by Section 15-34-7.
- I, along with my successors and assigns, agree to defend, indemnify and hold harmless the City of El Segundo, and its officers, volunteers, employees and representatives, from and against any liability, loss, damage, costs, or expenses arising from any claim, action, or liability related to the artwork.

Project Name: _____ Project Location: _____

Project Description:

Owner: _____ Phone: _____

Developer: _____ Phone: _____

Address: _____ Email: _____

Estimated In-Lieu Fee (*if applicable*): _____

I attest to the fact that I have read and understand, and agree to be bound by, the requirements of City of El Segundo's Cultural Development Program as a condition of approval of my Project. I further understand and agree that once I have submitted this acknowledgement and agreement form to the City, that the agreement is irrevocable, the selection made above cannot be changed and that any amounts paid to the City of El Segundo pursuant to this form are non-refundable.

Signature: _____ Date: _____

APPENDIX V

PUBLIC ART PLAN CHECKLIST

Please submit the following application materials to the City of El Segundo Library Services Department. Staff must receive all application materials prior to scheduling a review meeting with the Arts and Culture Advisory Committee.

1. Public Art Plan Application
2. Artist statement, describing artist's style, artistic concept and content, relationship between proposed artwork and the project. The developer should explain to the Arts and Culture Advisory Committee why the proposed work was chosen and how it will enhance the development, complement the existing Cultural Development Program, and engage public viewing and comments.
3. Current and complete curriculum vitae of artist, including slides, photographs and other collateral of past works.
4. Site plan of the development, including the following:
 - a) Proposed placement of the artwork
 - b) Distance in measurement between the artwork and public streets
5. Photographs or computer enhanced design of the site, which clearly shows the sculpture in relation to the site/building, as the public at ground level would see it. Please make to scale.
6. Landscape plan, including the locations(s) and types(s) of trees and shrubbery, in relation to the artwork.
7. Lighting plan for artwork, specifying location, number, and type of fixtures to be used.
8. Drawing or maquette(s) of the proposed artwork. The maquette may be brought to the review meeting.
9. Sample materials or finished of the proposed artwork.
10. Installation design of the proposed artwork, stamped by a licensed Structural Engineer, certifying the art as structurally sound, safe, and durable.
11. Edition number of the proposed work (if part of a limited edition series) and locations of all other pieces in the series.
12. Budget breakdown including artist fees for design concept, materials, fabrication, transportation, installation, and art consultant fees. The total budget should equal or exceed the minimum 1% art allocation.

13. The artist's maintenance instructions for routine and long-term preservation. The instructions may be amended as needed, pending the results of the final review.
14. A written agreement executed by the artist who created the artwork, in which he or she expressly waives all rights that may be waived under the California Art Preservation Act, the Visual Artists Rights Act, or other applicable state and federal laws.
15. A covenant stating that the property owner shall be responsible for maintaining the artwork in the condition, which it was approved.

APPENDIX VI

FORM C



CULTURAL DEVELOPMENT PROGRAM PUBLIC ART APPLICATION

Return the completed application to the Library Services Department

Date Submitted:	
Project Name:	
Development Location/Address:	
Developer:	Contact Person:
Address:	
Phone:	Email:
Property Owner:	
Address:	
Phone:	Email:
Artist:	
Address:	
Phone:	Email:
Title of Art Plan:	
Minimum Art Allocation:	
Location of Art: (please be specific)	
Description of Art Plan:	
Dimensions:	
Media:	
Landscape Description:	
Lighting Description:	
Distance between Public Art and Public Street:	
Installation Date:	

Dedication/Unveiling Plans:

BUDGET	
Artist/Design	\$
Artwork Material	\$
Art Consultant (<i>if applicable, not to exceed 10% of requirement</i>)	\$
Insurance	\$
Transportation of Artwork	\$
Structural Engineering	\$
Lighting/Electrical (<i>for artwork only</i>)	\$
Water related expenses (<i>if applicable</i>)	\$
Art Appraisal (<i>consultant must be selected from City list</i>)	\$
Installation of Artwork (<i>include site preparation</i>)	\$
Other Expenses (<i>please list</i>)	\$
1.	
2.	
3.	
TOTAL:	\$

The total should equal or exceed the minimum 1% art allocation for the project.

LIBRARY SERVICES DEPARTMENT

El Segundo Public Library
 111 W. Mariposa Avenue
 El Segundo, CA 90245

CONTACT INFORMATION

- Julie Todd, Senior Librarian, Cultural Development & Communications
jtodd@elsegundo.org or 310-524-2729

CULTURAL DEVELOPMENT PROGRAM WEBSITE

<https://www.elsegundolibrary.org/services/arts-and-culture/cultural-development-program>

APPENDIX VII

FORM D

PUBLIC ART MAINTENANCE COVENANT

(pursuant to El Segundo Municipal Code § 15-34-6)

THIS PUBLIC ART MAINTENANCE COVENANT is entered into _____, 202__, by and between _____ (“Property Owner”) and the City of El Segundo, California (“the City”).

RECITALS:

1. Property Owner owns that certain real property located at _____ in the City (“the Property”) and more particularly described by Exhibit “A” attached hereto and incorporated herein by this reference.
2. On or before the date of this Covenant, Property Owner engaged in development activity on the Property that was subject to El Segundo Municipal Code (ESMC) Chapter 15-34, entitled “Cultural Development.”
3. With City approval and in accordance with ESMC Chapter 15-34, Property Owner acquired and placed at the Property the artwork described and/or depicted on Exhibit “B” attached hereto and incorporated herein by this reference (“the Artwork”).
4. ESMC Section 15-34-6(C) requires, among other things, that Property Owner execute and record a covenant acceptable to the City for maintenance of the Artwork. The parties intend for this Covenant to satisfy that requirement.

COVENANTS:

1. Property Owner shall preserve the Artwork in good repair and in a safe, functional, accessible and clean condition, all in a manner acceptable to the City, and in accordance with the Artist’s maintenance instructions, as applicable.

2. Property Owner shall not deface, mutilate or alter the Artwork nor knowingly allow other persons to do so.
3. Property Owner shall secure and maintain insurance applicable to the Artwork sufficient to protect it against damage or loss from fire, theft, vandalism, and all other insurable occurrences typically covered by an all-risk policy, in an amount to be determined by the City's Risk Manager but not to exceed the reasonable estimated replacement cost of the Artwork.
4. Property Owner shall not move the Artwork from its present location at the Property, as depicted in Exhibit B attached hereto, without the City's prior written approval.
5. Property Owner grants the City an irrevocable license to photograph and otherwise make two-dimensional reproductions of the Artwork and to use such reproductions for commercial and noncommercial purposes as the City sees fit.
6. Within a reasonable period of time following a request by the City, Property Owner shall allow the City and its authorized agents access onto the Property for the purpose of inspecting and photographing the Artwork and ensuring that Property Owner is meeting its obligations under this Covenant.
7. In the event repair of the Artwork is required, the artist who created it shall be given the first opportunity to do that work for a reasonable fee. In the event the artist is unable or unwilling to do so, the City or the Property Owner may proceed to contract for such repair with another qualified artist.
8. In the event the City declares the Artwork a public nuisance pursuant to the El Segundo Municipal Code, the Property Owner must promptly abate the nuisance.
9. This Covenant shall be recorded in the official records of Los Angeles County and shall run with the land described herein as the Property, binding and/or benefiting the parties' respective successors in interest, including but not limited to any purchasers, heirs, devisees, transferees, assignees, tenants, grantees, trustees, and beneficiaries. Should any court find this Covenant unenforceable at law, the parties intend that it be enforceable in equity.
10. To the extent reasonably possible, Property Owner shall provide actual notice of the Covenant to any successors in interest. Failure of Property Owner to provide actual notice shall not preclude enforcement of this Covenant against anyone who receives constructive notice.
11. This Covenant shall be governed by the laws of the State of California.

12. No modification of this Covenant shall be valid unless made in writing and signed by both parties hereto.
13. No waiver of performance by any party shall be construed as or operate as a waiver of any subsequent default.
14. Should any action or proceeding be brought to enforce the terms of this Covenant, the prevailing party shall be entitled to reasonable attorney's fees and costs.
15. Property Owner agrees to defend, indemnify, protect and hold City and its agents, officers and employees harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property, including injury to Property Owner's employees, agents, officers or invitees, which arise from or are connected with or are caused or claimed to be caused by the acts or omissions of Property Owner and its agents, officers or employees, as a result of any act or obligation of Property Owner arising out of this Public Art Maintenance Covenant, and all expenses of investigating and defending against same; provided however, that Property Owner's duty to indemnify and hold harmless shall not include any claims or liability arising from the established sole active negligence or willful misconduct of the City, its agents, officers or employees.

EXECUTION:

This Covenant shall be deemed executed as of the date first above written. The undersigned parties shall acknowledge their respective signatures before a California notary.

PROPERTY OWNER

By: _____

CITY OF EL SEGUNDO

By: _____

[PROPERTY OWNER'S AND CITY'S SIGNATURES MUST BE NOTARIZED]

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

EXHIBIT "B"

DESCRIPTION OR DEPICTION OF ARTWORK

APPENDIX VII

**FORM E
PROGRAMMING APPLICATION**

(Note: City staff may adapt this application for specific programming sponsored or supported by the Cultural Development Fund.)

- Organization Name (if applicable)

- Contact Person Full Name *

 First Name Last Name

- E-mail *
- Organization website

- Phone Number *
-Area Code Phone Number

- Address *

 Street Address
 City State / Province
 Postal / Zip Code

- Proposed Location *

- Title of Program *

 The name of your program in 8 words or less.

- Please describe your program in detail. *

Use this space to completely describe your program.

- Who is the target audience for your program? *

- Anticipated Audience Size *

- How do you plan to reach out to potential audiences? (List type of outreach and potential audience from each source; i.e, Facebook: 1000 fans, Email list: 250 people)

- What is the time frame for starting and completing the project or program? *

Projected/desired date(s) for the program.

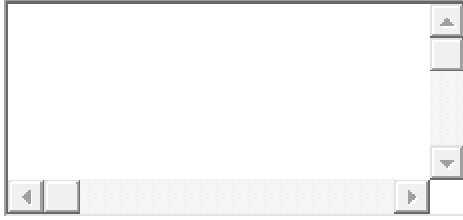
- Are you requesting funding from the Cultural Development Program to present the program? (Please note: There is limited funding available and a secondary funding application may be necessary to approve funding requests. Funding, if provided, is intended to support the actual creation of art or necessary costs associated a successful event, and not for auxiliary costs.) *

No Yes

- Will there be a fee or ticket cost for people attending? (Charging is generally not allowed for programs on City property and/or sponsored by the Cultural Development Fund, and require additional approval from another body) *

No Yes

- Organization History *



Provide a brief history and description of what the artist/organization does (mission and primary programs).

- Describe the organization’s relationship to El Segundo and/or its communities. *



- You may include a link to any supporting documentation here (i.e., a film clip, event program pages, etc.)

- You may upload any supporting documents or pictures that you would like the committee to see here in a single scanned file. If you are proposing an exhibit you should upload a list and images of all of the images you are proposing.

Upload a File

- Please note, if your program involves a book, a hard copy must be submitted for the Committee to review. Hard copies may be dropped off or mailed to:

City of El Segundo, Attn: Julie Todd, Senior Librarian, Cultural Development & Communications3

El Segundo Public Library

111 W Mariposa Avenue

El Segundo, CA 90245

Please make sure your name, email address and the name of your proposed program are on the book.

If you are proposing an exhibition, it is important that the Arts and Culture Advisory Committee has a chance to see all (or at least most) of the actual images that are proposed as part of the exhibit. Please upload a single file in the field above with all of the images.

Exhibitions intended for the City of El Segundo facilities should take into consideration the location and community served and have some direct relevancy to the City of El Segundo. As such, the Arts and Culture Advisory Committee includes the following criteria in considering potential exhibits.

- Highlight and/or relate to aspects of El Segundo's history and neighborhoods
- Highlight and/or relate to El Segundo's major demographic groups and major industries
- Align with the City of El Segundo and Arts and Culture Advisory Committee's support for equity and inclusion

EL SEGUNDO 1% FOR ARTS TRACK SHEET

FY 2019-2020			
Developer	Art On-Site	Payment In-Lieu	1% Amount
Boeing		X	\$ 25,850.00
Kite Pharma		X	\$ 400,000.00
Ratheon		X	\$ 61,000.00
Techstyle		X	\$ 42,205.50
TOTAL	\$0.00	\$529,055.50	\$ 529,055.50

FY 2020-2021			
Developer	Art On-Site	Payment In-Lieu	1% Amount
Rivian		X	\$ 25,000.00
Cedars Sinai		X	\$ 66,369.75
TOTAL	\$0.00	\$91,369.75	\$ 91,369.75

FY 2021-2022			
Developer	Art On-Site	Payment In-Lieu	1% Amount
Continental		X	\$ 58,000.00
Belkin		X	\$ 37,007.75
Nash DC		X	\$ 100,000.00
CDC Mar East Campus LLC		X	\$ 689,519.80
National Veterinarian Association		X	\$ 33,332.00
Knickerbocker & Associates		X	\$ 38,000.00
2329 Alaska Ave LLC		X	\$20,602.64
Kinecta Federal Credit Union	X		\$ 70,000.00
Steelwave	X		\$ 56,340.00
Beyond Meat	X		\$ 220,166.00
SOF-XI Two Tower LLC	X		\$ 42,000.00
L'Oreal	X		\$ 160,000.00
Montana Avenue Capital	X		\$ 32,000.00
TOTAL	\$616,437.07	\$943,130.19	\$ 1,559,567.26

FY 2022-2023			
Developer	Art On-Site	Payment In-Lieu	1% Amount
Kite Pharma		X	\$ 28,000.00
TOTAL	\$0.00	\$28,000.00	\$ 28,000.00

FY 2023-2024			
Developer	Art On-Site	Payment In-Lieu	1% Amount
D. Wilberg		X	\$ 75,000.00
Love Life		X	\$ 92,000.00
CDC Mar East Campus LLC		X	\$24,500.00
Sierra Pacific Constructors Inc.		X	\$30,048.10
Embassy Suites by Hilton	X		\$ 125,000.00
TOTAL	\$125,000.00	\$221,548.10	\$ 346,548.10

FY 2024-2025 (Projected)			
Developer	Art On-Site	Payment In-Lieu	1% Amount
Beach Cities Media		X	\$ 746,273.00
Chargers		X	\$ 24,600.00
2121 Park Place Fee Owner California LLC		X	\$ 30,048.00
1940 M LLC		X	\$ 27,100.00
Hyundai Motors America		X	\$ 269,180.00
Industrious		X	\$49,500.00
Hilton Garden Inn	X		\$ 20,000.00
22 Grand LLC	X		\$ 451,208.00
Los Angeles Times	X		\$ 110,000.00
California Smash	X		\$25,903.25
Collinson/DiGenova	X		\$ 44,933.00
Mattel	X		\$ 178,858.70
TOTAL	\$804,999.7	\$1,146,701.00	\$ 1,951,700.70



City Council Agenda Statement

Meeting Date: November 19, 2024

Agenda Heading: Staff Presentations

Item Number: D.13

TITLE:

Preferential Parking Zone 3 Program Pilot Project Update and Revised Resolution

RECOMMENDATION:

1. Receive and file the project update.
2. Adopt a resolution to revise the previously adopted Zone 3 preferential parking permit program to exempt permit holders from the 2-hour parking restriction along the east side of Indiana Street (between Pine Avenue and Holly Avenue), and along the west side of Illinois Street (between Mariposa Avenue and Holly Avenue) any time.
3. Discuss and provide directions to staff based on the recommendations for the Zone 3 preferential parking permit program.
4. Alternatively, discuss and take other action related to this item.

FISCAL IMPACT:

None.

BACKGROUND:

January 16, 2024 Council Meeting

On January 16, 2024, staff presented the citywide Residential On-Street Parking Survey results. The results indicated the majority of the residents are mostly satisfied with the current parking situation. However, there were a few pockets of potentially non-satisfactory areas near commercial districts. Residents from the southeast corner of the residential neighborhood were most unsatisfied with parking in their area and chose the set petition process as a path to alleviate parking concerns and/or hardship under El Segundo Municipal Code (ESMC) Chapter 8-5A.

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February 6, 2024 Council Meeting

On February 6, 2024, City Council approved Resolution No. 5464 establishing Preferential Parking Zone 3, requiring 24-hour residential parking permits along the following street segments:

- West curb line of Indiana Street between Mariposa Avenue and Holly Avenue
- East curb line of Illinois Street between Mariposa Avenue and Holly Avenue
- North and south curb line of Pine Ave. between Illinois Street and Indiana Street
- North curb line of Holly Avenue between Illinois Street and Indiana Street
- South curb line of Mariposa Avenue between Indiana Street and Illinois Street

The same resolution also established a 2-hour vehicle parking restriction along the following street segments:

- West curb line of Illinois Street, from Mariposa Avenue to Holly Avenue
- East curb line of Indiana St. from Mariposa Avenue to Holly Avenue

After the February 6, 2024, City Council action, several Washington Street residents expressed support for the inclusion of the Washington Street segment in Zone 3. Washington Street from Pine Avenue to Holly Avenue (24-hour parking permit only) was originally included in both the petition and the staff's recommendation for proposed Zone 3. During deliberation on February 6, 2024, the City Council opted to preclude Washington Street as part of the preferential parking Zone 3.

March 19, 2024 Council Meeting

On March 19, 2024, City Council approved Resolution No. 5471 adding 24-hour residential parking permits along the following street segments:

- East and west curb lines along Kansas Street from Holly Avenue to Mariposa Avenue
- East and west curb lines along Washington Street, from Mariposa Avenue to Holly Avenue

The same resolution also established a 4-hour parking restriction on the corners of Holly/Kansas Park. All other parking conditions identified in Resolution No. 5464 remain in place.

September 3, 2024 Council Meeting

On September 3, 2024, City Council approved Resolution No. 5507 adding 24-hour

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residential parking permits along the following street segments:

- North and south curb lines along Pine Avenue, between Kansas Street and Washington Street.

The same resolution also established overnight parking between 6 pm to 6 am along the west side of Illinois from Mariposa Avenue to Holly Avenue, for residents displaying a City-issued Zone 3 permit. All other parking conditions identified in Resolutions Nos. 5464 and 5471 remain in place.

Please note that the Zone 3 preferential parking is temporarily effective from May 1, 2024, through April 30, 2025, as a pilot program, unless earlier terminated by the City Council. However, the City Council reduced the length of this pilot program from one year to six months, and directed staff to report the findings of this pilot program to the City Council by November 2024. Thus, the pilot program is complete with this action.

Please refer to Figure 1 in the attachments for the currently configured Zone 3 parking map.

DISCUSSION:

After the September 3, 2024, City Council action, further feedback from residents was received related to the overnight parking restrictions on Illinois Street and Indiana Street. The City's on-call traffic engineer has studied the current parking conditions and recommends the following revisions to what was approved by the City Council on September 3, 2024, for the Preferential Parking Zone 3 permit program, as shown on the second attachment:

- On the east side of Indiana Street between Mariposa Avenue and Holly Avenue, keep the existing "2-hour Parking Anytime" restriction, but make the Zone 3 permit holders exempt from this 2-hour parking restriction along the east side of Indiana Street between Pine Avenue and Holly Avenue.
- On the west side of Illinois Street between Mariposa Avenue and Holly Avenue, keep the "2-hour Parking Anytime" restriction, but remove the "Overnight Parking with Permit from 6:00 p.m. to 6:00 p.m." limitation to exempt Zone 3 permit holders from the 2-hour parking restriction.

The traffic engineer observed the entire Zone 3 area at different hours/days of the week, and has further recommended that Holly Avenue (between Illinois Street and Kansas Street) and Mariposa Avenue (between Illinois Street and California Street) should remain as unrestricted parking areas.

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Staff respectfully recommends that City Council approve the proposed resolution to include and accommodate the above recommendations. The City Council may also discuss and give staff directions related to this item.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 1: Develop and Maintain Quality Infrastructure and Technology

Strategy D: Improve mobility and transportation throughout the city.

Goal 3: Deliver Solution-Oriented Customer Service, Communication, Diversity, Equity, and Inclusion

Strategy A: Enhance proactive community engagement program to educate and inform the public about City services, programs, and issues.

PREPARED BY:

Cheryl Ebert, Senior Civil Engineer

REVIEWED BY:

Elias Sassoon, Public Works Director

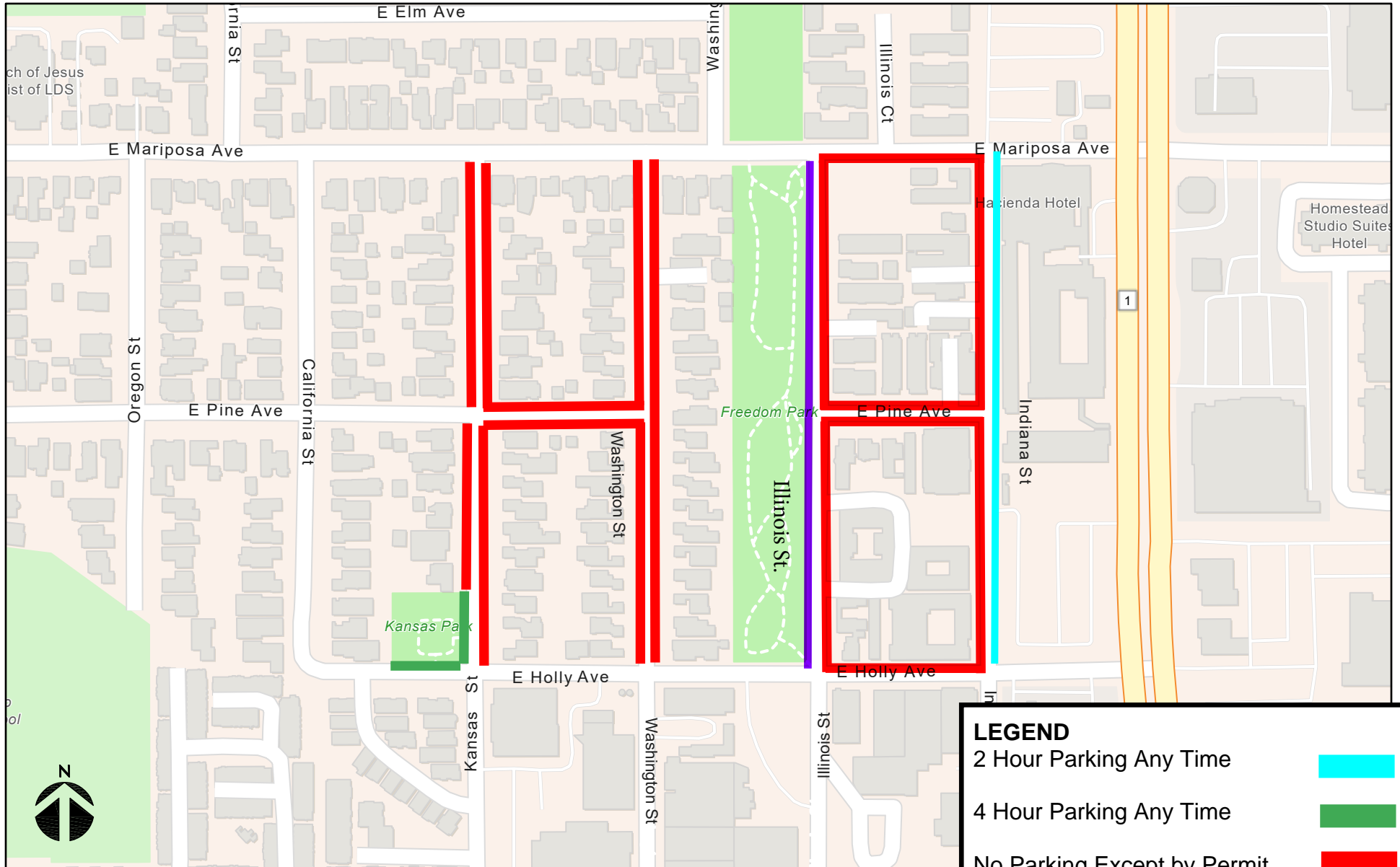
APPROVED BY:

Barbara Voss, Deputy City Manager

ATTACHED SUPPORTING DOCUMENTS:

1. Preferential Parking Zone 3 Final Map per 9-3-24 Council meeting
2. Proposed Preferential Parking Zone 3 recommendation 11-19-24
3. ES - Resolution Preferential Parking Zone 3 Update 11192024 mtg v2 clean

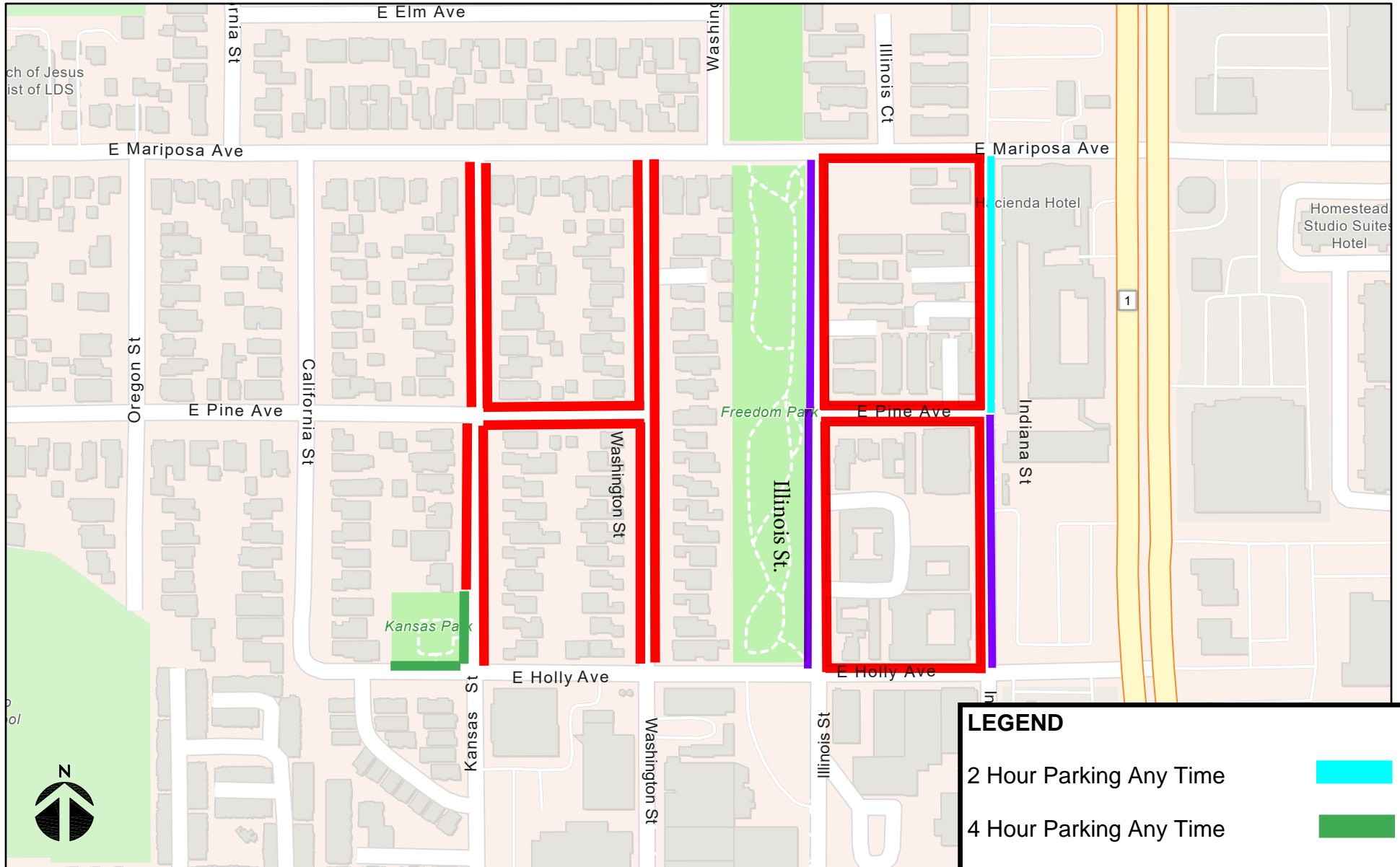
Final Preferential Parking Zone 3 Map Per 9/3/24 Council Meeting



LEGEND

- 2 Hour Parking Any Time
- 4 Hour Parking Any Time
- No Parking Except by Permit
- Overnight Parking with Permit (6:00PM to 6:00AM)

Recommended Preferential Parking Zone 3 Map



LEGEND

- 2 Hour Parking Any Time
- 4 Hour Parking Any Time
- No Parking Except by Permit
- 2 Hour Parking Any Time (Zone 3 Permits Exempt)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
EL SEGUNDO, CALIFORNIA DESIGNATING
PREFERENTIAL PARKING ZONE NO. 3 AND
ASSOCIATED HOURLY RESTRICTIONS PURSUANT TO
VEHICLE CODE § 22500 ET SEQ.**

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

SECTION 1. *Findings.* The City Council finds:

A. Preferential parking in “Zone No. 3,” as defined below, is required to enhance or protect the quality of life in the area of the designated area and necessary to provide reasonably available and convenient parking for the benefit of adjacent residents.

B. Based upon the recommendation of the Public Works Director, acting as the City Traffic Engineer, and the agenda report accompanying this Resolution, the following conditions set forth in El Segundo Municipal Code (“ESMC”) § 8-5A-4 exist to substantiate the establishment of preferential parking in Zone No. 3:

1. Regular Interference: That “nonresident vehicles”, defined as those vehicles owned and/or operated by persons who are not “residents,” do or may substantially and regularly interfere with the use of the majority of available public street or alley parking spaces in the proposed zone by adjacent residents;
2. Regular Intervals: That the interference by the nonresident vehicles referred to in subsection A occurs in the proposed zone at regular and significant daily or weekly intervals;
3. Noise: That the nonresident vehicles parked in the area of the proposed zone cause or are the source of unreasonable noise, traffic hazards, environmental pollution, or devaluation of real property in the area of the proposed zone; and
4. Shortage of Parking Spaces: That a shortage of reasonably available and convenient residential related parking spaces exists in the area of the proposed zone.

SECTION 2. *Zone Establishment.* Subject to the provisions of ESMC § 8-5A-5, 24-hour preferential parking is established in the area comprising Zone No. 3 as follows:

ZONE 3: No parking except by permit on: the east curb line and west curb lines of Washington St. between Mariposa Ave. and Holly Ave.; the west curb line of Indiana St. between Mariposa Ave. and Holly Ave.; the east curb line of Illinois St. between Mariposa Ave. and Holly Ave.; the north and south curb lines of Pine Ave. between Illinois St. and Indiana St.; the north curb line of Holly Ave. between Illinois St. and Indiana St.; the south curb line of Mariposa Ave. between Indiana St. and Illinois St.; the east and west curb lines of Kansas St. between Holly Ave. and

Mariposa Ave.; and the north and south curb lines of Pine Ave. between Kansas St. and Washington St.

The establishment of preferential parking in Zone No. 3 in above paragraph will be temporarily effective from May 1, 2024 through April 30, 2025 as a pilot program, unless earlier terminated by the City Council.

SECTION 3. *Additional Two-Hour Parking Restriction.* Pursuant to Vehicle Code § 22507, a two-hour vehicle parking restriction is established on: the west curb line of Illinois St. from Mariposa Ave. to Holly Ave.; and the east curb line of Indiana St. from Mariposa Ave. to Holly Ave. The foregoing notwithstanding, any person issued a valid City parking permit for preferential parking Zone No.3, as established in section 2, above, may park his or her vehicle along the west curb line of Illinois St. from Mariposa Ave. to Holly Ave. and the east curb line of Indiana St. from Pine Ave. to Holly Ave. at any time, so long as the permit holder duly displays the parking permit in the vehicle.

SECTION 4. *Additional Four-Hour Parking Restriction.* Pursuant to Vehicle Code § 22507, a four-hour vehicle parking restriction is established on the west curb line of Kansas St. fronting Holly Kansas Park and the north curb line of Holly Ave. fronting Holly Kansas Park.

SECTION 5. *Direction.*

- A. The Public Works Director, or designee, is directed to do the following, pursuant to ESMC Chapter 8-5A, as to Zone No. 3 established in Section 2, above, and pursuant to Vehicle Code § 22500 et seq., as to restrictions set forth in Sections 3 and 4, above:
1. Take necessary steps to notify the public of Zone No. 3's preferential parking restrictions and the hourly and overnight parking restrictions set forth in Sections 3 and 4, above, including, without limitation, the installation of appropriate signage; and
 2. Issue permits for preferential parking to residents and visitors pursuant to the requirements and limitations of ESMC § 8-5A-7 and exemptions set forth in ESMC § 8-5A-8, as to the restrictions in Section 2, and the permits for preferential parking, as to the restrictions set forth in Section 3, above.
- B. The Chief of Police, or designee, is directed to enforce violations of ESMC Chapter 8-5A pursuant to ESMC § 8-5A-9(C), as to Zone No. 3 established in Section 2, above, and violations of Sections 3 and 4, above, pursuant to Vehicle Code § 22500 et seq.
- C. The Public Works Director, or designee, is directed to notify the public of the two-hour vehicle parking restriction established in Section 3, above, including, without limitation, the installation of appropriate signage and issuance of permits, pursuant to Section 3, above.
- D. The Public Works Director, or designee, is directed to notify the public of the four-hour vehicle parking restriction established in Section 4, above, including, without limitation, the installation of appropriate signage.

SECTION 6. *Severability; Supersession.* 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. This Resolution supersedes any previously adopted Resolution concerning the establishment of Zone No. 3 which are hereby rescinded.

SECTION 7. *Signature Authority.* The Mayor, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of El Segundo, and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

SECTION 8. *Effective Date.* This Resolution will take effect immediately upon adoption and will remain effective unless repealed or superseded.

SECTION 9. *City Clerk Direction.* The City Clerk will certify to the passage and adoption of this Resolution, enter it in the City's book of original Resolutions, and make a record of this action in the meeting's minutes.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2024.

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 of said City, and attested to by the City Clerk of said City, all at a regular meeting of said Council held on the ____ day of ____ 2024, 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