



# AGENDA

EL SEGUNDO CITY COUNCIL  
REGULAR MEETING  
TUESDAY, SEPTEMBER 20, 2022

4:00 PM CLOSED SESSION  
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**  
**Scot Nicol, Council Member**  
**Lance Giroux, Council Member**

Tracy Weaver, City Clerk  
Matthew Robinson, City Treasurer

## Executive Team

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

Mark Hensley, City Attorney  
Joe Lillio, Chief Financial Officer  
Deena Lee, 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 take action upon properly posted and listed agenda items. Any writings or documents given to a majority of City Council regarding any matter on this agenda that the City received after issuing the agenda packet are available for public inspection in the City Clerk's Office during normal business hours. Such documents may also be posted on the City's website at [www.elsegundo.org](http://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.

***In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 310-524-2305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.***

**4:00 PM CLOSED SESSION – CALL TO ORDER / ROLL CALL**

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

**SPECIAL ORDERS OF BUSINESS**

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

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (GOV’T CODE §54956.9(D)(1): -1- MATTER(S)**

1. Breck Slover (Retired Fire Fighter) v. City of El Segundo, Workers Compensation Appeals Board Case No. ADJ12808178

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Government Code §54956.9(c): -1- matter.

**CONFERENCE WITH CITY’S LABOR NEGOTIATOR (GOV’T CODE §54957.6): -3- MATTER(S)**

1. Employee Organizations: Fire Fighters Association (FFA), Police Officers Association (POA), and Supervisory Professional Employee Association (SPEA).

Representative: Irma Moisa Rodriguez, City Manager, Darrell George, and Human Resources Director, Rebecca Redyk.

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

**INVOCATION** – Rabbi Dovid Lisbon, Jewish Community Center

**PLEDGE OF ALLEGIANCE** – Council Member Nicol

**SPECIAL PRESENTATIONS - NONE**

**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)**

1. Report from Police Chief, Jaime Bermudez

**A. PROCEDURAL MOTIONS**

**Read All Ordinances and Resolutions on the Agenda by Title Only**

Recommendation -

Approval

**B. CONSENT**

**2. City Council Meeting Minutes**

Recommendation -

1. Approve Regular City Council Minutes of September 6, 2022

**3. Warrant Demand Register for August 15, 2022 through August 28, 2022**

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 4B and 4C: warrant numbers 3041989 through 3042239, and 9002627 through 9002631.
3. Alternatively, discuss and take other action related to this item.

**4. Pavement Rehabilitation Project Award**

Recommendation -

1. Authorize the City Manager to execute a standard Public Works Contract with DASH Construction in the amount of \$997,777 for FY 22-23 Pavement Rehabilitation of East El Segundo Boulevard from Whiting Street to Illinois Street, Project No. PW 22-01, and authorize an additional \$117,523 for construction related contingencies.

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2. Authorize the City Manager to execute a standard Professional Services Agreement with KOA Corporation in the amount of \$77,000 for construction inspection and testing services and authorize an additional \$7,700 for construction related contingencies.

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

**5. Imperial Sewer Flume and Sand Hill Sewer Flume Rehabilitation Project**

Recommendation -

1. Adopt a resolution to approve plans and specifications for the Imperial Sewer Flume and Sand Hill Sewer Flume Rehabilitation Project No. PW 22-16.

2. Authorize staff to advertise the project for construction.

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

**6. El Segundo Boulevard Improvement Project**

Recommendation -

1. Authorize the City Manager to sign the Measure M Funding Agreement between the City of El Segundo and the Los Angeles County Metropolitan Transportation Authority to receive \$4,050,000 Measure M funds and \$786,537 in Federal Transportation Earmark Exchange Program Funds to finance the El Segundo Boulevard Improvement Project.

2. Adopt a resolution to approve plans and specifications for the El Segundo Boulevard Improvement Project No. PW 23-02.

3. Authorize staff to advertise the project for construction bids.

4. Authorize the City Clerk to file a Notice of Exemption (NOE) with the Los Angeles County Clerk in support of the City's determination that the project is exempt from CEQA.

5. Authorize the City Manager to execute a Professional Services Agreement with MNS Engineers for \$65,300 for construction administration during bidding and construction phases.

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

**7. Police Department Purchase of Sixty-Five (65) Model TASER 7 Devices**

Recommendation -

1. Authorize the police department to purchase sixty-five (65) TASER 7's for \$181,988.60 and replace the X26P TASERS that are currently being used.
2. Pursuant to El Segundo Municipal Code 1-7-10, allow staff to purchase said tasers through Axon Enterprise, incorporated under an existing contract with NPP (National Purchasing Partners, Contract #VH11630).
3. Alternatively, discuss and take other action related to this item.

**8. Resolution to Execute a Grant Agreement with the Department of Alcoholic Beverage Control for Fiscal Year 22-23**

Recommendation -

1. Adopt resolution authorizing acceptance of a \$74,901 grant from the California Department of Alcoholic Beverage Control (ABC) for its alcohol enforcement and education program.
2. Authorize the City Manager to execute the associated grant agreement with ABC.
3. Alternatively, discuss and take other action related to this item.

**9. Implementation of Reorganization of City Departments – Second Reading**

Recommendation -

1. Waive second reading and adopt proposed Ordinance amending the El Segundo Municipal Code to reflect revised names of certain departments and positions.
2. Alternatively, discuss and take other action related to this item.

**10. Resolution Allowing Continued Teleconferenced Public Meetings**

Recommendation -

1. Approve the proposed resolution to continue the City's utilization of relaxed teleconferencing requirements under the Brown Act.
2. Alternatively, discuss and take other action related to this item.

**C. PUBLIC HEARINGS - NONE**

**D. STAFF PRESENTATIONS**

**11. Smoky Hollow Pilot Parking Project Update**

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Recommendation -

1. Provide feedback and direction to staff regarding the recommended three conceptual design options and advance the selected option.
2. Alternatively, discuss and take other action related to this item.

**12. Main Street / Imperial Highway Monument Sign**

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Recommendation -

1. Provide feedback and direction to staff regarding the selected option of the "Old Time Postcard Inspiration" conceptual design.
2. Alternatively, discuss and take other action related to this item.

**13. One-Year Extension of Joint Use Agreements with El Segundo Unified School District**

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Recommendation -

1. Approve a one-year extension of Joint Use Agreement for Public Recreation Facilities between the City of El Segundo and the El Segundo Unified School District. (ATTACHMENT A)
2. Approve a one-year extension of Joint Use Agreement Studio and Equipment with El Segundo Unified School District. (ATTACHMENT B)
3. Alternatively, discuss and take other action related to this item.

**E. COMMITTEES, COMMISSIONS AND BOARDS PRESENTATIONS**

**14. El Segundo Senior Citizens Housing Corporation Board Updated Annual Report and Requests of City Council**

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Recommendation -

1. Receive an updated presentation from the Senior Citizens Housing Corporation Board.
2. Provide direction on the following requests from the Senior Citizens Housing Corporation Board:
  - o Formally dedicate 504 funds solely for Park Vista.
  - o Grant the Board the authority to increase parking rates by 2% per annum until canceled.
  - o Continue allowing the Board to raise rents on current residents by up to 2%.

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- Increase rental rate for new, incoming tenants to 65% of market rate effective 1/1/2023 for new tenants.

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

**F. REPORTS - CITY CLERK**

**G. REPORTS - CITY TREASURER**

**15. Resolution to Adopt Updated Investment Policy**

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Recommendation -

1. Adopt a resolution approving the statement of Investment Policy.
2. Alternatively, discuss and take other action related to this item.

**16. Resolution Authorizing Investment of Monies in the Local Agency Investment Fund by Specified City Officers**

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Recommendation -

1. Adopt a resolution reaffirming designated City officers having authority to deposit and withdraw money from the Local Agency Investment Fund (LAIF).
2. Alternatively, discuss and take other action related to this item.

**H. REPORTS - COUNCIL MEMBERS**

COUNCIL MEMBER GIROUX

COUNCIL MEMBER NICOL

COUNCIL MEMBER PIRSZTUK

MAYOR PRO TEM PIMENTEL

MAYOR BOYLES

**I. REPORTS - CITY ATTORNEY**

**J. REPORTS/FOLLOW-UP - CITY MANAGER**

**CLOSED SESSION**

*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: September 16, 2022

TIME: 10:30 AM

BY: Tracy Weaver

MEETING MINUTES OF THE EL SEGUNDO CITY COUNCIL  
TUESDAY, SEPTEMBER 6, 2022

CLOSED SESSION – Mayor Boyles called to order at 5:00 PM.

ROLL CALL

Mayor Boyles - Present  
Mayor Pro Tem Pimentel - Present @ 5:04 PM  
Council Member Pirsztuk - Present  
Council Member Nicol - Present  
Council Member Giroux - Present

PUBLIC COMMUNICATION – (Related to City Business Only – 5-minute limit per person, 30-minute limit total) None

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 CITY’S LABOR NEGOTIATOR (GOV’T CODE §54957.6): -3-MATTER(S)

Employee Organizations: Fire Fighters’ Association (FFA), Police Officers’ Association (POA), and Supervisory Professional Employee Association (SPEA).

Agency Designated Representative: Irma Moisa Rodriguez, City Manager, Darrell George, and Human Resources Director, Rebecca Redyk

Adjourned at 5:55 PM

OPEN SESSION – Mayor Boyles called to order at 6:00 PM

ROLL CALL

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

INVOCATION – Pastor Chris Stewart, The Bridge Church

PLEDGE OF ALLEGIANCE – Council Member Giroux

SPECIAL PRESENTATIONS:

1. Holly Mitchell, Los Angeles County Supervisor attended the meeting via Zoom to introduce herself to the Council and Community.
2. Jaime Bermudez, Police Chief and Council recognized Sgt. Brandon Browning for graduating from the Sherman Block Supervisory Leadership Institute.

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

Linda Cohen, resident, commented Bicycle Angels is hosting a charity event on September 17, 2022 at the California Yacht Club.

Cyrus Rangan, M.D., from Department of Health, commented on the Hyperion Reclamation Wastewater Plant.

Sanjay Gaur, Culver City, commented on the drought situation in California.

Margie Leahey, resident, commented on Washington Street's traffic, residents running stop signs and speeding.

Liz Garnholz, resident, commented on the Hyperion Reclamation Wastewater Plant.

Corrie Zupo, resident, commented on the AQMD hearing. Commented on Dr. Low and his history of downplaying residents' concerns.

Kyle Wheeler, resident, commented on the Hyperion Reclamation Wastewater Plant.

Mike Bornstein, resident, commented on the Hyperion Reclamation Wastewater Plant.

Jeffry Schuh, resident, commented on the City's emergency preparedness when lives are threatened.

Trevor Koppel, resident, commented on the Hyperion Reclamation Wastewater Plant and the AQMD Hearing that occurred today.

Angie Greenspan, resident, commented on the AQMD Hearing today and the inspector who testified. Mentioned Childcare options in El Segundo are lacking.

Kirt Suihkonen, resident, asked who is the regulatory body that is accountable for the Hyperion Reclamation Wastewater Plant.

Julia Cohen, resident, commented on the Hyperion Reclamation Wastewater Plant.

Danielle Busse, resident, commented on the Hyperion Reclamation Wastewater Plant.

Joe Mannion, resident, commented on the Hyperion Reclamation Wastewater Plant.

Sam Hedding, resident, commented on the Hyperion Reclamation Wastewater Plant.

Tamara Kechowski, resident, commented on the Hyperion Reclamation Wastewater Plant.

Michelle Bergdahl, resident, commented on the Hyperion Reclamation Wastewater Plant.

Council Member Nicol left the dais due to an emergency

Recessed at 7:02 PM

Reconvened at 7:08 PM

CITY MANAGER FOLLOW-UP COMMENTS:

Commented on various items regarding Hyperion Reclamation Wastewater Plant and the City's role.

Mark Hensley, City Attorney also commented on previous hearings and meetings that the City has attended.

Mayor Boyles suggested full court press, possibility of declaring State of Emergency, and/or possible lawsuit/litigation. Council agreed to will hold a Special Meeting on Thursday, September 8, 2022 at 7:00 AM to discuss next steps regarding the Hyperion Reclamation Wastewater Plant.

Jaime Bermudez, Police Chief commented and updated the community on the bomb threat at ESMoA that occurred over a year ago.

Aly Mancini, Recreation, Parks and Library Director reported the Field Use Metrics. Council requested a higher-level discussion on Field Use Metrics.

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

MOTION by Mayor Pro Tem Pimentel, SECONDED by Council Member Giroux to read all ordinances and resolutions on the agenda by title only. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0 (Council Member Nicol was at the dais for the vote, the vote was out of order)

B. CONSENT:

3. Approve Regular City and Special meeting minutes of August 16, 2022.  
(Fiscal Impact: None)
4. Approve warrants demand register for July 4, 2022 through August 14, 2022, number 1A, 2A, 2B, 3A, 3B, and 4A, warrant numbers 3041387 through 3041988, and 9002562 through 9002626. Ratify Payroll and employee benefit Checks; Checks released early due to contracts or agreement; Emergency disbursements and/or adjustments; and, Wire transfers.  
(Fiscal Impact: \$15,813,685.55 (\$3,767,560.23 in check warrants and \$12,046,125.32 in wire warrants))
5. Authorize City Manager to execute one-year Agreement No. 6485 for hardware and a subscription with Tec-Refresh, Inc. to purchase Palo Alto Networks Cyber Security Firewall providing cyber security protection for fiscal year 2022-23.  
(Fiscal Impact: \$178,699.95. These costs are included in the FY 2022-23 Information Technology Equipment Replacement Budget)
6. Adopt a motion, by four-fifths vote, to determine there is no longer a need to continue the emergency actions approved under Resolution No. 5343, accept the El Segundo Wiseburn Aquatics Center Heater Repair by Knorr Systems as Complete and authorize the City Clerk to file a Notice of Completion in the County Recorder's Office. Project No. PW-22-14.  
(Fiscal Impact: Wiseburn has provided the City with three checks in the amount of \$40,000 each, totaling \$120,000, over the prior three fiscal years. Wiseburn was invoiced for the FY 2022-23 contribution of \$40,000, bringing the total to \$160,000 that Wiseburn has contributed towards the replacement reserve account per the joint use agreement. The \$160,000 is placed in a reserve account in Fund 601 (Equipment Replacement Fund) and needs to be reimbursed to the GF where the repair of the pool heater was expensed)

7. Authorize the City Manager to Execute Standard Maintenance Contract No. 6483 for one year (plus to optional one-year extensions) with Western Indoor Environmental Services in the annual amount of \$49,980 for the Downtown El Segundo Sidewalk Power Washing and authorize an additional \$10,020 for contingencies. Project No. ENG 23-02.  
(Fiscal Impact: \$60,000. Included in FY 2022/23 Budget)
8. Waive second reading and adopt Ordinance No. 1638 amending El Segundo Municipal Code Chapter 5-8 to implement State Assembly Bill 1276 regulating Single-Use Foodware Accessories and Standard Condiments and designate the City as the associated enforcement agency.  
(Fiscal Impact: City enforcement costs will correspond to the level of enforcement the City deems appropriate, although fine collection may mitigate such costs)
9. Authorize City Manager to execute Agreement No. 6486 with Impex Technologies to purchase a Nutanix license renewal and support services for \$67,966.49 to maintain the City's technical infrastructure.  
(Fiscal Impact: \$67,966.49. Included in FY 2022/23 budget)

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

C. PUBLIC HEARINGS:

10. Resolution Adopting Vehicle Miles Travelled Thresholds of Significance for Purposes of Analyzing Transportation Impacts under the California Environmental Quality Act  
(Fiscal Impact: None)

Mayor Boyles stated this was time and place for a Public Hearing regarding a resolution adopting Vehicle Miles Travelled Thresholds of Significance for purposes of analyzing transportation impacts under the California Environmental Quality Act.

Clerk Weaver stated that proper notice had been given in a timely manner and that no written communication had been received in the City Clerk's office.

Michael Allen, Community Development Director and Paul Samaras, Principal Planner gave a presentation on the item.

Public Input: None

MOTION by Council Member Giroux, SECONDED by Council Member Pirsztuk to close the public hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 4/0

Council Discussion

Mark Hensley, City Attorney read by title only:

RESOLUTION NO. 5358

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO  
ADOPTING VEHICLE MILES TRAVELED (VMT) THRESHOLDS OF SIGNIFICANCE  
FOR PURPOSES OF ANALYZING TRANSPORTATION IMPACTS UNDER THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND DETERMINING THAT  
ADOPTION OF THE VMT THRESHOLDS IS NOT A PROJECT SUBJECT TO CEQA  
REVIEW

MOTION by Council Member Pirsztuk, SECONDED by Council Member Giroux  
approving Resolution No. 5358. MOTION PASSED BY UNANIMOUS VOICE VOTE. 4/0

D. STAFF PRESENTATIONS:

11. **PULLED AND MOVED TO SEPTEMBER 20, 2022 COUNCIL MEETING**

Grant Award from Chevron U.S.A., Inc. in the Amount of \$75,000 to Support  
Economic Development within the City of El Segundo  
(Fiscal Impact: \$75,000 Revenue for the Economic Development Grant Account  
702-221-2401-1281)

12. Main Street / Imperial Highway Monument Sign

(Fiscal Impact: \$450,000 (\$150,000 General Fund & \$300,000 Cultural Arts Fund  
- included in the Adopted FY 2020-2021 CIP Fund Budget)

Elias Sassoon, Public Works Director introduced the item.

Chuck Foley, President, Hirsch & Associates gave a presentation.

Council Discussion

Council requested a few changes and a specific breakdown of cost regarding option  
two. The item will be brought back to a future City Council meeting for a final decision.

Recessed at 9:13 PM

Reconvened at 9:23 PM

Mayor Pro Tem left the dais and joined the meeting via teleconference.

13. Implementation of Reorganization of City Departments

(Fiscal Impact: None. Included in FY 2022-23 Budget)

Rebecca Redyk, Human Resources Director reported on the item.

Council Discussion

Mark Hensley, City Attorney read by title only;

RESOLUTION NO. 5359

A RESOLUTION ESTABLISHING BASIC MONTHLY SALARY RANGES FOR FULL TIME JOB CLASSIFICATIONS

MOTION by Council Member Pirsztuk, SECONDED by Council Member Giroux approving Resolution No. 5359 as amended. MOTION PASSED BY UNANIMOUS VOICE VOTE. 4/0

Mark Hensley, City Attorney read by title only;

ORDINANCE NO. 1639

AN ORDINANCE AMENDING THE EL SEGUNDO MUNICIPAL CODE TO REFLECT CHANGES TO THE CITY'S INTERNAL ORGANIZATION, INCLUDING REVISED NAMES OF CERTAIN DEPARTMENTS AND CLASSIFICATIONS.

Council Member Giroux introduced Ordinance No. 1639. Second reading and possible adoption scheduled for the regular scheduled City Council meeting on September 20, 2022.

14. City of El Segundo FY 2022-2026 Strategic Plan  
(Fiscal Impact: Implementation of the FY 2022-2026 Strategic Plan will be considered and prioritized in the annual Citywide budget each fiscal year)

Darrell George, City Manager and Portland Bates, Management Analyst gave a presentation.

Council Discussion

MOTION by Council Member Giroux, SECONDED by Council Member Pirsztuk adopting the FY 2022-2026 Strategic Plan. MOTION PASSED BY UNANIMOUS VOICE VOTE. 4/0

15. Update on the City's Homeless Outreach Program  
(Fiscal Impact: None)

Jaime Bermudez, Police Chief introduced the item.

Sgt. Alex Leavitt, Community Engagement Division, reported on the item.

Council Discussion

Council consensus to receive and file the report.

E. COMMITTEES, COMISSIONS AND BOARDS PRESENTATIONS:

***(Moved up to after Public Hearing)***

16. Diversity, Equity, and Inclusion Committee Local Economy Report  
(Fiscal Impact: There will be direct and indirect fiscal impacts to the City's General Fund, including staff time and possibly funds for additional business community engagement activities. These costs will likely be absorbed in the FY 2022-2023 General Fund Budget. If there are greater financial needs, staff will return to City Council for separate budget appropriation requests)

Avery Smith, DEI Chairperson reported on the item.

Rebecca Redyk, Human Resources Director answered Council's questions.

Council discussion

Council consensus to receive and file the report.

MOTION by Council Member Pirsztuk, SECONDED by Council Member Giroux to moved forward on recommended activities #1-5. MOTION PASSED BY UNANIMOUS VOICE VOTE. 4/0

F. REPORTS – CITY CLERK – No report

G. REPORTS – CITY TREASURER –

***(Moved up to before Consent)***

17. Investment Portfolio Report June 2022  
(Fiscal Impact: None)

Matthew Robinson, City Treasurer gave a presentation.

Council discussion

Council consensus to receive and file the report.

H. REPORTS – COUNCIL MEMBERS

Council Member Giroux – No report

Council Member Nicol – No report

Council Member Pirsztuk – Mentioned two upcoming events; Ed!toberfest on Friday, September 17, 2022 at 6:00 PM and Main Street Fair on Saturday, September 24, 2022. Enjoyed the Artwalk and would like to see a final accounting of the event to gage if the City will need to subsidize next year.

Mayor Pro Tem Pimentel – No report. Left teleconferencing at 10:15 PM

Mayor Boyles – Attended ribbon cuttings for Dipped Ice Cream and L’Oreal, met with leaders from Torrance to share ideas and mentioned the State of the City will be on Wednesday, September 14, 2022 at Pacific Corporate Towers from 11:30 – 1:30 PM.

- I. REPORTS – CITY ATTORNEY – Announced the City of El Segundo received a unanimous verdict in favor of the City in the case of O’Connor vs El Segundo. There will be legal fees in upwards of \$500,000, however, a portion of the fee could be recovered. Mr. Hensley will report if fees are recovered and what amount when appropriate.
- J. REPORTS/FOLLOW-UP – CITY MANAGER – Announced the City of El Segundo is a finalist for the Most Business Friendly City from the Los Angeles Economic Development Corporation (LAEDC). The Annual Eddy Awards will take place November 9, 2022 at SoFi Stadium.

MEMORIALS – None

Adjourned at 10:19 PM

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Tracy Weaver, City Clerk



## City Council Agenda Statement

Meeting Date: September 20, 2022

Agenda Heading: Consent

Item Number: B.3

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### TITLE:

Warrant Demand Register for August 15, 2022 through August 28, 2022

### 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 4B and 4C: warrant numbers 3041989 through 3042239, and 9002627 through 9002631.
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 2022-2023 Adopted Budget. The total of \$2,864,192.08 (\$1,748,802.38 in check warrants and \$1,115,389.70 in wire warrants) are for demands drawn on the FY 2022-2023 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.

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

## **Warrant Demand Register**

**September 20, 2022**

**Page 2 of 2**

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

Objective 5B: El Segundo approaches its work in a financially strategic and responsible way.

#### **PREPARED BY:**

Wei Cao, CPA, CPFO, Management Analyst

#### **REVIEWED BY:**

Joseph Lillio, Chief Financial Officer

#### **APPROVED BY:**

Barbara Voss, Deputy City Manager

### **ATTACHED SUPPORTING DOCUMENTS:**

1. Register 4b Summary
2. Register 4c Summary

CITY OF EL SEGUNDO  
WARRANTS TOTALS BY FUND

3041989 - 3042147

DATE OF APPROVAL: AS OF 09/06/22

REGISTER # 4b

001	GENERAL FUND	592,324.33
003	EXPENDABLE TRUST FUND - OTHER	1,000.00
104	TRAFFIC SAFETY FUND	-
106	STATE GAS TAX FUND	3.06
108	ASSOCIATED RECREATION ACTIVITIES FUND	-
109	ASSET FORFEITURE FUND	7,259.61
110	MEASURE "R"	-
111	COMM. DEVEL. BLOCK GRANT	-
112	PROP "A" TRANSPORTATION	2,813.89
114	PROP "C" TRANSPORTATION	-
115	AIR QUALITY INVESTMENT PROGRAM	-
116	HOME SOUND INSTALLATION FUND	-
117	HYPERION MITIGATION FUND	-
118	TDA ARTICLE 3 - SB #21 BIKEWAY FUND	-
119	MTA GRANT	-
120	C. O. P. S. FUND	-
121	FEMA	-
122	L.A.W.A. FUND	-
123	PSAF PROPERTY TAX PUBLIC SAFETY	-
124	FEDERAL GRANTS	-
125	STATE GRANT	8,400.00
126	A/P CUPA PROGRAM OVERSIGHT SURCHARGE	29.93
127	MEASURE "M"	-
128	SB-1	-
129	CERTIFIED ACCESS SPECIALIST PROGRAM	-
130	AFFORDABLE HOUSING	-
131	COUNTY STORM WATER PROGRAM	480.00
202	ASSESSMENT DISTRICT #73	-
301	CAPITAL IMPROVEMENT FUND	48,755.32
302	INFRASTRUCTURE REPLACEMENT FUND	-
405	FACILITIES MAINTENANCE	-
501	WATER UTILITY FUND	443,091.43
502	WASTEWATER FUND	33,558.98
503	GOLF COURSE FUND	-
505	SOLID WASTE FUND	-
601	EQUIPMENT REPLACEMENT	-
602	LIABILITY INSURANCE	11.52
603	WORKERS COMP. RESERVE/INSURANCE	22.50
701	RETIRED EMP. INSURANCE	-
702	EXPENDABLE TRUST FUND - DEVELOPER FEES	5,012.22
704	CULTURAL DEVELOPMENT	8.01
708	OUTSIDE SERVICES TRUST	123,248.29
	TOTAL WARRANTS	<u>\$ 1,266,019.09</u>

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

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

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

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

CODES:

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

For Ratification:

A = Payroll and Employee Benefit checks

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

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

CHIEF FINANCIAL OFFICER

*[Signature]*  
8-22-2022

CITY MANAGER

*[Signature]*  
8-23-22

DATE:

DATE:

VOID CHECKS DUE TO ALIGNMENT:

N/A

VOID CHECKS DUE TO INCORRECT CHECK DATE:

VOID CHECKS DUE TO COMPUTER SOFTWARE ERROR:

NOTES



CITY OF EL SEGUNDO  
WARRANTS TOTALS BY DEPARTMENT  
AS OF 09/06/22  
REGISTER # 4b

DEPT#	NAME	TOTAL
<b>GENERAL FUND DEPARTMENTAL EXPENDITURES</b>		
<b>GENERAL GOVERNMENT</b>		
1101	City Council	183.58
1201	City Treasurer	
1300	City Clerk	567.16
2101	City Manager	6,423.02
2102	Communications	
2103	El Segundo Media	
2201	City Attorney	
2401	Economic Development	6,333.00
2402	Planning	
2500	Administrative Services	84,101.05
2601	Government Buildings	35,832.18
2700	Community Outreach/Planning	1,480.00
2900	Nondepartmental	4,635.20
6100	Library	25,910.83
		<u>165,466.02</u>
<b>PUBLIC SAFETY</b>		
3100	Police	56,622.66
3200	Fire	49,246.28
2403	Building Safety	60.66
2404	Plng/Bldg Sfty Administration	894.72
		<u>106,824.32</u>
<b>PUBLIC WORKS</b>		
4101	Engineering	10,857.50
4200	Streets/Park Maintenance	40,259.24
4300	Wastewater	
4601	Equipment Maintenance	6,733.86
4801	Administration	56.70
		<u>57,907.30</u>
<b>COMMUNITY SERVICES</b>		
5100,5200	Recreation & Parks	23,318.41
5400	Centennial	9,563.23
		<u>32,881.64</u>
<b>EXPENDITURES</b>		
<b>CAPITAL IMPROVEMENT</b>		
		48,755.32
<b>ALL OTHER ACCOUNTS</b>		
		854,184.49
<b>TOTAL WARRANTS</b>		<u><u>1,266,019.09</u></u>

CITY OF EL SEGUNDO  
WARRANTS TOTALS BY FUND

3042148 - 3042239  
9002627 - 9002631

DATE OF APPROVAL: AS OF 09/06/22

REGISTER # 4c

001	GENERAL FUND	194,757.26
003	EXPENDABLE TRUST FUND - OTHER	27,043.00
104	TRAFFIC SAFETY FUND	-
106	STATE GAS TAX FUND	2,827.23
108	ASSOCIATED RECREATION ACTIVITIES FUND	-
109	ASSET FORFEITURE FUND	338.00
110	MEASURE "R"	-
111	COMM. DEVEL. BLOCK GRANT	-
112	PROP "A" TRANSPORTATION	28,860.00
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	-
120	C.O.P.S. FUND	-
121	FEMA	-
122	L.A.W.A. FUND	-
123	PSAF PROPERTY TAX PUBLIC SAFETY	-
124	FEDERAL GRANTS	-
125	STATE GRANT	-
126	A/P CUPA PROGRAM OVERSIGHT SURCHARGE	8,229.41
127	MEASURE "M"	1,008.08
128	SB-1	-
129	CERTIFIED ACCESS SPECIALIST PROGRAM	3.80
130	AFFORDABLE HOUSING	-
131	COUNTY STORM WATER PROGRAM	240.00
202	ASSESSMENT DISTRICT #73	-
301	CAPITAL IMPROVEMENT FUND	85,903.27
302	INFRASTRUCTURE REPLACEMENT FUND	-
405	FACILITIES MAINTENANCE	-
501	WATER UTILITY FUND	3,922.79
502	WASTEWATER FUND	7,813.86
503	GOLF COURSE FUND	130,185.34
505	SOLID WASTE FUND	-
601	EQUIPMENT REPLACEMENT	-
602	LIABILITY INSURANCE	-
603	WORKERS COMP. RESERVE/INSURANCE	49.25
701	RETIRED EMP. INSURANCE	-
702	EXPENDABLE TRUST FUND - DEVELOPER FEES	-
704	CULTURAL DEVELOPMENT	9,000.00
708	OUTSIDE SERVICES TRUST	2,602.00

TOTAL WARRANTS \$ 482,783.29

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

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

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

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

CODES:

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

For Ratification:

A = Payroll and Employee Benefit checks

AP - U = 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

*Joseph Della*  
8-29-2022

CITY MANAGER

*Debra*

DATE:

DATE:

8-29-22

VOID CHECKS DUE TO ALIGNMENT:

N/A

VOID CHECKS DUE TO INCORRECT CHECK DATE:

VOID CHECKS DUE TO COMPUTER SOFTWARE ERROR:

NOTES

CITY OF EL SEGUNDO  
WARRANTS TOTALS BY DEPARTMENT  
AS OF 09/06/22  
REGISTER # 4c

DEPT#	NAME	TOTAL
<b>GENERAL FUND DEPARTMENTAL EXPENDITURES</b>		
<b>GENERAL GOVERNMENT</b>		
1101	City Council	383,74
1201	City Treasurer	380,00
1300	City Clerk	683,10
2101	City Manager	41,10
2102	Communications	
2103	EI Segundo Media	
2201	City Attorney	
2401	Economic Development	23,62
2402	Planning	
2500	Administrative Services	104,901.72
2601	Government Buildings	5,221.04
2700	Community Outreach/Planning	
2900	Nondepartmental	26,646.49
6100	Library	1,195.78
		<u>139,476.59</u>
<b>PUBLIC SAFETY</b>		
3100	Police	10,921.17
3200	Fire	1,151.15
2403	Building Safety	
2404	Plng/Bldg Sfty Administration	257.46
		<u>12,329.78</u>
<b>PUBLIC WORKS</b>		
4101	Engineering	9,396.08
4200	Streets/Park Maintenance	6,862.94
4300	Wastewater	
4601	Equipment Maintenance	3,635.48
4801	Administration	44.66
		<u>19,939.16</u>
<b>COMMUNITY SERVICES</b>		
5100,5200	Recreation & Parks	6,424.55
5400	Centennial	8,784.83
		<u>15,209.38</u>
<b>EXPENDITURES</b>		
<b>CAPITAL IMPROVEMENT</b>		
		65,903.27
<b>ALL OTHER ACCOUNTS</b>		
		229,925.11
<b>TOTAL WARRANTS</b>		
		<u><u>482,783.29</u></u>

**CITY OF EL SEGUNDO  
 PAYMENTS BY WIRE TRANSFER  
 08/22/22 THROUGH 08/28/22**

<u>Date</u>	<u>Payee</u>		<u>Description</u>
8/22/2022	IRS	277,237.59	Federal 941 Deposit
8/22/2022	Employment Development	4,947.56	State SDI payment
8/22/2022	Employment Development	63,375.65	State PIT Withholding
8/25/2022	Cal Pers	580,720.35	EFT Health Insurance Payment
08/15/22-08/21/22	Workers Comp Activity	41,922.79	SCRMA checks issued
08/15/22-08/21/22	Liability Trust - Claims	23,842.11	Claim checks issued/(voided)
08/15/22-08/21/22	Retiree Health Insurance	-	Health Reimbursement checks issued
		<u>992,046.05</u>	

**DATE OF RATIFICATION: 08/29/22**

**TOTAL PAYMENTS BY WIRE:**

992,046.05

Certified as to the accuracy of the wire transfers by:

  
 \_\_\_\_\_  
 Deputy City Treasurer II

08/29/2022  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Chief Financial Officer

8-29-2022  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 City Manager

8-29-22  
 \_\_\_\_\_  
 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: September 20, 2022

Agenda Heading: Consent

Item Number: B.4

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### TITLE:

Pavement Rehabilitation Project Award

### RECOMMENDATION:

1. Authorize the City Manager to execute a standard Public Works Contract with DASH Construction in the amount of \$997,777 for FY 22-23 Pavement Rehabilitation of East El Segundo Boulevard from Whiting Street to Illinois Street, Project No. PW 22-01, and authorize an additional \$117,523 for construction related contingencies.
2. Authorize the City Manager to execute a standard Professional Services Agreement with KOA Corporation in the amount of \$77,000 for construction inspection and testing services and authorize an additional \$7,700 for construction related contingencies.
3. Alternatively, discuss and take other action related to this item.

### FISCAL IMPACT:

Included in Adopted FY 21-22 Budget and re-adopted for FY 22-23. The project cost is \$1,200,000 and is fully funded by the SB-1 Fund, Measure M Local Return Fund, and Measure R Local Return Fund.

Amount Budgeted: \$533,550.00

Additional Appropriation: \$666,450 to 127-400-0000-8382 (Measure M Expenditure)

Account Number(s): \$333,550 from 128-400-0000-8383 (SB 1 Expenditure)

\$200,000 from 110-400-8203-8943 (Measure R Local Streets)

\$666,450 from 127-400-0000-8382 (Measure M Expenditure)

## **Pavement Rehabilitation Project Award**

**September 20, 2022**

**Page 2 of 3**

### **BACKGROUND:**

On June 7, 2022, the City Council adopted the plans and specifications for the FY 2021-22 Pavement Rehabilitation Project and authorized staff to advertise this project for construction. The scope of construction includes grinding the top two inches of East El Segundo Boulevard from Whiting Street to Illinois Street, and overlaying it with asphalt.

It is to be noted that the average Pavement Condition Index (PCI) of this roadway is 66. This index number (from 100 to 0) indicates the quality of the pavement, with a perfect score being 100.

### **DISCUSSION:**

City staff advertised the project, and the City Clerk received and opened the following five bids on July 19, 2022:

1. Hardy and Harper, Inc. (Lake Forest, CA)	\$961,000.00
2. DASH Construction (Woodland Hills, CA)	\$997,777.00
3. Sully-Miller Contracting (Brea, CA)	\$1,012,700.00
4. All American Asphalt (Corona, CA)	\$1,064,899.00
5. Palp, Inc. DBA Excel Paving Company (Long Beach, CA)	\$1,198,600.00

A protest against the lowest bidder, Hardy and Harper, Inc., was received on August 19, 2022. After reviewing the protest in coordination with the City Attorney's Office, staff reached the conclusion that Hardy and Harper's bid was nonresponsive. Per bid documents, it is required that Bid Item #1, which is for "Mobilization and Demobilization," be limited to a maximum of 5% of the total bid amount. The Hardy and Harper's bid amount for this item exceeded the maximum amount. The protest and response letters are attached.

Due to this finding, staff checked the references and license status of the next lowest responsive and responsible bidder, DASH Construction. Staff found their contractor license in good standing and the performance of their work to be satisfactory. DASH Construction has successfully completed similar projects for other public agencies.

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

With the Council's authorization, construction is anticipated to commence in October 2022 and is scheduled to be completed by December 2022.

**Pavement Rehabilitation Project Award**

**September 20, 2022**

**Page 3 of 3**

**CITY STRATEGIC PLAN COMPLIANCE:**

Goal 4: Develop and Maintain Quality Infrastructure and Technology

Objective 4A: El Segundo's physical infrastructure supports an inviting and safe community.

**PREPARED BY:**

James Rice, Associate Engineer

**REVIEWED BY:**

Elias Sassoon, Public Works Director

**APPROVED BY:**

Barbara Voss, Deputy City Manager

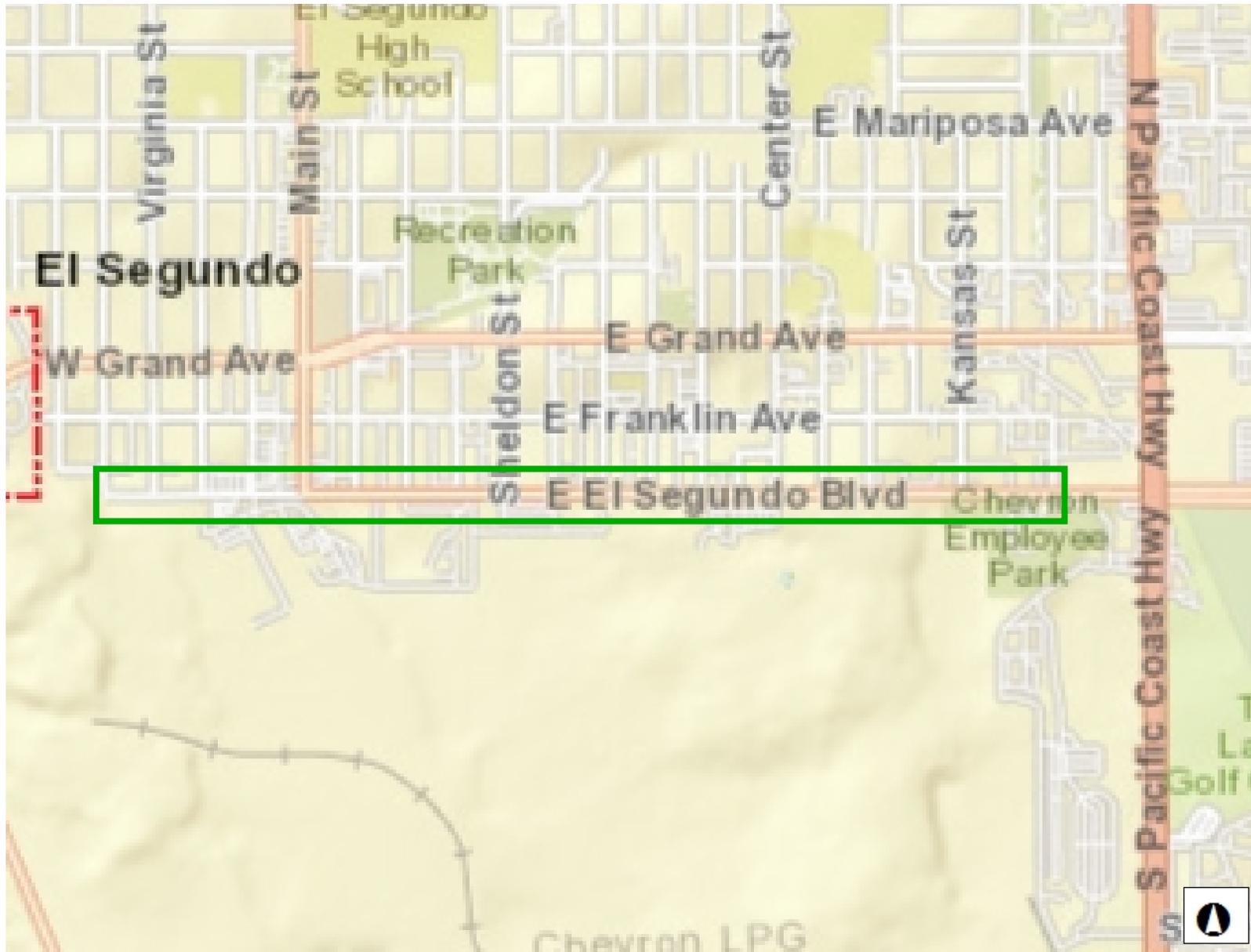
**ATTACHED SUPPORTING DOCUMENTS:**

1. Location Map
2. Vicinity Map
3. Bid Protest City Response Letter
4. Bid Protest Letter



# Location Map

## PW 22-01 FY 21-22 Pavement Rehabilitation Project



6,018.7 0 3,009.33 6,018.7 Feet

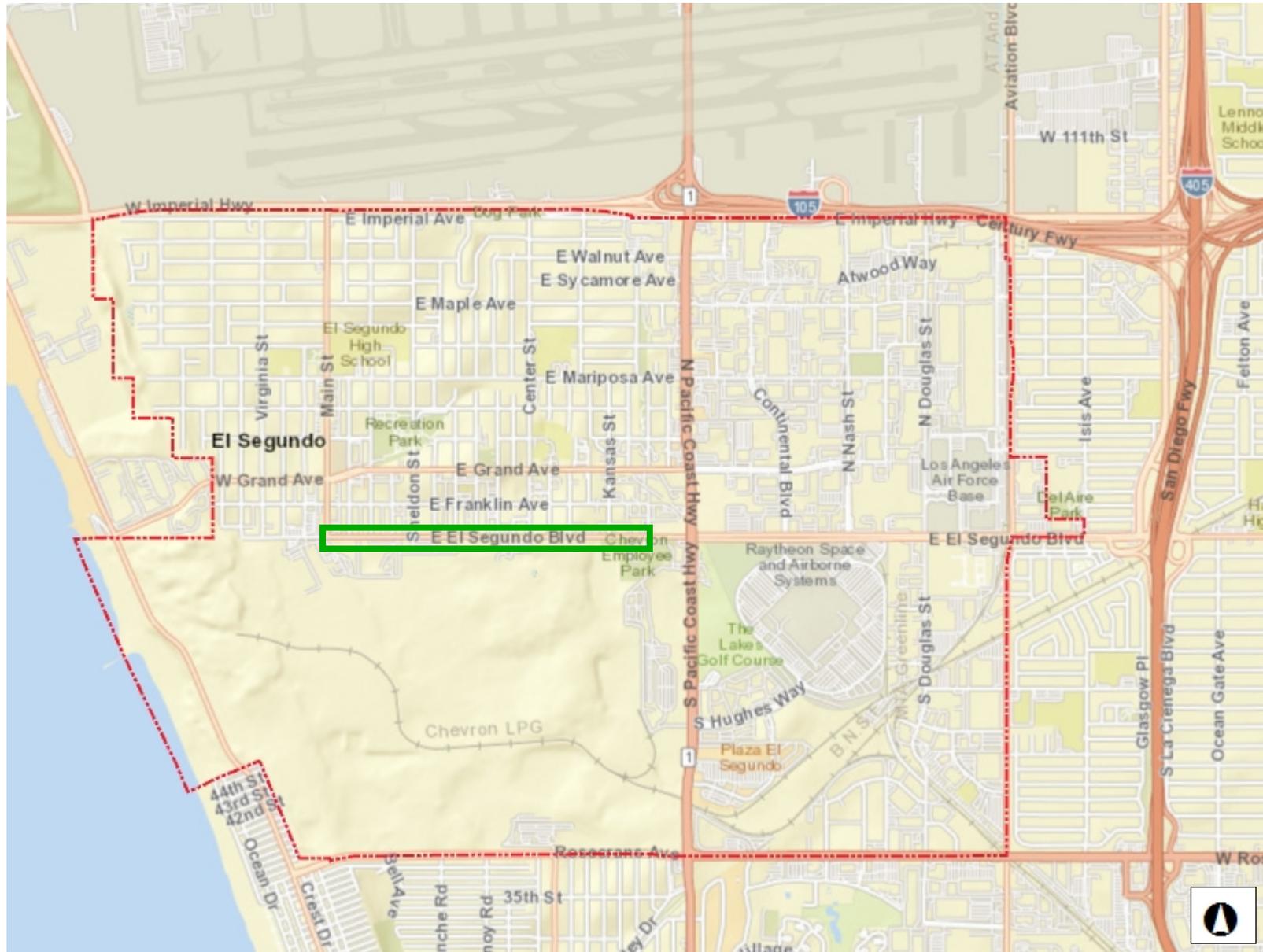
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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



# Vicinity Map

## PW 22-01 FY 21-22 Pavement Rehabilitation Project



6,018.7 | 0 | 3,009.33 | 6,018.7 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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



September 12, 2022

City of El Segundo  
350 Main Street  
El Segundo, CA 90245  
310-524-2200

Hardy and Harper, Inc.  
Attn: Mike Amundson, Senior Estimator / Senior Project Manager  
32 Rancho Circle,  
Lake Forest, CA 92630  
Via Email to [mamundson@hardyandharper.com](mailto:mamundson@hardyandharper.com)

**Elected Officials:**

*Drew Boyles,*  
Mayor  
*Chris Pimentel,*  
Mayor Pro Tem  
*Lance Giroux*  
Council Member  
*Carol Pirsztuk,*  
Council Member  
*Scot Nicol,*  
Council Member  
*Tracy Weaver,*  
City Clerk  
*Matthew Robinson,*  
City Treasurer

**Appointed Officials:**

*Darrell George,*  
City Manager  
*Mark D. Hensley,*  
City Attorney

**Department Directors:**

*Barbara Voss,*  
Deputy City Manager  
*Joseph Lillio,*  
Finance  
*Deena Lee,*  
Fire Chief  
*Rebecca Redlyk,*  
Human Resources  
*Aly Mancini,*  
Recreation, Parks & Library  
*Scott Kim,*  
Acting Information Systems  
*Michael Allen,*  
Community Development  
*Jaime Bernudez,*  
Police Chief  
*Elias Sassoon,*  
Public Works

**Subject: Protest of Hardy and Harper, Inc.’s Bid by DASH Construction for PW 22-01 FY 21/22 Pavement Rehabilitation Project**

Dear Mr. Amundson,

The City of El Segundo ("City") received the attached bid protest from DASH Construction received on August 19, 2022 concerning Hardy and Harper, Inc.’s bid for the City’s the FY 21/22 Pavement Rehabilitation Project (PW 22-01) ("Project"), which had a bid opening on July 19, 2022.

The bid protest specifically asserts “the apparent low bidder, Hardy and Harper, Inc. should be rejected on the following protest point . . . their Bid Item #1 is above the 5% maximum of the total bid amount, which is a requirement set forth in the bid documents.”

A bid must conform to the material terms of the bid package and its responsiveness must be determined on the face of the bid. *Da Silva Gates Construction v. Department of Transportation* (2015) 242 Cal.App.4th 1409; *Great West Contractors, Inc. v. Irvine Unified School District* (2010) 187 Cal.App.4th 1425. Cities have discretion to determine responsiveness and may demand strict compliance with the bid specifications. *Taylor Bus Services Inc. v. San Diego Board of Education* (1987) 195 Cal.App.3d 1331, 1343.

Here, the City’s bid documents (pages I-C-3 to I-C-4) required Bid Item #1 to be a maximum of 5% of the total bid amount. The Bid Item #1 amount of Hardy and Harper, Inc. did not meet this requirement because its total for this bid item was over 7% of its total bid. This nonconformance with the bid package is consequential because it not only affected the amount of the bid and affected the ability to make effective bid comparisons, but it also gave Hardy and Harper, Inc. an advantage over other bidders by affording it the possibility of avoiding its obligation to perform by withdrawing its bid without forfeiting its bid security under Public Contract Code § 5103. Accordingly, the bid of Hardy and Harper, Inc. did not conform to the material terms of the bid documents and is found to be nonresponsive.

For the reason set forth above staff will recommend the City Council award the Project contract to DASH Construction at its regular meeting on Tuesday, September 20, 2022. You may submit any materials concerning this bid protest and the issue of responsiveness on or before Thursday, September 15, 2022 to staff and address the City Council at its September 20, 2022 meeting.



Please contact James Rice at (310) 524-2316 or [jrice@elsegundo.org](mailto:jrice@elsegundo.org) for questions or additional information regarding the Project. We thank you for your interest in the Project and hope that you will continue to monitor the City's website for future contracting opportunities.

Sincerely,

James Rice  
Associate Engineer

CC:  
Elias Sassoon, Public Works Director  
Lifan Xu, City Engineer  
Joaquin Vazquez, Deputy City Attorney

# BID PROTEST

**District Representative:**

James Rice, Project Manager  
350 Main Street  
El Segundo, CA 90245

Project:

FY 21/22 Pavement Rehabilitation Project No.: PW 22-01

RE: Bid Protest (DASH Construction Company Inc. Bid Protest of Hardy & Harper, Inc.

**Dear Mr. Rice,**

Many thanks to the City Clerk for sending us a copy of the bid proposal from Hardy & Harper, Inc., the apparent lowest bidder, for the above referenced project. After careful analysis, we would like to bring a discrepancy in Hardy & Harper, Inc.'s bid proposal to your immediate attention. Specifically, with respect to bid document Item No.1, page: I-C-3, BID SCHEDULE (Attachment A):

Item No. Description: Mobilization/Demobilization, including traffic control; (**maximum 5% of total bid**). Further, Hardy & Harper, Inc.'s total bid for the items 1 through 10 is \$ 961,000.00, of which 5% of the total would be: **\$ 48,050.00**. As you can see the item No. 1 on the bid schedule of, however, Hardy & Harper Inc.'s total for this item is **\$73,615.00** which **is 7.6%** of their total bid. This is a material and economically significant discrepancy and deviation from the requirements listed in the bid documents.

As a representative of DASH Construction Company, Inc. I wish to request a prompt and detailed review of our protest and dispute with respect to Hardy & Harper Inc.'s bid proposal. This bid protest in no way is intended to undermine the good faith effort or reputation of our competitors or clients. However, rules are there for a reason and we have on numerous occasions lost projects because we came in as winning bidder but had committed foot faults that resulted in discrepancies and deviations from the requirement of those projects, and we ultimately had to lose out on the project. As such, we request a fair and equitable review and determination with request to our bid protest and complaint. Many thanks.

Sincerely,



Dariush Shahnava  
President

8/19/2022

Date:

This original letter will be sent by certified mail

**BID SCHEDULE**

**FY 21/22 PAVEMENT REHABILITATION PROJECT  
PROJECT NO.: PW 22-01**

Company Name: Hardy & Harper, Inc.

**BASE BID ITEMS**

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE (IN FIGURES) DOLLARS/CENTS	ITEM TOTAL (IN FIGURES) DOLLARS/CENTS
1	Mobilization/ Demobilization including traffic control (maximum 5% of total bid)	LS	1	\$ 73,615.00	\$ 73,615.00
2	Grind asphalt 2"	SF	350,000	\$0.35	\$ 122,500.00
3	Overlay 2"	SF	350,000	\$1.22	\$ 427,000.00
4	Adjust sewer and storm drain manholes to final grade	EA	60	\$1,000.00	\$ 60,000.00
5	Adjust valve covers to final grade	EA	80	\$1,000.00	\$ 80,000.00
6	Remove and replace all traffic striping, pavement markings, and pavement markers	LS	1	\$48,000.00	\$ 48,000.00
7	Install inductive loop conductor and appurtenances at Illinois Street/El Segundo Boulevard intersection	EA	1	\$2,675.00	\$ 2,675.00
8	Remove and replace existing ADA ramps and adjacent sidewalk that do not comply with current ADA standards at Concord Street/El Segundo Boulevard intersection	EA	3	\$17,120.00	\$ 51,360.00
9	Asphalt full depth removal and replacement	SF	10,000	\$9.25	\$ 92,500.00

10	Remove and replace raised asphalt rumble strips to match existing. Strips to be 4" wide and 9' long spaced 3' O.C. with 1/4" thickness from top of finished grade of asphalt. Located west of Virginia Street/El Segundo Boulevard intersection.	EA	10	\$335.00	\$3,350.00
----	--	----	----	----------	------------

TOTAL BID FOR ITEMS 1-10 IN FIGURES =

\$ 961,000.00

TOTAL BID WRITTEN IN WORDS:

Nine Hundred Sixty One Thousand Dollars  
And Zero Cents



## City Council Agenda Statement

Meeting Date: September 20, 2022

Agenda Heading: Consent

Item Number: B.5

---

### TITLE:

Imperial Sewer Flume and Sand Hill Sewer Flume Rehabilitation Project

### RECOMMENDATION:

1. Adopt a resolution to approve plans and specifications for the Imperial Sewer Flume and Sand Hill Sewer Flume Rehabilitation Project No. PW 22-16.
2. Authorize staff to advertise the project for construction.
3. Alternatively, discuss and take other action related to this item.

### FISCAL IMPACT:

Included in Adopted FY 22-23 Budget

Amount Budgeted: \$175,000

Additional Appropriation: None.

Account Number(s): 502-400-8204-8647 (Sewer Main Repair)

### BACKGROUND:

The city has two metering structures that measure the sanitary sewer effluent flows. Both of these structures are in need of repair. One is located along the northerly side of Imperial Avenue (near Loma Vista Street), and the other is located on the south side of Imperial Avenue, west of Hillcrest Street. These structures measure the sanitary wastewater sewer flow that the City of El Segundo generates and conveys to the Hyperion, which is owned by the City of Los Angeles, for treatment.

Inside these metering structures are existing sewer flumes which were constructed in the mid-1960s and have deteriorated over the 50-plus years of service and are in need of repair, rehabilitation, and upgrading.

The appropriate way to rehabilitate a sewer flume would be to reshape the invert of the

# Imperial Sewer Flume and Sand Hill Sewer Flume Rehabilitation Project

September 20, 2022

Page 2 of 3

metering structure with a new prefabricated fiber reinforced plastic (FRP) flume channel anchored inside the existing reinforced concrete metering structure. In general, the flume rehabilitation will require:

- Installation of a temporary bypass for the flow,
- Removal of deteriorated concrete inside the metering structure and reshaping invert with a new FRP flume,
- Anchor and grout in place of the new FRP flume,
- Installation of metering equipment, and
- Remove the bypass, calibrate, and test new metering equipment.

## DISCUSSION:

The City hired Omnis Consulting, Inc. to prepare the Engineering Plans and Specifications for the project and these documents were reviewed and approved by staff and the City of Los Angeles. In addition, this project has been identified and approved as part of this year's Capital Improvement Program.

With the City Council's authorization, the anticipated schedule for the sewer flume rehabilitation is as follows:

September 2022	Advertising and Bid Process
December 2022	Contract Award
February 2023	Begin Construction
March 2023	Project Completion

## CITY STRATEGIC PLAN COMPLIANCE:

Goal 1: Enhance Customer Service, Diversity, Inclusion and Communication

Objective 1A: El Segundo provides unparalleled service to all customers.

Goal 4: Develop and Maintain Quality Infrastructure and Technology

Objective 4A: El Segundo's physical infrastructure supports an inviting and safe community.

## PREPARED BY:

Arianne Bola, Sr. Engineer Associate

## REVIEWED BY:

Elias Sassoon, Public Works Director

## APPROVED BY:

**Imperial Sewer Flume and Sand Hill Sewer Flume Rehabilitation Project**  
**September 20, 2022**  
**Page 3 of 3**

Barbara Voss, Deputy City Manager

**ATTACHED SUPPORTING DOCUMENTS:**

1. Resolution
2. Vicinity Map
3. Location Map

**RESOLUTION NO. \_\_**

**A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR IMPERIAL SEWER FLUME AND SAND HILL SEWER FLUME REHABILITATION, PROJECT NO. PW 22-16, PURSUANT TO GOVERNMENT CODE § 830.6 AND ESTABLISHING A PROJECT PAYMENT ACCOUNT.**

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

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

- A. The City Engineer prepared plans and specifications for PW 22-16, Imperial Sewer Flume and Sand Hill Sewer Flume Rehabilitation (“Project”) for the removal of deteriorated concrete inside metering structures and reshaping invert to accept the new prefabricated fiber reinforced plastic (FRP) flume. These plans and specifications are complete. Services related to the Project may begin;
- B. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 with regard to the plans and construction of the Project.

**SECTION 2:** *Design Immunity; Authorization.*

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

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

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

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

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Drew Boyles, Mayor

ATTEST:

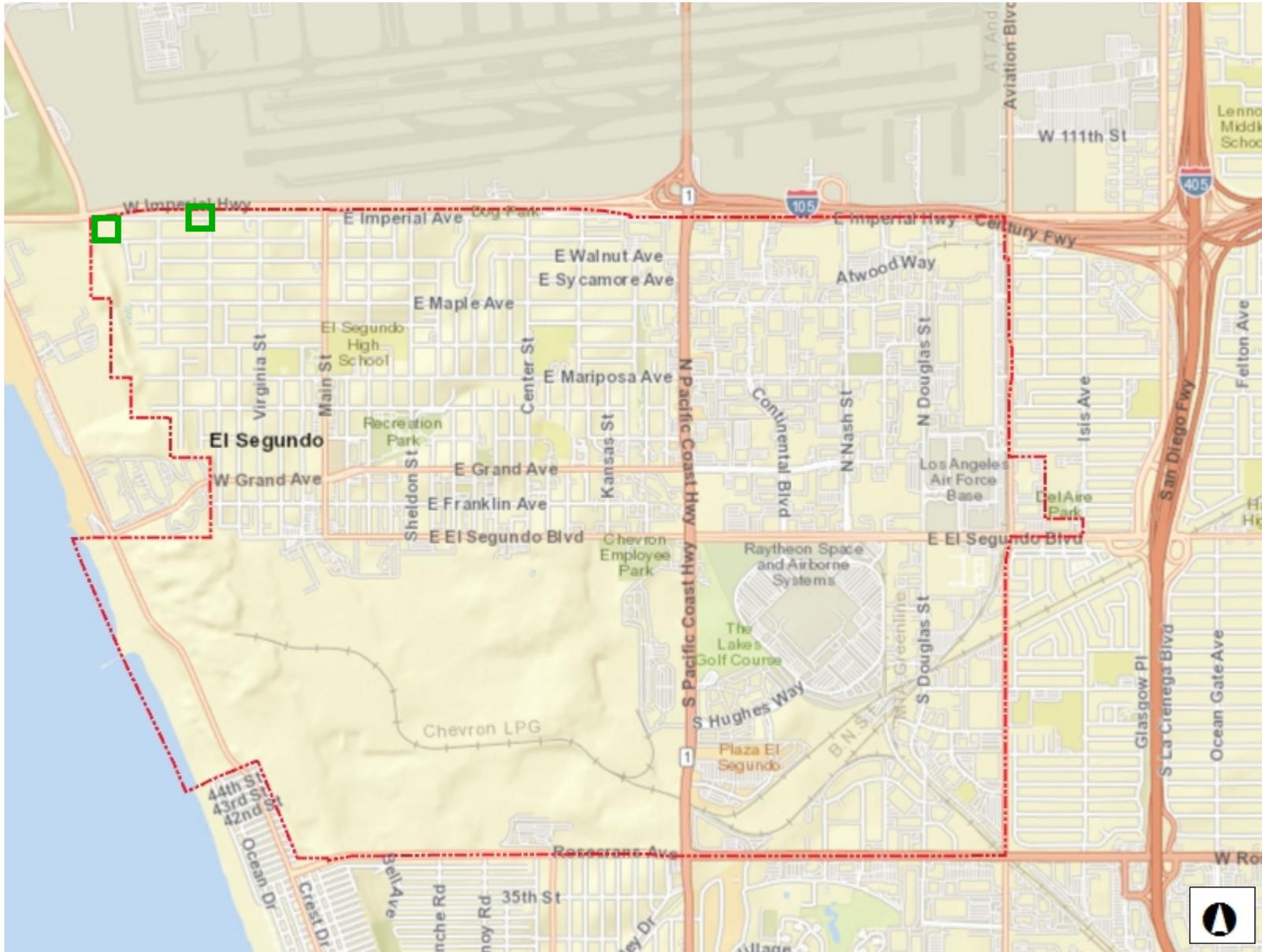
\_\_\_\_\_  
Tracy Weaver, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ for  
Mark D. Hensley  
City Attorney



# PW 22-16 Imperial Sewer Flume and Sand Hill Sewer Flume Rehabilitation Project Vicinity Map



6,018.7 0 3,009.33 6,018.7 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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



# PW 22-16 Imperial Sewer Flume and Sand Hill Sewer Flume Rehabilitation Project Location Map



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## City Council Agenda Statement

Meeting Date: September 20, 2022

Agenda Heading: Consent

Item Number: B.6

---

### TITLE:

El Segundo Boulevard Improvement Project

### RECOMMENDATION:

1. Authorize the City Manager to sign the Measure M Funding Agreement between the City of El Segundo and the Los Angeles County Metropolitan Transportation Authority to receive \$4,050,000 Measure M funds and \$786,537 in Federal Transportation Earmark Exchange Program Funds to finance the El Segundo Boulevard Improvement Project.
2. Adopt a resolution to approve plans and specifications for the El Segundo Boulevard Improvement Project No. PW 23-02.
3. Authorize staff to advertise the project for construction bids.
4. Authorize the City Clerk to file a Notice of Exemption (NOE) with the Los Angeles County Clerk in support of the City's determination that the project is exempt from CEQA.
5. Authorize the City Manager to execute a Professional Services Agreement with MNS Engineers for \$65,300 for construction administration during bidding and construction phases.
6. Alternatively, discuss and take other action related to this item.

### FISCAL IMPACT:

The City will receive \$4,050,000 in Measure M funds, and \$786,537 in Federal Transportation Earmark Exchange funds from the Los Angeles County Metropolitan Transportation Authority.

The amount budgeted for the El Segundo Blvd. Improvement Project in the adopted FY 22-23 budget is \$1,400,000 from Local Return (Prop C). The total project cost is

## **El Segundo Boulevard Improvement Project**

**September 20, 2022**

**Page 2 of 5**

\$7,401,000; therefore additional appropriations of \$6,001,000 are required and an additional \$786,537 will be held in reserve, as detailed below:

- \$4,050,000 in revenue account 127-300-0000-3742 (Measure M revenue) to recognize Measure M Grant
- \$4,050,000 appropriation to 127-400-8203-89xx (Measure M - El Segundo Blvd CIP Project)
- \$1,951,000 appropriation to Proposition C (114-400-8203-89xx - Prop C - El Segundo Blvd CIP Project)
- \$786,537 in revenue account 124-300-4101-37xx (Federal Grant Funds - Federal Earmark Exchange) to recognize the Federal earmark
- \$786,537 to designated reserve for El Segundo Blvd Imp. Project (124-270-4101-37xx)

### **BACKGROUND:**

On September 18, 2019, the Metro Board approved the El Segundo Boulevard Improvements project for \$4,050,000 in Measure M Multi-Year Subregional Program (MSP) funds (\$465,000 in FY 20/21 and \$3,585,000 in FY 21-22) as part of a Measure M MSP eligible projects list, and \$786,537 in Federal Earmark Exchange Funds. On October 16, 2019, staff requested a Letter of No Prejudice (LONP) for \$465,000 from Metro to allow the City's consultant engineer to begin the design phase of the project. The LONP is required from Metro to allow the City to spend local funds during the design phase and seek reimbursement during FY 20-21 as originally stated in the Measure M application. On November 13, 2019, Metro issued the LONP to the City which allowed the design phase to proceed.

In January 2020, City Council authorized the City Manager to execute a standard Professional Services Agreement with MNS Engineers, Inc. in the amount of \$448,773 for engineering design services on the project and authorized an additional \$16,227 for design related contingencies. The MNS Engineers has completed the design as described herein.

In May 2022, Metro's counsel signed the funding agreement for \$4,050,000 in Measure M funding. This agreement also includes \$786,537 in Federal Earmark Exchange funds related to previous unspent funds originally allocated to the Rosecrans/Aviation Street Widening Project, a multi-jurisdictional project that is now closed out. The funding agreement is provided as an attachment.

### **EL SEGUNDO BOULEVARD IMPROVEMENT PROJECT DESCRIPTION:**

El Segundo Boulevard is a major arterial east/west six-lane divided arterial from Isis Avenue to Pacific Coast Highway, and a four-lane divided arterial from Pacific Coast

## **El Segundo Boulevard Improvement Project**

**September 20, 2022**

**Page 3 of 5**

Highway to Illinois Street. The corridor is mixed with commercial developments and aerospace campuses. The roadway has a varying width from 52-foot curb to curb on the westerly end of the project to 106-feet at the easterly end of the project limits. The existing pavement shows widespread signs of deterioration throughout the corridor with an average Pavement Condition Index (PCI) between 0-40, which constitutes a need for rehabilitation. Existing conditions on El Segundo Boulevard are missing ADA compliant curb ramps, needed larger traffic signal poles, dedicated bicycle facilities including bicycle detection loops, and adequate pedestrian crossings.

The proposed El Segundo Boulevard Improvement project is part of the three-year Capital Improvement Program approved by the City Council in June 2019, and it consists of:

- Rehabilitate existing pavement along El Segundo Boulevard between Illinois Street and Isis Avenue; and rehabilitate along Nash Street, between El Segundo Boulevard and Imperial Highway. Several options for pavement rehabilitation were considered, and the recommended option would include a cement stabilized base with an asphalt overlay. This option will include detours and consequently will cause delays along El Segundo Boulevard during the construction.
- Install curb ramps along El Segundo Boulevard at intersections with Illinois Street, Continental Boulevard, Nash Street, Douglas Street, and Aviation Boulevard.
- Install curb ramps along Nash Street at intersections with Grand Avenue, Mariposa Avenue, Maple Avenue, Atwood Way, and Imperial Highway.
- Install approximately 1,020 lineal feet of “cycle track” which is similar to Class I Bike Lanes from PCH to Continental on El Segundo Boulevard. Also, install approximately 27,450 lineal feet of Class II Bike Lanes along El Segundo Boulevard between PCH and Isis Avenue, along Douglas Street between Rosecrans Avenue and Imperial Highway, and along Nash Street between El Segundo Boulevard and Imperial Highway. Further, install suitable shared Class III Bike Route markings (“Sharrows”) in the nearby area where applicable. Green paint will be used in conflict zones between vehicles and bicyclists to enhance the visibility of bicyclists and decrease vehicle encroachment into the bicycle zone.
- Remove median-mounted traffic signal poles at the Douglas Street intersection and install larger traffic signal poles to accommodate longer mast arms.
- Install pedestrian push buttons, pedestrian countdown signal heads, bicycle detection loops, and video detections at various intersections along El Segundo Boulevard.

## **El Segundo Boulevard Improvement Project**

**September 20, 2022**

**Page 4 of 5**

- Remove median landscaping, including the large Ficus trees that have caused deterioration to the roadway structure and replace it with drought resistant landscaping consistent with the El Segundo South Campus Specific Plan. New irrigation systems will also be installed in the median for the proposed landscaping.

This project will rehabilitate the pavement while also making significant needed improvements for drivers, cyclists and pedestrians.

### **DISCUSSION:**

The original scope of work included improvements only to El Segundo Boulevard, between Illinois Street and Isis Avenue. However, during the design phase, staff recognized that the pavement on Nash Street was recommended to be repaved in the next five years due to deterioration. Since the reconfiguration of striping along Nash Street to add bicycle lanes was part of the initial scope of work for this project, pavement rehabilitation was added to the design and was included as part of this project. This revised scope of work was approved by the Los Angeles County Metropolitan Transportation Authority and is included in the funding agreement.

Additionally, environmental documents were prepared to assess potential environmental impacts on the project. The City of El Segundo has concluded that the El Segundo Boulevard Improvement Project qualifies for a categorical exemption under Section 15301.c of the State's California Environmental Quality Act (CEQA) Guidelines as this project is limited to minor alteration of existing roadways. The Notice of Exemption for the project is included as an attachment.

As with most major projects and due to the complexity of this project, staff requested a proposal from MNS Engineers to continue with the bidding and construction administration phases of the project. Their proposal is in the amount of \$65,100.

Staff respectfully ask that the City Council approve the actions as recommended.

With City Council's authorization, the El Segundo Boulevard Improvement Project is anticipated to receive bids and award the construction contract by late 2022/early 2023, with construction estimated to start in 2023 and be completed by summer 2024.

## **El Segundo Boulevard Improvement Project**

**September 20, 2022**

**Page 5 of 5**

### **CITY STRATEGIC PLAN COMPLIANCE:**

Goal 4: Develop and Maintain Quality Infrastructure and Technology

Objective 4A: El Segundo's physical infrastructure supports an inviting and safe community.

Objective 4B: El Segundo's technology supports effective, efficient, and proactive operations.

### **PREPARED BY:**

Cheryl Ebert, Senior Civil Engineer

### **REVIEWED BY:**

Elias Sassoon, Public Works Director

### **APPROVED BY:**

Barbara Voss, Deputy City Manager

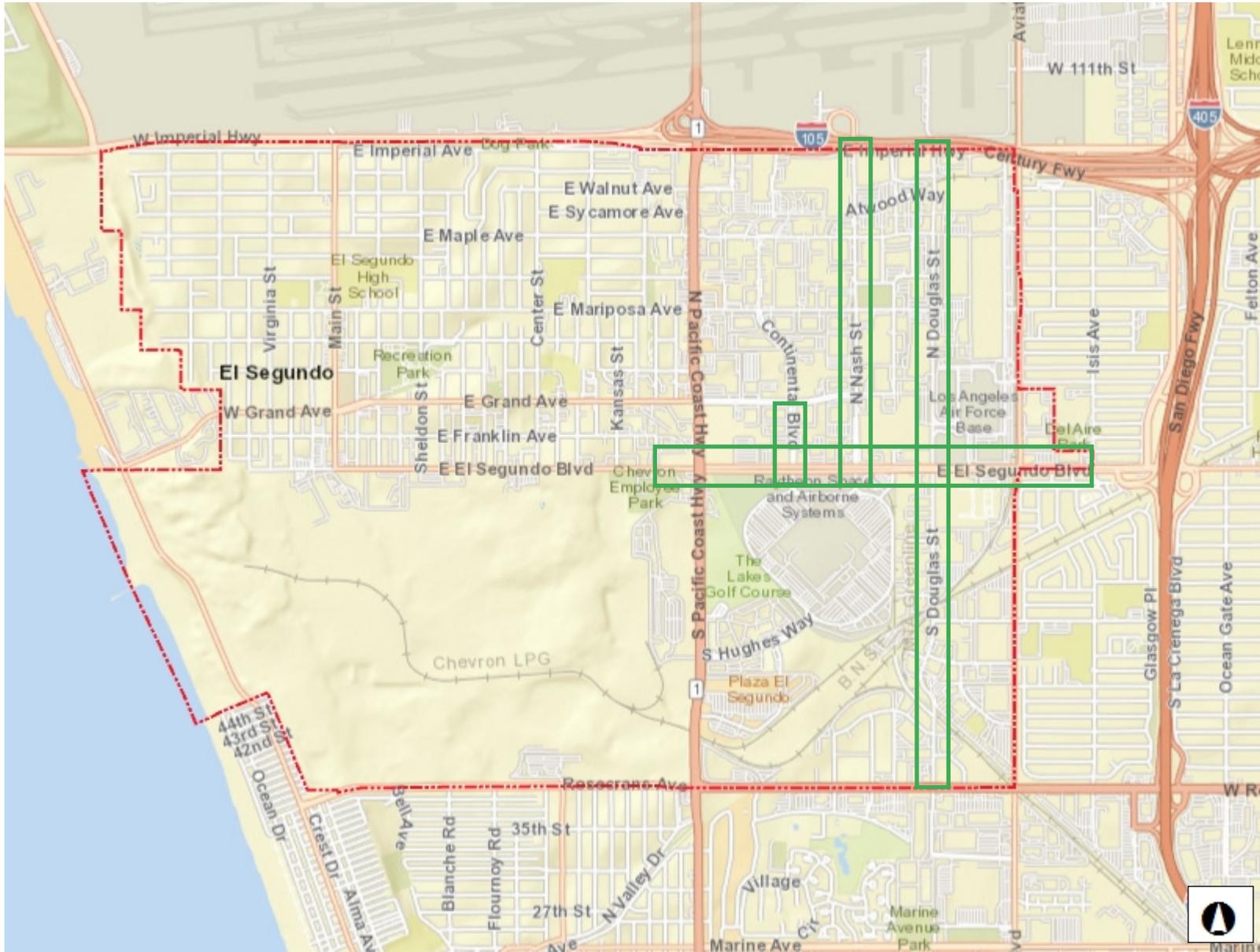
### **ATTACHED SUPPORTING DOCUMENTS:**

1. PW 23-02 El Segundo Blvd Vicinity Map
2. PW 23-02 El Segundo Blvd Plan Adoption Resolution
3. PW 23-02 El Segundo Blvd Funding Agreement (MM4602.02)
4. PW 23-02 El Segundo Blvd CEQA Notice of Exemption



# Vicinity Map

## El Segundo Boulevard Improvement Project



6,018.7 0 3,009.33 6,018.7 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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**RESOLUTION NO. \_\_**

**A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF EL SEGUNDO BOULEVARD IMPROVEMENTS, PROJECT NO. PW 23-02, PURSUANT TO GOVERNMENT CODE § 830.6 AND ESTABLISHING A PROJECT PAYMENT ACCOUNT.**

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

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

- A. The City retained MNS Engineers (“Consultant”) as the engineer to design and prepare plans for the El Segundo Boulevard Improvement Project;
- B. The Consultant informed the City Engineer that these plans are complete and that construction of the Project may begin;
- C. The City Engineer reviewed the completed design and plans for the Project and agrees with the Consultant that the plans are complete and the Project may be constructed;
- D. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 with regard to the plans and construction of the Project.

**SECTION 2:** *Design Immunity; Authorization.*

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

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

source of funds available for the Contract Sum, as defined in the Contract Document administering the Project.

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

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

PASSED AND ADOPTED this 20<sup>th</sup> day of September, 2022.

\_\_\_\_\_  
Drew Boyles, Mayor

ATTEST:

\_\_\_\_\_  
Tracy Weaver, City Clerk

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

By: \_\_\_\_\_  
Joaquin Vazquez, Deputy City Attorney

**MEASURE M MULTI-YEAR SUBREGIONAL PROGRAM  
AND EARMARK EXCHANGE  
FUNDING AGREEMENT**

This Funding Agreement (“FA”) is made and entered into effective as of August 9, 2021 (“Effective Date”), and is by and between the Los Angeles County Metropolitan Transportation Authority (“LACMTA”) and City of El Segundo (“GRANTEE”) for El Segundo Boulevard (the “Project”), LACMTA Project ID# MM4602.02, 2016 Federal Transportation Earmark Exchange Program Project ID# E1714, and FTIP# LA9918809. This Project is eligible for funding under Line 66 of the Measure M Expenditure Plan.

WHEREAS, LACMTA adopted Ordinance #16-01, the Los Angeles County Traffic Improvement Plan, on June 23, 2016 (the “Ordinance”), which Ordinance was approved by the voters of Los Angeles County on November 8, 2016 as “Measure M” and became effective on July 1, 2017.

WHEREAS, the funding set forth herein is intended to fund Project Development, Project Approval/Environmental Document (PAED), Plans, Specifications and Estimates (PS&E), and Construction phases of the Project.

WHEREAS, the LACMTA Board, at its September 27, 2019 meeting, programmed **\$4,050,000**, in Measure M Funds to GRANTEE for PAED, PS&E, and Construction, subject to the terms and conditions contained in this FA; and

WHEREAS, under the LACMTA Federal Transportation Earmark Exchange Program, GRANTEE exchanged federal transportation earmarks with LACMTA. Under the LACMTA Federal Transportation Earmark Exchange Program, GRANTEE is entitled to 97% of the federal transportation earmark value; and

WHEREAS, under the LACMTA, Federal Transportation Earmark Exchange Program approved by the LACMTA Board of Directors on May 18, 2016, Grantee exchanged **\$810,863** in federal transportation earmark funds for **\$786,537** in Proposition C 25% for use on the Project. GRANTEE shall pay LACMTA a three percent (3%) processing and administrative fee (“the Processing Fee”) in connection with the exchange contemplated by this amendment. The processing fee shall be assessed against the total amount of LACMTA Funds payable to GRANTEE. GRANTEE hereby authorizes LACMTA to deduct the Processing Fee from the amount LACMTA is to pay GRANTEE hereunder; and

WHEREAS, a Letter of No Prejudice (LONP) was issued for the Project on November 13, 2019 allowing the GRANTEE to spend its local funds in the amount up to \$465,000 for the PS&E phase of the Project.

WHEREAS, the Project Funds are currently programmed as follows:  
Measure M funds: \$465,000 in Fiscal Years (FY) 2020-21; and \$3,585,000 FY 2021-22.  
Federal Transportation Earmark Exchange Program funds: \$786,537 in FY 2020-21.

The total designated Project Funds for PAED, PS&E, and Construction of the Project is **\$4,836,537**.

NOW, THEREFORE, the parties hereby agree as follows:

The terms and conditions of this FA consist of the following and each is incorporated by reference herein as if fully set forth herein:

1. Part I – Specific Terms of the FA
2. Part II – General Terms of the FA
3. Attachment A – Project Funding
4. Attachment B – Expenditure Plan- Cost & Cash Flow Budget
5. Attachment C – Scope of Work
6. Attachment D – Project Reporting and Expenditure Guidelines
7. Attachment D-1 – intentionally omitted
8. Attachment D-2 – Quarterly Progress/Expenditure Report
9. Attachment E – Federal Transportation Improvement Program (FTIP) Sheet
10. Attachment F – Bond Requirements
11. Any other attachments or documents referenced in the above documents

In the event of a conflict, the Special Grant Conditions, if any, shall prevail over the Specific Terms of the FA and any attachments and the Specific Terms of the FA shall prevail over the General Terms of the FA.

IN WITNESS WHEREOF, the parties have caused this FA to be executed by their duly authorized representatives as of the dates indicated below:

LACMTA:

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Stephanie N. Wiggins  
Chief Executive Officer

APPROVED AS TO FORM:

DAWYN R. HARRISON  
Acting County Counsel

By: \_\_\_\_\_ Date: 5/31/2022  
  
Deputy

GRANTEE:

City of El Segundo

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Darrell George  
City Manager

APPROVED AS TO FORM:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Mark Hensley  
City Attorney

**PART I**  
**SPECIFIC TERMS OF THE FA**

1. Title of the Project (the "Project"): El Segundo Boulevard – Project Approval/Environmental Document (PAED), Plans, Specifications and Estimates (PS&E), and Construction of the Project. LACMTA Project ID# MM4602.02, 2016 Federal Transportation Earmark Exchange Program Project ID# E1714, FTIP# LA9918809.
2. Grant Funds:
  - 2.1 Programmed Funds for this Project consist of the following: Measure M funds and Proposition C 25% funds. The Measure M and the Proposition C 25% funds together are referred to as the “the Funds”.
  - 2.2 To the extent the Measure M funds are available; LACMTA shall make to GRANTEE a grant of the Measure M funds in the amount of \$4,050,000 for the Project. LACMTA Board of Directors’ action of September 27, 2019 granted the Measure M funds for the Project. The Measure M funds are programmed over two years in Fiscal Year (FY) 2020-21, and FY 2021-22.
  - 2.3 Under the LACMTA Federal Transportation Earmark Exchange Program, GRANTEE exchanged federal transportation earmarks with LACMTA. Under the Federal Transportation Earmark Exchange Program, GRANTEE is entitled to 97% of the federal transportation earmark value. Under the LACMTA Federal Transportation Earmark Exchange Program, LACMTA shall make to GRANTEE a one-time Proposition C 25% funds in the amount of \$786,537 for the Project in accordance with the terms of this FA. The Proposition C 25% funds are programmed over one year, in FY 2020-21.
3. This grant shall be paid on a reimbursement basis. GRANTEE must provide the appropriate supporting documentation with the Quarterly Progress/Expenditure Report. GRANTEE Funding Commitment, if applicable, must be spent in the appropriate proportion to the Funds with each quarter’s expenditures. LACMTA will withhold five percent (5%) of eligible expenditures per invoice as retention pending an audit of expenditures and completion of scope of work.
4. **Attachment A** the “Project Funding” documents all sources of funds programmed for the Project as approved by LACMTA. The Project Funding includes the total programmed funds for the Project, including the Funds programmed by LACMTA and, if any, the GRANTEE Funding Commitment of other sources of funding. The Project Funding also includes the fiscal years in which all the funds for the Project are programmed. The Funds are subject to adjustment by subsequent LACMTA Board Action.
5. **Attachment B** is the Expenditure Plan- Cost & Cash Flow Budget (the "Expenditure Plan"). It is the entire proposed cash flow, the Budget and financial plan for the Project, which includes the total sources of all funds programmed to the Project, including GRANTEE and other entity funding commitments, if any, for this Project as well as the fiscal year and quarters the Project funds are anticipated to be expended. GRANTEE shall update the Expenditure Plan

annually, no later than December 31, and such update shall be submitted to LACMTA's Senior Executive Officer managing the Measure M Multi-Year Subregional Program in writing. If the LACMTA's Senior Executive Officer managing the Measure M Multi-Year Subregional Program concurs with such updated Expenditure Plan in writing, Attachment B shall be replaced with the new Attachment B setting forth the latest approved Expenditure Plan. Payments under this FA shall be consistent with Attachment B as revised from time to time. Any change to the final milestone date must be made by a fully executed amendment to this FA.

6. **Attachment C** is the "Scope of Work". The GRANTEE shall complete the Project as described in the Scope of Work. This Scope of Work shall include a detailed description of the Project and the work to be completed, including anticipated Project milestones and a schedule consistent with the lapsing policy in Part II, Section 9, and a description of the Project limits, if the Project is a capital project. No later than December 31 of each year, GRANTEE shall notify LACMTA if there are any changes to the final milestone date set forth in the schedule or any changes to the Scope of Work. If LACMTA agrees to such changes, the parties shall memorialize such changes in an amendment to this FA. Work shall be delivered in accordance with the schedule and scope identified in this FA unless otherwise agreed to by the parties in writing in an amendment to this FA. If GRANTEE fails to meet milestones or fails to deliver the Project, LACMTA will have the option to suspend or terminate the FA for default as described in Part II, Sections 2, 9, 10 and 11 herein below. To the extent interim milestone dates are not met but GRANTEE believes and can show documentation acceptable to LACMTA supporting GRANTEE's ability to make up the time so as to not impact the final milestone date, GRANTEE shall notify LACMTA of such changes in its Quarterly Progress/Expenditure Reports and such interim milestone dates will automatically be amended to the latest interim milestone dates provided in the Quarterly Progress/Expenditure Reports Attachment D-2. In no event can the final milestone date be amended by a Quarterly Progress/Expenditure Report.

7. No changes to this FA, including but not limited to the Funds, and any other source of funds from LACMTA in the Project Funding, Expenditure Plan or the Scope of Work shall be allowed without an amendment to the original FA, approved and signed by both parties.

8. **Attachment D** is the "Project Reporting & Expenditure Guidelines". GRANTEE shall complete the "Quarterly Progress/Expenditure Report". The Quarterly Progress/Expenditure Report is attached to this FA as Attachment D-2 in accordance with Attachment D – Project Reporting and Expenditure Guidelines.

9. **Attachment E**, the "FTIP PROJECT SHEET (PDF)", is required to ensure that the Project is programmed correctly in the most up-to-date FTIP document. The FTIP PROJECT SHEET (PDF) can be found in ProgramMetro FTIP database under the reports section at <http://program.metro.net>. All projects that receive funding through Measure M must be programmed into the FTIP, which includes locally funded regionally significant projects for information and air quality modeling purposes. GRANTEE shall review the Project in ProgramMetro each year and update or correct the Project information as necessary during a scheduled FTIP amendment or adoption. GRANTEE will be notified of amendments and adoptions to the FTIP via e-mail. Changes to the FTIP through ProgramMetro should be made as soon as possible after GRANTEE is aware of any changes to the Project, but no later than

October 1 of the year the change or update is effective. Should GRANTEE fail to meet this date, it may affect GRANTEE's ability to access funding, delay the Project and may ultimately result in the Funds being lapsed.

10. LACMTA anticipates it may need to avail itself of lower cost bonds or other debt, the interest on which is tax exempt for federal tax purposes (collectively, the "Bonds") to provide at least a portion of its funding commitments under this Agreement to GRANTEE. GRANTEE shall ensure that the expenditure of the Funds disbursed to GRANTEE does not jeopardize the tax-exemption of the interest, as specified in the Bond Requirements attached as **Attachment F** to this Agreement. GRANTEE agrees to provide LACMTA with progress reports, expenditure documentation, and any other documentation as reasonably requested by LACMTA and necessary for LACMTA to fulfill its responsibilities as the grantee or administrator or bond issuer of the Funds. With regard to LACMTA debt financing to provide any portion of the Funds, GRANTEE shall take all reasonable actions as may be requested of it by LACMTA's Project Manager for the Project, to assist LACMTA in demonstrating and maintaining over time, compliance with the relevant sections of the Federal Tax Code to maintain such Bonds' tax status.

11. GRANTEE shall comply with the "Special Grant Conditions" attached as **Attachment G**, if any.

12. No changes to the (i) Grant amount, (ii) Project Funding, (iii) the Scope of Work (except as provided herein), iv) Final milestone date or (v) Special Grant Conditions, shall be allowed without a written amendment to this FA, approved and signed by the LACMTA Chief Executive Officer or his/her designee and GRANTEE. Modifications that do not materially affect the terms of this FA, such as redistributing Funds among existing budget line items or non-material schedule changes must be formally requested by GRANTEE and approved by LACMTA in writing. Non-material changes are those changes which do not affect the grant amount or its schedule, Project Funding, or the Scope of Work, including the Work schedule.

13. LACMTA's Address:

Los Angeles County Metropolitan Transportation Authority  
One Gateway Plaza, Mail Stop: 99-23-3  
Los Angeles, CA 90012  
Attention: Annie Chou  
LACMTA Project Manager  
Phone: (213) 418.3453  
Email: [choua@metro.net](mailto:choua@metro.net)

14. GRANTEE's Address:

City of El Segundo  
350 Main Street  
El Segundo, CA 90245  
Attention: Cheryl Ebert P.E.  
Phone: 310.524.2321  
Email: [cebert@elsegundo.org](mailto:cebert@elsegundo.org)

**PART II**  
**GENERAL TERMS OF THE FA**

1. **TERM**

The term of this FA shall commence on the Effective Date of this FA, and shall terminate upon the occurrence of all of the following, unless terminated earlier as provided herein: (i) the agreed upon Scope of Work has been completed; (ii) all LACMTA audit and reporting requirements have been satisfied; and (iii) the final disbursement of the Funds has been made to GRANTEE. All eligible Project expenses as defined in the Reporting and Expenditure Guidelines (Attachment D), incurred after the FA Effective Date shall be reimbursed in accordance with the terms and conditions of this FA unless otherwise agreed to by the parties in writing.

2. **SUSPENSION OR TERMINATION**

Should LACMTA determine there are insufficient Funds available for the Project, LACMTA may suspend or terminate this FA by giving written notice to GRANTEE at least thirty (30) days in advance of the effective date of such suspension or termination. If a Project is suspended or terminated pursuant to this section, LACMTA will not reimburse GRANTEE any costs incurred after that suspension or termination date, except those costs necessary to: (i) return any facilities modified by the Project construction to a safe and operable state; and (ii) suspend or terminate the construction contractor's control over the Project. LACMTA's share of these costs will be consistent with the established funding percentages outlined in this FA.

3. **INVOICE BY GRANTEE**

Unless otherwise stated in this FA, the Quarterly Progress/Expenditure Report, with supporting documentation of expenses, Project progress and other documents as required, which has been pre-approved by LACMTA, all as described in Part II, Section 6.1 of this FA, shall satisfy LACMTA invoicing requirements. GRANTEE shall only submit for payment the LACMTA pre-approved Quarterly Progress/Expenditure Report Packets to the LACMTA Project Manager at the email address shown in Part I and to LACMTA Accounts Payable Department as shown below.

Submit invoice with supporting documentation to:  
[ACCOUNTSPAYABLE@METRO.NET](mailto:ACCOUNTSPAYABLE@METRO.NET) (preferable)

or

mail to:

**Los Angeles County Metropolitan Transportation Authority  
Accounts Payable  
P. O. Box 512296  
Los Angeles, CA 90051-0296**

All invoice material must contain the following information:

Re: LACMTA Project ID# MM4602.02/E1714/ and FA# 9200000000M460202  
Annie Chou; Mail Stop 99-23-3

#### 4. USE OF FUNDS

4.1 GRANTEE shall utilize the Funds to complete the Project as described in the Scope of Work and in accordance with the Reporting and Expenditure Guidelines, the specifications for use for the transportation purposes described in the Ordinance, the Guidelines and the Multi-Year Subregional Programs Administrative Procedures.

4.2 Attachment C shall constitute the agreed upon Scope of Work between LACMTA and GRANTEE for the Project. The Funds, as granted under this FA, can only be used towards the completion of the Scope of Work detailed in Attachment C.

4.3 GRANTEE shall not use the Funds to substitute for any other funds or projects not specified in this FA. Further, GRANTEE shall not use the Funds for any expenses or activities above and beyond the approved Scope of Work (Attachment C) without an amendment to the FA approved and signed by the LACMTA Chief Executive Officer or his Designee. To the extent LACMTA provides GRANTEE with bond or commercial paper proceeds, such Funds may not be used to reimburse for any costs that jeopardize the tax exempt nature of such financings as reasonably determined by LACMTA and its bond counsel.

4.4 GRANTEE must use the Funds in the most cost-effective manner. If GRANTEE intends to use a consultant or contractor to implement all or part of the Project, LACMTA requires that such activities be procured in accordance with GRANTEE's contracting procedures and consistent with State law as appropriate. GRANTEE will also use the Funds in the most cost-effective manner when the Funds are used to pay "in-house" staff time. This effective use of funds provision will be verified by LACMTA through on-going Project monitoring and through any LACMTA interim and final audits.

4.5 GRANTEE'S employee, officers, councilmembers, board member, agents, or consultants (a "GRANTEE Party") are prohibited from participating in the selection, award, or administration of a third-party contract or sub-agreement supported by the Funds if a real or apparent conflict of interest would be involved. A conflict of interest would include, without limitation, an organizational conflict of interest or when any of the following parties has a financial or other interest in any entity selected for award: (a) a GRANTEE Party (b) any member of a GRANTEE Party's immediate family, (c) a partner of a GRANTEE Party; (d) any organization that employs or intends to employ any of the above. This conflict of interest provision will be verified by LACMTA through on-going Project monitoring and through any LACMTA interim and final audits.

4.6 If a facility, equipment (such as computer hardware or software), vehicle or property, purchased or leased using the Funds, ceases to be used for the proper use as originally stated in the Scope of Work, or the Project is discontinued, any Funds expended for that purpose must be returned to LACMTA as follows: GRANTEE shall be required to repay the Funds in proportion to the useful life remaining and in an equal proportion of the grant to GRANTEE Funding Commitment ratio.

4.7 If the Project requires the implementation of an Intelligent Transportation Systems ("ITS") project, GRANTEE shall ensure the Project is consistent with

the Regional ITS Architecture. Attachment G, the Los Angeles County Regional ITS Architecture (CONNECT-IT) Consistency Self-Certification Form, must be completed and signed for planned ITS projects and/or ITS projects that use local, state, or federal funds programmed or administered through LACMTA. Refer to [www.laconnect-it.com](http://www.laconnect-it.com) to find information about the CONNECT-IT Service Packages.

4.8 If any parking facilities are designed and/or constructed using the Funds, GRANTEE shall coordinate with LACMTA parking program staff (see [www.metro.net](http://www.metro.net) for staff listing) in the planning, design and management of the facility and shall ensure that its implementation is consistent with the LACMTA adopted parking policy. For the parking policy, see [http://media.metro.net/projects\\_studies/call\\_projects/images/09%20Appendix%20D%20Parking%20Policy.pdf](http://media.metro.net/projects_studies/call_projects/images/09%20Appendix%20D%20Parking%20Policy.pdf)

## 5. REIMBURSEMENT OF FUNDS

The Funds will be released on a reimbursement basis in accordance with invoices submitted in support of the Quarterly Progress/Expenditure Reports. LACMTA will make all disbursements electronically unless an exception is requested in writing. Reimbursements via Automated Clearing House (ACH) will be made at no cost to GRANTEE. GRANTEE must register in LACMTA's iSupplier portal and submit an application before grant payments can be made. The link to the portal can be found at <http://media.metro.net/uploads/EBB/ Vendor Portal Registration.pdf>. GRANTEE must provide detailed supporting documentation with its Quarterly Progress/Expenditure Reports. GRANTEE Funding Commitment, if any, must be spent in direct proportion to the Funds with each quarter's payment.

## 6. REPORTING AND AUDIT REQUIREMENTS/PAYMENT ADJUSTMENTS

6.1 GRANTEE shall submit the draft of Quarterly Progress/Expenditure Report (Attachment D-2) within sixty (60) days after the close of each quarter on the last day of the months November, February, May and August to the LACMTA Project Manager for review and pre-approval of the applicable report. LACMTA Project Manager shall review and respond in writing to the draft Quarterly Progress/Expenditure Report within thirty (30) calendar days from receipt. Grantee shall submit the LACMTA pre-approved Quarterly Progress/Expenditure Report no later than five (5) days after receipt of LACMTA's written approval. Should GRANTEE fail to submit either the draft or pre-approved reports within five (5) days of the due date and/or submit incomplete reports, LACMTA will not reimburse GRANTEE until the completed required reports are received, reviewed, and approved. The Quarterly Progress/Expenditure Reports shall include all appropriate documentation (such as contractor invoices, timesheets, receipts, etc.), and any changes to interim milestone dates that do not impact the final milestone date. All supporting documents must include a clear justification and explanation of their relevance to the Project. If no activity has occurred during a particular quarter, GRANTEE will still be required to submit the Quarterly Progress/Expenditure Reports indicating no dollars were expended that quarter. If a request for reimbursement exceeds \$500,000 in a single month, then GRANTEE can submit such an invoice once per month with supporting documentation. Expenses that are not invoiced to LACMTA Accounts Payable

within ninety (90) days after the lapsing date specified in Part II, Section 9.1 below are not eligible for reimbursement.

6.2 GRANTEE shall submit the Project expenditure estimates for the subsequent fiscal year by February of each year. LACMTA will use the estimates to determine the Project budget for the upcoming fiscal year.

6.3 LACMTA, and/or its designee, shall have the right to conduct audits of the Project as deemed appropriate, such as financial and compliance audits, interim audits, pre-award audits, performance audits and final audits. LACMTA will commence a final audit within six months of receipt of acceptable final invoice, provided the Project is ready for final audit (meaning all costs and charges have been paid by GRANTEE and invoiced to LACMTA, and such costs, charges and invoices are properly documented and summarized in the accounting records to enable an audit without further explanation or summarization including actual indirect rates for the period covered by the FA period under review). GRANTEE agrees to establish and maintain proper accounting procedures and cash management records and documents in accordance with Generally Accepted Accounting Principles (GAAP). GRANTEE shall reimburse LACMTA for any expenditure not in compliance with the Scope of Work and/or not in compliance with other terms and conditions of this FA. The allowability of costs for GRANTEE's own expenditures submitted to LACMTA for this Project shall be in compliance with Office of Management and Budget (OMB) Circular A-87. The allowability of costs for GRANTEE's contractors, consultants and suppliers expenditures submitted to LACMTA through GRANTEE's Quarterly Progress/Expenditures shall be in compliance with OMB Circular A-87 or Federal Acquisition Regulation (FAR) Subpart 31 and 2 CFR Subtitle A, Chapter II, Part 225 (whichever is applicable). Findings of the LACMTA audit are final. When LACMTA audit findings require GRANTEE to return monies to LACMTA, GRANTEE agrees to return the monies within thirty (30) days after the final audit is sent to GRANTEE.

6.4 GRANTEE's records shall include, without limitation, accounting records, written policies and procedures, contract files, original estimates, correspondence, change order files (including documentation covering negotiated settlements), invoices, and any other supporting evidence deemed necessary by LACMTA to substantiate charges related to the Project (all collectively referred to as "records"). Such records shall be open to inspection and subject to audit and reproduction by LACMTA auditors or authorized representatives to the extent deemed necessary by LACMTA to adequately permit evaluation of expended costs. Such records subject to audit shall also include, without limitation, those records deemed necessary by LACMTA to evaluate and verify, direct and indirect costs, (including overhead allocations) as they may apply to costs associated with the Project. These records must be retained by GRANTEE for three years following final payment under this Agreement. Payment of retention amounts shall not occur until after the LACMTA's final audit is completed.

6.5 GRANTEE shall cause all contractors to comply with the requirements of Part II, Section 6, paragraphs 6.3 and 6.4 above. GRANTEE shall cause all contractors to cooperate fully in furnishing or in making available to LACMTA all records deemed necessary by LACMTA auditors or authorized representatives related to the Project.

6.6 LACMTA or any of its duly authorized representatives, upon reasonable written notice, shall be afforded access to all GRANTEE's records and its contractors related to the Project, and shall be allowed to interview any employee of GRANTEE and its contractors through final payment to the extent reasonably practicable.

6.7 LACMTA or any of its duly authorized representatives, upon reasonable written notice, shall have access to the offices of GRANTEE and its contractors, shall have access to all necessary records, including reproduction, at no charge to LACMTA, and shall be provided adequate and appropriate work space in order to conduct audits in compliance with the terms and conditions of this FA.

6.8 When business travel associated with the Project requires use of a vehicle, the mileage incurred shall be reimbursed at the mileage rates set by the Internal Revenue Service, as indicated in the United States General Services Administration Federal Travel Regulation, Privately Owned Vehicle Reimbursement Rates.

6.9 GRANTEE shall be responsible for ensuring all contractors/ subcontractors for the Project comply with the terms of the Ordinance, the Guidelines and the Multi-Year Subregional Programs Administrative Procedures. GRANTEE shall cooperate with LACMTA Management Audit Services Department such that LACMTA can meet its obligations under the Ordinance, the Guidelines and the Multi-Year Subregional Programs Administrative Procedures.

6.10 GRANTEE shall certify each invoice by reviewing all subcontractor costs and maintaining internal control to ensure that all expenditures are allocable, allowable and reasonable and in accordance with OMB A-87 or FAR subpart 31 and 2 CFR Subtitle A, Chapter II, part 225, (whichever is applicable) and the terms and conditions of this FA.

6.11 GRANTEE shall also certify final costs of the Project to ensure all costs are in compliance with OMB A-87 or FAR subpart 31 and 2 CFR Subtitle A, Chapter II, part 225, (whichever is applicable) and the terms and conditions of this FA.

6.12 In addition to LACMTA's other remedies as provided in this FA, LACMTA may withhold the Funds if the LACMTA audit has determined that GRANTEE failed to comply with the Scope of Work (such as misusing Funds or failure to return Funds owed to LACMTA in accordance with LACMTA audit findings) and /or is severely out of compliance with other terms and conditions as defined by this FA, including the access to records provisions of Part II, Section 6.

## 7. GRANT

This is a one-time only grant of the Measure M funds and Proposition C 25% funds subject to the terms and conditions agreed to herein. This grant does not imply nor obligate any future funding commitment on the part of LACMTA.

## 8. SOURCES AND DISPOSITION OF FUNDS

8.1 The obligation for LACMTA to grant the Funds for the Project is subject to sufficient Funds being made available for the Project by the LACMTA Board of Directors. If such Funds are not made available as anticipated from Measure M Program revenues, LACMTA will have the right to adjust the cash flow accordingly until such funds become available. LACMTA shall have no obligation to provide any other funds for the Project, unless otherwise agreed to in writing by LACMTA.

8.2 GRANTEE shall fully fund and contribute the GRANTEE Funding Commitment, if any is identified in the Project Funding (Attachment A), towards the cost of the Project. If the Funds identified in Attachment A are insufficient to complete the Project, GRANTEE agrees to secure and provide such additional non-LACMTA programmed funds necessary to complete the Project.

8.3 GRANTEE shall be responsible for any and all cost overruns for the Project pursuant to Section 8.2.

8.4 GRANTEE shall be eligible for the Funds up to the grant amount specified in Part I, Section 2 of this FA subject to the terms and conditions contained herein. Any Funds expended by GRANTEE prior to the Effective Date of this FA shall not be reimbursed nor shall they be credited toward the GRANTEE Funding Commitment requirement, without the prior written consent of LACMTA. GRANTEE Funding Commitment dollars expended prior to the year the Funds are awarded shall be spent at GRANTEE's own risk, or as delineated in a Letter of No Prejudice executed by the prospective GRANTEE and LACMTA.

8.5 If GRANTEE receives outside funding for the Project in addition to the Funds identified in the Project Funding and the Expenditure Plan at the time this grant was awarded, this FA shall be amended to reflect such additional funding. If, at the time of final invoice or voucher, funding for the Project (including the Funds, GRANTEE Funding Commitment, and any additional funding) exceeds the actual Project costs, then the cost savings shall be applied in the same proportion as the sources of funds from each party to this FA as specified in the Project Funding and both the Funds and GRANTEE Funding Commitment required for the Project shall be reduced accordingly. LACMTA shall have the right to use any cost savings associated with the Funds at its sole discretion, including, without limitation, programming the unused Funds to another project or to another grantee within the subregion in accordance with the Ordinance, the Guidelines and the Multi-Year Subregional Programs Administrative Procedures. If, at the time of final voucher, it is determined that GRANTEE has received Funds in excess of what GRANTEE should have received for the Project, GRANTEE shall return such overage to LACMTA within 30 days from final voucher.

## 9. TIMELY USE OF FUNDS / REPROGRAMMING OF FUNDS

9.1 GRANTEE must demonstrate timely use of the Funds by:

- (i) Executing this FA within **ninety (90) days** of receiving formal transmittal of the FA from LACMTA, or by December 31 of the first Fiscal Year in which the Funds are programmed, whichever date is later; and
- (ii) Beginning Project Design, Preliminary Engineering-(PE) within **six (6) months** from completion of environmental clearance, if appropriate.
- (iii) Executing Contracts for Construction or Capital purchase within **twelve (12) months** from the date of completion of design; and
- (iv) Delivering Work in accordance with schedule; changes to the schedule will require an Amendment to Attachment C to reflect updated milestone dates. Meeting the Project milestone due dates as agreed upon by the LACMTA and GRANTEE in Attachment C of this FA; and
- (v) Submitting the Quarterly Progress/Expenditure Reports as described in Part II, Section 6.1 of this FA; and
- (vi) Expending the Measure M funds granted under this FA for allowable costs within **three years or 36 months** from July 1 of the Fiscal Year in which the Funds are programmed, unless otherwise stated in this FA. Measure M funds programmed for FY 2020-21 are subject to lapse by June 30, 2023. Measure M funds programmed for FY 2021-22 are subject to lapse by June 30, 2024.
- (vii) Expending the Proposition C 25% funds granted under this FA for allowable costs within **three years or 36 months** from July 1 of the Fiscal Year in which the Funds are programmed, unless otherwise stated in this FA. Proposition C 25% funds programmed for FY 2020-21 are subject to lapse by June 30, 2023.

9.2 In the event that the timely use of the Funds is not demonstrated as described in Part II, Section 9.1 of this FA, the Project will be reevaluated by LACMTA as part of its Annual Update process and the Funds may be reprogrammed to another project by the LACMTA Board of Directors in accordance with the Measure M Ordinance, the Guidelines and the Multi-Year Subregional Programs Administrative Procedures. In the event that all the Funds are reprogrammed, this FA shall automatically terminate.

## 10. DEFAULT

A Default under this FA is defined as any one or more of the following: (i) GRANTEE fails to comply with the terms and conditions contained herein; and/or (ii) GRANTEE fails to perform satisfactorily or make material changes, as determined by LACMTA at its sole discretion, to the Expenditure Plan, the Scope of Work, or the Project Funding without LACMTA's prior written consent or approval as provided herein.

## 11. REMEDIES

11.1 In the event of a Default by GRANTEE, LACMTA shall provide written notice of such Default to GRANTEE with a 30-day period to cure the Default. In the event GRANTEE fails to cure the Default, or commit to cure the Default and commence the same within such 30-day period to the satisfaction of LACMTA, LACMTA shall have the following remedies: (i) LACMTA may terminate this FA; (ii) LACMTA may make no further disbursements of Funds to GRANTEE; and/or (iii) LACMTA may recover from GRANTEE any Funds disbursed to GRANTEE as allowed by law or in equity.

11.2 Effective upon receipt of written notice of termination from LACMTA, GRANTEE shall not undertake any new work or obligation with respect to this FA unless so directed by LACMTA in writing. Any Funds expended after termination shall be the sole responsibility of GRANTEE.

11.3 The remedies described herein are non-exclusive. LACMTA shall have the right to enforce any and all rights and remedies herein or which may be now or hereafter available at law or in equity.

## 12. COMMUNICATIONS

12.1 GRANTEE shall ensure that all Communication Materials contain recognition of LACMTA's contribution to the Project as more particularly set forth in "Funding Recipient Communications Guidelines" available online at <http://metro.net/partners-civic>. The Funding Recipient Communications Guidelines may be changed from time to time during the course of this Agreement. GRANTEE shall be responsible for complying with the latest Funding Recipient Communications Guidelines during the term of this Agreement, unless otherwise specifically authorized in writing by the LACMTA Chief Communications Officer.

12.2 For purposes of this Agreement, "Communications Materials" include, but are not limited to, press events, public and external newsletters, printed materials, advertising, websites radio and public service announcements, electronic media, and construction site signage. A more detailed definition of "Communications Materials" is found in the Funding Recipient Communications Guidelines.

12.3 The Metro logo is a trademarked item that shall be reproduced and displayed in accordance with specific graphic guidelines. The preferred logo lock-up for Funding Recipients to use is included in the Funding Recipient Communications Guidelines.

12.4 GRANTEE shall ensure that any subcontractor, including, but not limited to, public relations, public affairs, and/or marketing firms hired to produce Project Communications Materials for public and external purposes will comply with the requirements contained in this Section.

12.5 The LACMTA Project Manager shall be responsible for monitoring GRANTEE's compliance with the terms and conditions of this Section. GRANTEE's failure to

comply with the terms of this Section shall be deemed a default hereunder and LACMTA shall have all rights and remedies set forth herein.

### 13. OTHER TERMS AND CONDITIONS

13.1 This FA, along with its Attachments, constitutes the entire understanding between the parties, with respect to the subject matter herein. The FA shall not be amended, nor any provisions or breach hereof waived, except in writing signed by the parties who agreed to the original FA or the same level of authority. Adoption of revisions or supplements to the Guidelines shall cause such revisions or supplements to become incorporated automatically into this Agreement as though fully set forth herein.

13.2 GRANTEE is obligated to continue using the Project dedicated to the public transportation purposes for which the Project was initially approved. The Project right-of-way, the Project facilities constructed or reconstructed on the Project site, and/or Project property purchased, excluding construction easements and excess property (whose proportionate proceeds shall be distributed in an equal proportion of the grant to GRANTEE Funding Commitment ratio), shall remain dedicated to public transportation use in the same proportion and scope and to the same extent as described in this FA. Equipment acquired as part of the Project, including office equipment, vehicles, shall be dedicated to that use for their full economic life cycle, including any extensions of that life cycle achieved by reconstruction, rehabilitation, or enhancements.

13.3 In the event that there is any legal court (e.g., Superior Court of the State of California, County of Los Angeles, or the U.S. District Court for the Central District of California) proceeding between the parties to enforce or interpret this FA, to protect or establish any rights or remedies hereunder, the prevailing party shall be entitled to its costs and expenses, including reasonable attorney's fees.

13.4 Neither LACMTA nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or committed to be done by GRANTEE under or in connection with any work performed by and or service provided by GRANTEE, its officers, agents, employees, contractors and subcontractors under this FA. GRANTEE shall fully indemnify, defend and hold LACMTA and its subsidiaries, and its officers, agents and employees harmless from and against any liability and expenses, including without limitation, defense costs, any costs or liability on account of bodily injury, death or personal injury of any person or for damage to or loss of risk of property, any environmental obligation, any legal fees and any claims for damages of any nature whatsoever arising out of the Project, including without limitation: (i) use of the Funds by GRANTEE, or its officers, agents, employees, contractors or subcontractors; (ii) breach of GRANTEE's obligations under this FA; or (iii) any act or omission of GRANTEE, or its officers, agents, employees, contractors or subcontractors in the performance of the work or the provision of the services, in connection with the Project including, without limitation, the Scope of Work, described in this FA.

13.5 Neither party hereto shall be considered in default in the performance of its obligation hereunder to the extent that the performance of any such obligation is prevented

or delayed by unforeseen causes including acts of God, acts of a public enemy, and government acts beyond the control and without fault or negligence of the affected party. Each party hereto shall give notice promptly to the other of the nature and extent of any such circumstances claimed to delay, hinder, or prevent performance of any obligations under this FA.

13.6 GRANTEE shall comply with and ensure that work performed under this FA is done in compliance with Generally Accepted Accounting Principles (GAAP), all applicable provisions of federal, state, and local laws, statutes, ordinances, rules, regulations, and procedural requirements including Federal Acquisition Regulations (FAR), and the applicable requirements and regulations of LACMTA. GRANTEE acknowledges responsibility for obtaining copies of and complying with the terms of the most recent federal, state, or local laws and regulations, and LACMTA requirements including any amendments thereto.

13.7 GRANTEE agrees that the applicable requirements of this FA shall be included in every contract entered into by GRANTEE or its contractors relating to work performed under this FA and LACMTA shall have the right to review and audit such contracts.

13.8 GRANTEE shall not assign this FA, or any part thereof, without prior approval of the LACMTA Chief Executive Officer or his designee. Any assignment by GRANTEE without said prior consent by LACMTA shall be void and unenforceable.

13.9 This FA shall be governed by California law. If any provision of this FA is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

13.10 The covenants and agreements of this FA shall inure to the benefit of, and shall be binding upon, each of the parties and their respective successors and assigns.

13.11 GRANTEE will advise LACMTA prior to any key Project staffing changes. Notice will be given to the parties at the address specified in Part I, unless otherwise notified in writing of change of address or contact person.

13.12 GRANTEE, in the performance of the work described in this FA, is not a contractor nor an agent or employee of LACMTA. GRANTEE attests to no organizational or personal conflicts of interest and agrees to notify LACMTA immediately in the event that a conflict, or the appearance thereof, arises. GRANTEE shall not represent itself as an agent or employee of LACMTA and shall have no powers to bind LACMTA in contract or otherwise.

**ATTACHMENT A -PROJECT FUNDING**

Measure M MSP - **Transportation System and Mobility Improvements** Program - Funding Agreement Projects - FA# 9200000000M460202

Project Title: El Segundo Boulevard Improvement Project      Project#: E1714/MM4602.02

**PROGRAMMED BUDGET - SOURCES OF FUNDS**

SOURCES OF FUNDS	Prior Years	FY2019-20	FY 2020-21	FY2021-22	FY2022-23	Total Budget	% of Budget
<b>LACMTA PROGRAMMED FUNDING</b>							
MEASURE M MSP FUNDS			\$ 465,000	\$ 3,585,000		\$ 4,050,000	55%
2016 FEDERAL EARMARK EXCHANGE				\$ 786,537.00		\$ 786,537.00	11%
<b>SUM PROG LACMTA FUNDS</b>	\$ -	\$ -	\$ 465,000	\$ 4,371,537	\$ -	\$ 4,836,537	65%
<b>OTHER NON LACMTA FUNDING:</b>							
<b>LOCAL:</b>							0%
Local Return (Prop C)			\$ 39,890	\$ 1,000,000		\$ 1,039,890	14%
Local Return (Measure M)				\$ 1,524,573		\$ 1,524,573	21%
<b>STATE:</b>						\$ -	0%
<b>FEDERAL:</b>						\$ -	0%
<b>PRIVATE OR OTHER:</b>						\$ -	0%
<b>SUM NON-LACMTA FUNDS</b>	\$ -	\$ -	\$ 39,890	\$ 2,524,573.00	\$ -	\$ 2,564,463.00	35%
<b>TOTAL PROJECT FUNDS</b>	\$ -	\$ -	\$ 504,890	\$ 6,896,110.00	\$ -	\$ 7,401,000.00	100%

Use Actual \$\$\$

ATTACHMENT B - EXPENDITURE PLAN COST & CASH FLOW BUDGET

Measure M MSP - Transportation System and Mobility Improvements Program - Funding Agreement Projects - FA# 920000000M460202  
 Project Title: El Segundo Boulevard Improvement Project Project#: E1714/ MM4602.02

PROGRAMMED SOURCES OF FUNDS

SOURCES OF FUNDS	FY 2020-21 Qtr 1	FY 2020-21 Qtr 2	FY 2020-21 Qtr 3	FY 2020-21 Qtr 4	FY 2021-22 Qtr 1	FY 2021-22 Qtr 2	FY 2021-22 Qtr 3	FY 2021-22 Qtr 4	TOTAL BUDGET
<b>LACMTA PROGRAMMED FUNDS:</b>									
<b>MEASURE M MSP FUNDS:</b>									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E				\$465,000					\$465,000
Right-of-Way Acquisition									\$0
Construction							\$500,000		\$500,000
Vehicle Purchase									\$0
Others									\$0
<b>Total Measure M</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$465,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$965,000</b>
<b>LACMTA: 2016 Federal Earmark Exchange</b>									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
<b>Total Earmark Exchange</b>	<b>\$0</b>	<b>\$0</b>							
<b>SUM PROG LACMTA FUNDS:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$465,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$965,000</b>
<b>OTHER NON LACMTA FUNDING:</b>									
<b>LOCAL: Prop C (Local Return)</b>									
Planning Activities/Prog Dev			\$25,000						\$25,000
Environmental			\$14,890						\$14,890
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction							\$250,000		\$250,000
Vehicle Purchase									\$0
Others									\$0
<b>LOCAL: Measure M (Local Return)</b>									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction							\$500,000		\$500,000
Vehicle Purchase									\$0
Others									\$0
<b>Total STATE</b>	<b>\$0</b>	<b>\$0</b>	<b>\$39,890</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$750,000</b>	<b>\$789,890</b>
<b>STATE:</b>									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
<b>Total STATE</b>	<b>\$0</b>	<b>\$0</b>							
<b>SUM NON-LACMTA FUNDS :</b>	<b>\$0</b>	<b>\$0</b>	<b>\$39,890</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$750,000</b>	<b>\$789,890</b>
<b>PROJECT FUNDING FY2020-21 and FY2021-22</b>	<b>\$0</b>	<b>\$0</b>	<b>\$39,890</b>	<b>\$465,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,250,000</b>	<b>\$1,754,890</b>

ATTACHMENT B - EXPENDITURE PLAN COST & CASH FLOW BUDGET

Measure M MSP - Transportation System and Mobility Improvements Program - Funding Agreement Projects - FA# 920000000M460202  
 Project Title: El Segundo Boulevard Improvement Project Project#: E1714/ MM4602.02

PROGRAMMED SOURCES OF FUNDS

SOURCES OF FUNDS	FY 2022-23 Qtr 1	FY 2022-23 Qtr 2	FY 2022-23 Qtr 3	FY 2022-23 Qtr 4	FY 2023-24 Qtr 1	FY 2023-24 Qtr 2	FY 2023-24 Qtr 3	FY 2023-24 Qtr 4	TOTAL BUDGET
<b>LACMTA PROGRAMMED FUNDS:</b>									
<b>MEASURE M MSP FUNDS:</b>									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction	\$2,000,000	\$1,085,000							\$3,085,000
Vehicle Purchase									\$0
Others									\$0
<b>Total MEASURE M</b>	<b>\$2,000,000</b>	<b>\$1,085,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,085,000</b>
<b>LOCAL: 2016 Federal Earmark Exchange</b>									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction	\$786,537.00								\$786,537
Vehicle Purchase									\$0
Others									\$0
<b>Total Earmark Exchange</b>	<b>\$786,537.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$786,537</b>
<b>SUM PROG LACMTA FUNDS:</b>	<b>\$2,786,537.00</b>	<b>\$1,085,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$3,871,537</b>
<b>OTHER NON LACMTA FUNDING:</b>									
<b>LOCAL: Prop C (local return)</b>									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction	\$500,000	\$250,000							\$750,000
Vehicle Purchase									\$0
Others									\$0
<b>LOCAL: Measure M (local return)</b>									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction	\$500,000	\$300,000	\$224,573						\$1,024,573
Vehicle Purchase									\$0
Others									\$0
<b>Total Local</b>	<b>\$1,000,000</b>	<b>\$550,000</b>	<b>\$224,573</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,774,573</b>
<b>STATE:</b>									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
<b>Total STATE</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>SUM NON-LACMTA FUNDS :</b>	<b>\$1,000,000</b>	<b>\$550,000</b>	<b>\$224,573</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,774,573</b>
<b>PROJECT FUNDING FY2022-23 and FY2023-24</b>	<b>\$4,786,537</b>	<b>\$2,170,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,646,110</b>
<b>TOTAL LACMTA FUNDS</b>									
	<b>\$2,786,537</b>	<b>\$1,085,000</b>	<b>\$0</b>	<b>\$465,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$4,836,537</b>
<b>TOTAL NON-LACMTA FUNDS</b>									
	<b>\$1,000,000</b>	<b>\$550,000</b>	<b>\$264,463</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$750,000</b>	<b>\$2,564,463</b>
<b>TOTAL PROJECT FUNDING</b>									
	<b>\$3,786,537</b>	<b>\$1,635,000</b>	<b>\$264,463</b>	<b>\$465,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,250,000</b>	<b>\$7,401,000</b>

## **ATTACHMENT C SCOPE OF WORK CAPITAL PROJECT**

**PROJECT NAME: El Segundo Boulevard Improvement Project**

**PROJECT LOCATION/LIMITS/AREA:**

The project is located along El Segundo Boulevard in the City of El Segundo, between Illinois Street and Isis Avenue.

**PROJECT DESCRIPTION INCLUDING MULTI-YEAR SUBREGIONAL PROGRAM AND PROJECT NEXUS:**

The purpose of this project is to promote complete street and improve mobility & accessibility by adding bike lanes and upgrading pedestrian infrastructure/ADA improvements between transit stops (Metro station and bus stations,) to promote sub-regional mobility and to support job creation & retention by improving transportation options and first/last mile connections to transits located on Metro's Countywide Strategic Arterial Network (CSAN) and nearby major employment areas, to support local land use and environmental policies and to improve environmental quality by reducing vehicle travels and greenhouse gas emission, and to improve public health and quality of life by promoting biking and walking.

El Segundo Boulevard is a major arterial east/ west six-lane divided arterial from Isis Avenue to Pacific Coast Highway and a four-lane divided arterial from Pacific Coast Highway to Illinois Street. The corridor is mixed with commercial developments and aerospace campuses. The roadway has a varying width from 52-foot curb to curb on the westerly end of the project to 106-feet at the easterly end of the project limits. The existing pavement shows widespread signs of deterioration throughout the corridor with an average pavement condition index between 0-40 which constitutes a need for rehabilitation and/ or reconstruction. Existing conditions on El Segundo Boulevard are missing ADA compliant curb ramps, larger traffic signal poles, dedicated bicycle facilities including bicycle detection, and adequate pedestrian crossings. These deficiencies and the high volume of vehicles during peak hours create adverse conditions for cyclists and pedestrians crossing the street. The El Segundo Police Department also revealed several rear end and broadside collision along El Segundo Blvd which indicates that the traffic signal equipment and pedestrian striped crossings may be substandard. Data also collected between 2012 through 2017, and it shows that the project corridor has had 40 reported collisions and 9 involving pedestrians and cyclists.

The project promotes and increases bicycle ridership while creating a streamline connection to Metro's Green Line Station at Nash Street and El Segundo Boulevard. In addition, the City of El Segundo was involved in a study to address the safety, environmental and connectivity issues within the South Bay Cities. Through extensive

public outreach and bicycle counts El Segundo Blvd, between Pacific Coast Highway to Isis Avenue, was identified as a Class I and Class II bicycle facility. Adding bike lanes along El Segundo Blvd will help define road space for bikes and for cars, promoting a healthy community and more orderly flow of traffic.

### **SCOPE:**

This project will address critical resurfacing needs along El Segundo Boulevard to provide a smoother roadway surface and improving driving conditions. Although, the project limits extend to Illinois Street, the pavement rehabilitation will begin at Pacific Coast Highway and extend to Isis Avenue. **The pavement rehabilitation scope will be covered under local funds listed above.**

The project will not only rehabilitate the existing pavement, but also provide critical pedestrian accessibility improvements. The project will upgrade accessibility by installing curb ramps at the intersections of Illinois Street, Continental Boulevard, Nash Street, Douglas Street, and Aviation Boulevard. The project will improve safety and efficiency by installing approximately 10,000 linear feet of bike lanes on El Segundo Boulevard as follows:

- Cycle Track – 1,020 lineal feet – the cycle track connects to an existing bike path that is 930 lineal feet.
- Class II – 6,300 lineal feet
- Class III – 2,600 lineal feet

This project will also enhance bicycle circulation by installing shared Class III bike lane marking and dedicated Class II bike lane striping at the following locations:

- On Douglas Street between Rosecrans Avenue and Imperial Highway (recommended to be a Class II in the SBBMP)
  - Class II – 17,500 lineal feet
  - Class III – 3,650 lineal feet
- On Nash Street between El Segundo Boulevard and Imperial Highway (recommended to be a Class III in the SBBMP)
  - Class II – 3,650 lineal feet
  - Class III – 6,750 lineal feet
- On Continental Blvd between El Segundo Boulevard and Grand Avenue (no mention in the SBBMP)

- Class III – 2,050 lineal feet

Traffic signal improvements include removing median mounted traffic signal poles, and installing pedestrian countdown signal heads along El Segundo Boulevard at the intersections of Illinois St, Continental Blvd, Nash St, Douglas St, and Isis Ave. The project will install bicycle detection at each intersection, install larger traffic signal poles to account for longer mast arms, install pedestrian push buttons, remove median mounted traffic signal pole at Douglas Street intersection, install video detections, and install pedestrian countdown signal heads.

**PROJECT FUNDING:**

PHASE	LACMTA – MEASURE M FUNDS	LOCAL AGENCY (IF ANY)	OTHER	TOTAL
PA/ED	\$5,000	\$0	\$0	\$5,000
PS and E	\$460,000	\$39,890	\$0	\$499,890
R/W Support	\$0	\$0	\$0	\$0
R/W Capital	\$0	\$0	\$0	\$0
Construction Support	\$645,000	\$0	\$0	\$645,000
Construction Capital	\$2,940,000	\$2,524,573	\$786,037*	\$6,251,110
<b>TOTAL BUDGET COST</b>	<b>\$4,050,000</b>	<b>\$2,564,463</b>	<b>\$1,028,037</b>	<b>\$7,401,000</b>

\*2016 Federal Earmark funding

**ESTIMATED PROJECT COSTS:**

ITEM DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
Mobilization, Traffic Control, Stormwater Pollution Control, Clearing & Grubbing, etc.	1	LS	\$720,000	\$720,000
Remove existing AC or concrete facilities, adjust / relocate utilities associated with AC pavement, cold mill, miscellaneous base, AC. (CITY LOCAL FUNDS TO BE USED)	1	LS	\$3,100,000	\$3,100,000
Curb ramps and ADA sidewalk improvements				
El Segundo Blvd / Illinois St intersection	2	EA	\$8,000	\$16,000
El Segundo Blvd / Continental Blvd intersection	2	EA	\$8,000	\$16,000
El Segundo Blvd / Nash St intersection	1	EA	\$8,000	\$8,000
El Segundo Blvd / Douglas St intersection	3	EA	\$8,000	\$24,000
El Segundo Blvd / Aviation Blvd intersection	4	EA	\$8,000	\$32,000
El Segundo Blvd / Isis Ave intersection	1	EA	\$8,000	\$8,000
Associated concrete work (cross gutters, curb drains, curbs, curb and gutter, etc. throughout project)	1	LS	\$300,000	\$300,000
Bike Lane Improvements				
Microsurfacing (Douglas St)	740,000	SF	\$0.80	\$592,000
Concrete Cycle Track (colored)	5,000	SF	\$20	\$100,000
Catch Basin, Curb Openings	2	EA	\$20,000	\$40,000
Signing and Striping (entire project)	1	LS	\$300,000	\$300,000
Traffic Signal Improvements				
Reset Loop Detectors – El Segundo Blvd / PCH	1	LS	\$15,000	\$15,000
El Segundo Blvd / Illinois St intersection	1	LS	\$70,000	\$70,000
El Segundo Blvd / Continental Blvd intersection	1	LS	\$85,000	\$85,000
El Segundo Blvd / Nash St intersection	1	LS	\$120,000	\$120,000
El Segundo Blvd / Douglas St intersection	1	LS	\$200,000	\$200,000
El Segundo Blvd / Aviation Blvd intersection	1	LS	\$60,000	\$60,000
Landscape Improvements	1	LS	\$700,000	\$700,000
Contingency	1	LS	\$968,047	\$250,000
Design Support During Construction	1	LS	\$645,000	\$645,000
<b>GRAND TOTAL</b>				<b>\$7,401,000</b>

**PROJECT DETAILED SCHEDULE:**

<b>Milestones</b>	<b>Begin</b>	<b>End</b>	<b>Duration (months)</b>
<b>DESIGN MILESTONES</b>			
Solicitation for Design Phase (Bid/Proposal)	12/3/2019	3/4/2020	3 months
Preliminary Design	3/4/2020	6/31/2020	4 months
PA/ED	N/A	N/A	N/A
<b>PS&amp;E</b>			
60% PS&E	07/2020	12/2020	6 months
90% PS&E	01/2021	5/2021	5 months
100% PS&E	6/2021	1/2022	6 months
Submittals and Reviews <sup>(1)</sup>	1/2022	6/2022	6 months
<b>CONSTRUCTION MILESTONES</b>			
Solicitation for Construction Phase (Bid/Proposal)	7/2022	9/2022	2 months
Contract Award	10/2022	11/2022	2 months
Fully Executed Contract	11/2022	11/2022	1 month
General Construction / Close Out Project	1/2023	5/2023	4 months

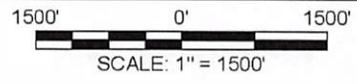
(1) The City is pending County approval on traffic signal plans.

**PROJECT MAP:**



201 N. Calle Cesar Chavez  
Suite 300  
Santa Barbara, CA 93103  
Phone: 805-692-6921  
www.mnsengineers.com

**CITY OF EL SEGUNDO  
EL SEGUNDO BOULEVARD  
IMPROVEMENTS PROJECT  
VICINITY MAP**



## FA ATTACHMENT D

### PROJECT REPORTING & EXPENDITURE GUIDELINES

#### REPORTING PROCEDURES

- Quarterly Progress/Expenditure Report (**Attachment D2**) are required for all projects. The GRANTEE shall be subject to and comply with all applicable requirements of the funding agency regarding project-reporting requirements. In addition, GRANTEE will submit the Quarterly Expenditure Report to the LACMTA, after receiving LACMTA Project Manager’s acceptance of the draft report, at [ACCOUNTSPAYABLE@METRO.NET](mailto:ACCOUNTSPAYABLE@METRO.NET) or by mail to Los Angeles Metropolitan Transportation Authority, Accounts Payable, P. O. Box 512296, Los Angeles, California 90051-0296. Please note that letters or other forms of documentation may **not** be substituted for this form.
- The Quarterly Progress/Expenditure Report covers all activities related to the project and lists all costs incurred. It is essential that GRANTEE provides complete and adequate response to all the questions. The expenses listed must be supported by appropriate documentation with a clear explanation of the purpose and relevance of each expense to the project.
- In cases where there are no activities to report, or problems causing delays, clear explanation, including actions to remedy the situation, must be provided.
- GRANTEE is required to track and report on the project schedule. LACMTA will monitor the timely use of funds and delivery of projects. Project delay, if any, must be reported each quarter.
- The draft Quarterly Expenditure Report is due to the LACMTA as soon as possible after the close of each quarter, but no later than the following dates for each fiscal year:

<i>Quarter</i>	<i>Report Due Date</i>
July –September	November 30
October - December	February 28
January - March	May 31
April - June	August 31

LACMTA Project Manager shall review and respond in writing to the draft Quarterly Expenditure Report within thirty (30) calendar days from receipt.

Upon completion of the Project a final report that includes project's final evaluation must be submitted.

## EXPENDITURE GUIDELINES

- Any activity or expense charged above and beyond the approved Scope of Work (FA Attachment C) **is considered ineligible** and will not be reimbursed by the LACMTA unless **prior written authorization** has been granted by the LACMTA Chief Executive Officer or his/her designee.
- Any expense charged to the grant must be clearly and directly related to the project.
- Administrative cost is the ongoing expense incurred by the GRANTEE for the duration of the project and for the direct benefit of the project as specified in the Scope of Work (Attachment C). Examples of administrative costs are personnel, office supplies, and equipment. As a condition for eligibility, all costs must be necessary for maintaining, monitoring, coordinating, reporting and budgeting of the project. Additionally, expenses must be reasonable and appropriate to the activities related to the project.
- LACMTA is not responsible for, and will not reimburse any costs incurred by the GRANTEE prior to the Effective Date of the FA, unless **written authorization** has been granted by the LACMTA Chief Executive Officer or his/her designee.

## DEFINITIONS

- Allowable Cost: To be allowable, costs must be reasonable, recognized as ordinary and necessary, consistent with established practices of the organization, and consistent with industry standard of pay for work classification.
- Excessive Cost: Any expense deemed "excessive" by LACMTA staff would be adjusted to reflect a "reasonable and customary" level. For detail definition of "reasonable cost", please refer to the Federal Register *OMB Circulars A-87 Cost Principals for State and Local Governments; and A-122 Cost Principals for Nonprofit Organizations*.
- Ineligible Expenditures: Any activity or expense charged above and beyond the approved Scope of Work is considered ineligible.

**LACMTA FA MEASURE M ATTACHMENT D-2  
 QUARTERLY PROGRESS/EXPENDITURE REPORT**

Grantee To Complete	
Invoice #	
Invoice Date	
FA#	9200000000M460202
Quarterly Report #	

**GRANTEES ARE REQUESTED TO EMAIL THIS REPORT TO  
ACCOUNTSPAYABLE@METRO.NET**

or submit by mail to:  
 Los Angeles County Metropolitan Transportation Authority  
 Accounts Payable  
 P. O. Box 512296  
 Los Angeles, California 90051-0296

Please note that letters or other forms of documentation may not be substituted for this form. Refer to the Reporting and Expenditure Guidelines (Attachment D) for further information.

**SECTION 1: QUARTERLY EXPENSE REPORT**

Please itemize grant-related charges for this Quarter on Page 5 of this report and include totals in this Section.

	LACMTA Measure M MSP Grant \$	EARMARK EXCHANGE GRANT \$	OTHER FUNDS \$	TOTAL \$
<b>Project Quarter Expenditure</b>				
<b>This Quarter Expenditure</b>	\$ -	\$ -	\$ -	\$ -
<b>Retention Amount (5%)</b>	-	-	-	-
<b>Net Invoice Amount (Less Retention)</b>	\$ -	\$ -	\$ -	\$ -
<b>Project-to-Date Expenditure</b>				
<b>Funds Expended to Date (Include this Quarter)</b>				
<b>Total Project Budget</b>	\$ 4,050,000.00	\$ 786,537.00	\$ 2,564,463.00	\$ 7,401,000.00
<b>% of Project Budget Expended to Date</b>				
<b>Balance Remaining</b>	\$ 4,050,000.00	\$ 786,537.00	\$ 2,564,463.00	\$ 7,401,000.00

**SECTION 2: GENERAL INFORMATION**

PROJECT TITLE: El Segundo Boulevard

FA #: 9200000000M460202

**QUARTERLY REPORT SUBMITTED FOR:**

**Fiscal Year :**       2019-20               2020-21               2021-22  
                                   2022-23               2023-24               2024-25

**Quarter :**               Q1: Jul - Sep               Q2: Oct - Dec  
                                   Q3: Jan - Mar               Q4: Apr - Jun

DATE SUBMITTED: \_\_\_\_\_

Measure M Multi-Year Subregional Program Type: Transportation System & Mobility Improvements Program (Line 50)

<b>LACMTA Project Manager</b>	Name:	Annie Chou
	Phone Number:	213.418.3453
	E-mail:	<a href="mailto:choua@metro.net">choua@metro.net</a>

<b>Grantee Contact / Project Manager</b>	Contact Name:	Cheryl Ebert P.E.
	Job Title:	Engineer
	Department:	Public Works
	City / Agency:	City El Segundo
	Mailing Address:	350 Main Street El Segundo, CA 90245
	Phone Number:	310.524.2321
	E-mail:	<a href="mailto:cebert@elsegundo.org">cebert@elsegundo.org</a>

**SECTION 3 : QUARTERLY PROGRESS REPORT**

**1. DELIVERABLES & MILESTONES**

List all deliverables and milestones as stated in the FA, with start and end dates. Calculate the total project duration. **DO NOT CHANGE THE ORIGINAL FA MILESTONE START AND END DATES SHOWN IN THE 2<sup>ND</sup> AND 3<sup>RD</sup> COLUMNS BELOW.**

Grantees must make every effort to accurately portray milestone dates in the original FA Scope of Work, since this will provide the basis for calculating any project delay. If milestone start and/or end dates change from those stated in the Original FA Scope of Work, indicate the new dates under Actual Schedule below and re-calculate the project duration. However, this does not change the original milestones in your FA. PER YOUR FA AGREEMENT, ANY CHANGES TO THE PROJECT SCHEDULE MUST BE FORMALLY SUBMITTED UNDER SEPARATE COVER TO LACMTA FOR WRITTEN CONCURRENCE.

FA Milestones	Original FA Schedule in Scope of Work		Actual Schedule	
	Start Date	End Date	Start Date	End Date
Environmental				
Design				
Right-of-Way Acquisition				
Construction				
Vehicle Purchase				
Others				
Ground Breaking Event				
Ribbon Cutting Event				
<b>Total Project Duration (Months)</b>				

**2. PROJECT COMPLETION**

A. Based on the comparison of the original and actual project milestone schedules above, project is (select only one) :

- On schedule per original FA schedule
  Less than 12 months behind original schedule  
 Between 12-24 months behind original schedule
  More than 24 months behind original schedule

B. Was the project design started within 6 months of the date originally stated in the FA?

- Yes
  No
  Not Applicable

C. Was a construction contract or capital purchase executed within 9 months after completion of design / specifications?

- Yes
  No
  Not Applicable

### 3. TASKS / MILESTONES ACCOMPLISHED

List tasks or milestones accomplished and progress made this quarter.

### 4. PROJECT DELAY

If project is delayed, describe reasons for delay (this quarter). Pay particular attention to schedule delays. If delay is for the same reason as mentioned in previous quarters, please indicate by writing "Same as Previous Quarter".

### 5. ACTION ITEMS TO RESOLVE DELAY

If the project is delayed (as described in #4), include action items that have been, or will be, undertaken to resolve the delay.

**SECTION 4. ITEMIZED LISTING OF EXPENSES AND CHARGES THIS QUARTER**

All expenses and charges must be itemized and listed below. Each item listed must be verifiable by an invoice and/or other proper documentation. The total amounts shown here must be equal to this quarter's expenditures listed on page 1 of this report. All expenses and charges must be reflective of the approved budget and rates as shown in the FA Attachment B, Scope of Work. Use additional pages if needed.

ITEM	INVOICE #	TOTAL EXPENSES CHARGED TO LACMTA MEASURE M GRANT	TOTAL EXPENSES CHARGED TO EARMARK GRANT	TOTAL EXPENSES CHARGED TO OTHER
1		-	-	-
2		-	-	-
3		-	-	-
4		-	-	-
5		-	-	-
6		-	-	-
7		-	-	-
8		-	-	-
9		-	-	-
10		-	-	-
11		-	-	-
12		-	-	-
13		-	-	-
<b>TOTAL</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

**Note:**

All receipts, invoices, and time sheets, attached and included with this Expense Report must be listed and shown under the Invoice Number column of the Itemized Listing (above).

**Invoice Payment Information:**

- LACMTA will make all disbursements electronically unless an exception is requested in writing.
- ACH Payments require that you complete an ACH Request Form and fax it to Accounts Payable at 213-922-6107.
- ACH Request Forms can be found at [www.metro.net/callforprojects](http://www.metro.net/callforprojects).
- Written exception requests for Check Payments should be completed and faxed to Accounts Payable at 213-922-6107.

I certify that I am the responsible Project Manager or fiscal officer and representative of \_\_\_\_\_ and that to the best of my knowledge and belief the information stated in this report is true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

# ATTACHMENT E- FTIP SHEET

## Los Angeles Metropolitan Transportation Authority 2021 Federal Transportation Improvement Program (\$000)

TIP ID <b>LA9918809</b>		Implementing Agency <b>El Segundo, City of</b>										
Project Description: Existing pavement shows widespread signs of deterioration throughout the corridor which constitutes a need for rehabilitation. Existing conditions on El Segundo Boulevard are missing ADA compliant curb ramps, larger traffic signal poles, dedicated bicycle facilities including bicycle detection, and adequate pedestrian crossings which will be addressed at specific locations as part of the project. 12,000 linear feet of bike lanes (Class II and Class III) will be installed.							SCAG RTP Project #: 1AL04 Study: N/A Is Model: Model #: PM: Lifan Xu - (310)524-2368  LS: N LS GROUP#: Conformity Category: TCM Committed					
System : Local Hwy		Route :	Postmile:	Distance:	Phase: No Project Activity			Completion Date 11/15/2026				
Lane # Extd:		Lane # Prop: Imprv Desc:		Air Basin: SCAB						Envir Doc: CATEGORICALLY EXEMPT - 10/30/2019		
Toll Rate:	Toll Colc Loc:	Toll Method:		Hov acs eg loc:		Uza: Los Angeles-Long Beach-Santa Ana		Sub-Area:	Sub-Region: South Bay Cities COG			
0.00								CTIPS ID:	EA #:	PPNO:		
Program Code: NCR25 - BICYCLE & PEDESTRAIN FACILITIES-UPGRADE Stop Loc:												
			PHASE	PRIOR	20/21	21/22	22/23	23/24	24/25	25/26	BEYOND	PROG TOTAL
2016 Earmark Repurposing			PE			\$0						\$0
			RW			\$0						\$0
			CON			\$786						\$786
			SUBTOTAL			\$786						\$786
CITY - City Funds			PE			\$40						\$40
			RW			\$0						\$0
			CON			\$2,525						\$2,525
			SUBTOTAL			\$2,565						\$2,565
MEASURE M MYSP (Multi Year Subregional Program)			PE		\$465	\$0						\$465
			RW		\$0	\$0						\$0
			CON		\$0	\$3,585						\$3,585
			SUBTOTAL		\$465	\$3,585						\$4,050
			TOTAL		\$465	\$6,936						\$7,401
			TOTAL PE: \$505		TOTAL RW: \$0		TOTAL CON: \$6,896		TOTAL PROGRAMMED: \$7,401			
- General Comment: Added Nash Street pavement overlay, to be paid for with City local return. Updated project cost information. - Modeling Comment: - TCM Comment: - Amendment Comment: - CMP Comment: - Narrative:												
Last Revised Amendment 21-16 - In Progress							Change reason: MINOR CHANGE		Total Project Cost		\$7,401	

## ATTACHMENT F BOND REQUIREMENTS

The provisions of this Attachment F apply only if and to the extent some or all of the Funds are derived from LACMTA issued Bonds or other debt, the interest on which is tax exempt for federal tax purposes (collectively, the "Bonds").

GRANTEE acknowledges that some or all of the Funds may be derived from Bonds, the interest on which is tax-exempt for federal tax purposes. GRANTEE further acknowledges its understanding that the proceeds of the Bonds are subject to certain ongoing limitations relating to the use of the assets financed or provided with such proceeds ("Project Costs" or "Project Components") in the trade or business of any person or entity other than a governmental organization (any such use by a person or entity other than a governmental organization is referred to as "Private Use"). Private Use will include any sale, lease or other arrangement pursuant to which a nongovernmental person or entity receives a legal entitlement of a Project Component and also includes certain agreements pursuant to which a nongovernmental person will operate or manage a Project Component. Each quarterly invoice submitted by GRANTEE to reimburse prior expenditures (or to be received as an advance) shall provide information regarding the specific Project Costs or Project Components to which the Funds which pay that invoice will be allocated and whether there is or might be any Private Use associated with such Project Costs or Project Components. GRANTEE will, for the entire time over which LACMTA's Bonds or other debt remains outstanding, (1) notify and receive LACMTA's approval prior to entering into any arrangement which will or might result in Private Use and (2) maintain records, including obtaining records from contractors and subcontractors as necessary, of all allocations of Funds to Project Costs or Project Components and any Private Use of such Project Costs or Project Components in sufficient detail to comply and establish compliance with Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"), or similar code provision then in effect and applicable, as determined by LACMTA in consultation with its bond counsel.

GRANTEE will designate one or more persons that will be responsible for compliance with the obligations described in this Attachment F and notify LACMTA of such designations.

# Notice of Exemption

Form D

**To:** Office of Planning and Research  
P.O. Box 3044, Room 212  
Sacramento, CA 95812-3044

**From:** (Public Agency) \_\_\_\_\_

County Clerk  
County of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
(Address)

Project Title: \_\_\_\_\_

Project Location - Specific: \_\_\_\_\_

Project Location – City: \_\_\_\_\_ Project Location – County: \_\_\_\_\_

Description of Nature, Purpose and Beneficiaries of Project: \_\_\_\_\_

Name of Public Agency Approving Project: \_\_\_\_\_

Name of Person or Agency Carrying Out Project: \_\_\_\_\_

**Exempt Status: (check one)**

Ministerial (Sec. 21080(b)(1); 15268);

Declared Emergency (Sec. 21080(b)(3); 15269(a));

Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

Categorical Exemption. State type and section number: \_\_\_\_\_

Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt: \_\_\_\_\_

Lead Agency

Contact Person: \_\_\_\_\_ Area Code/Telephone/Extension: \_\_\_\_\_

**If filed by applicant:**

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project?      Yes      No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

Signed by Lead Agency

Date received for filing at OPR: \_\_\_\_\_

Signed by Applicant

Revised 2005



## City Council Agenda Statement

Meeting Date: September 20, 2022

Agenda Heading: Consent

Item Number: B.7

---

### TITLE:

Police Department Purchase of Sixty-Five (65) Model TASER 7 Devices

### RECOMMENDATION:

1. Authorize the police department to purchase sixty-five (65) TASER 7's for \$181,988.60 and replace the X26P TASERS that are currently being used.
2. Pursuant to El Segundo Municipal Code 1-7-10, allow staff to purchase said tasers through Axon Enterprise, incorporated under an existing contract with NPP (National Purchasing Partners, Contract #VH11630).
3. Alternatively, discuss and take other action related to this item.

### FISCAL IMPACT:

Total Budget is \$181,988.60

Amount Budgeted: \$99,200.00 (Equipment Replacement Fund)

Additional Appropriation: Yes - \$82,788.60 - 109-400-3105-8104 (Asset Forfeiture Fund)

Account Number(s): 601-400-3101-8104 (Equipment Replacement)

109-400-3105-8104 (Asset Forfeiture Fund)

### BACKGROUND:

On March 19, 2013, the city council approved the request to purchase 62 units of Model X26P TASER devices. These TASERS reached their service life in 2018 and are no longer being serviced by the manufacturer.

### DISCUSSION:

The TASER 7 is a less lethal control device used to de-escalate potentially violent confrontations and to safely detain actively resistant subjects. Failing to acquire this device would limit officers' force options to safely bring subjects into custody. This

**Police Department Purchase of Sixty-Five (65) Model TASER 7 Devices**

**September 20, 2022**

**Page 2 of 2**

could lead to injuries to officers and subjects when fewer force options are available.

To replace the X26P TASER, the police department is requesting to purchase 65 model TASER 7 devices. The technology used by the TASER 7 is superior compared to the TASERS currently in service, which have been discontinued and are no longer serviced by AXON. If the purchase is approved, the police department will be using the most current model TASER available. The TASER 7 is expected to be sold and serviced through AXON for the next five-year cycle.

The purchase would be made through Axon Enterprise, Incorporated, a preferred vendor as it is the sole manufacturer of this product.

Staff recommends city council waive the bidding requirements and authorize a purchase from Axon Enterprise, Incorporated, in an amount not to exceed \$181,988.60 for the purchase of sixty-five (65) TASER 7 devices, holsters, and batteries.

**CITY STRATEGIC PLAN COMPLIANCE:**

Goal 2: Support Community Safety and Preparedness.

Objective: El Segundo is a safe and prepared city.

**PREPARED BY:**

Ryan Danowitz, Police Lieutenant

**REVIEWED BY:**

Jaime Bermudez, Police Chief

**APPROVED BY:**

Barbara Voss, Deputy City Manager

**ATTACHED SUPPORTING DOCUMENTS:**

None



## **City Council Agenda Statement**

**Meeting Date:** September 20, 2022

**Agenda Heading:** Consent

**Item Number:** B.8

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### **TITLE:**

Resolution to Execute a Grant Agreement with the Department of Alcoholic Beverage Control for Fiscal Year 22-23

### **RECOMMENDATION:**

1. Adopt resolution authorizing acceptance of a \$74,901 grant from the California Department of Alcoholic Beverage Control (ABC) for its alcohol enforcement and education program.
2. Authorize the City Manager to execute the associated grant agreement with ABC.
3. Alternatively, discuss and take other action related to this item.

### **FISCAL IMPACT:**

El Segundo will accept \$74,901 from ABC for participating multi-agency use. Unexpended grant monies will be returned to ABC after the conclusion of the grant period.

### **BACKGROUND:**

Earlier this year, the Police Department applied for a grant from the Department of Alcoholic Beverage Control (ABC) for a multi-agency alcohol enforcement and education campaign.

The Police Department received notification in a letter from ABC, dated May 27, 2022, that we were awarded the grant in the amount of \$74,901.00. The other agencies participating with us on grant activities are the Hermosa Beach and Manhattan Beach Police Departments.

**ABC Grant Award FY 22-23**

**September 20, 2022**

**Page 2 of 2**

**DISCUSSION:**

This program is intended to work with law enforcement agencies to develop an effective, comprehensive, and strategic approach to eliminate the crime and public nuisance problems associated with problem alcoholic beverage establishments. The term of the agreement is from July 1, 2022, to June 30, 2023.

The funds will be used to enhance current levels of enforcement and education in ABC licensed establishments within the three applicable cities. Agencies will work together to address issues associated with alcohol consumption and sales that impact quality of life issues including the sale of alcohol to minors.

The City of El Segundo is the “host” agency for this grant and a designated individual from the police department will be the point of contact for ABC. Staff requests that City Council adopt the attached Resolution authorizing execution of the agreement.

**CITY STRATEGIC PLAN COMPLIANCE:**

Goal 2: Support Community Safety and Preparedness

Objective: El Segundo is a safe and prepared community

**PREPARED BY:**

Julissa Solano, Management Analyst

**REVIEWED BY:**

Jaime Bermudez, Police Chief

**APPROVED BY:**

Barbara Voss, Deputy City Manager

**ATTACHED SUPPORTING DOCUMENTS:**

1. ABC Grant Resolution 2022
2. ABC Grant Agreement ABC-2100
3. Exhibits A-D

RESOLUTION NO. \_\_\_\_\_ -

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL WITH REGARD TO THE ABC 2022/2023 GRANT ASSISTANCE PROGRAM GRANT.**

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

**SECTION 1.** *Findings.* The City Council finds and declares as follows:

- A. On March 30, 2022, the City applied for grant funding to help reduce youth access to alcohol and increase safety in our community through the California Department of Alcoholic Beverage Control (“ABC”) Grant Assistance Program (“GAP Program”) for FY 2022-23.
- B. On May 27, 2022, ABC notified the City that it was awarded \$74,901 in GAP Program funds for FY 2022-23.
- C. GAP Program requirements require the City to execute the grant agreement with ABC for the distribution and use of the associated funds which is attached as Exhibit “A” and incorporated by reference (the “Agreement”).
- D. The City Council seeks to approve the terms of the Agreement and authorize the City Manager’s execution thereof.

**SECTION 2.** *Approval; Authorization.* The City Council approves the Agreement and authorizes the City Manager to execute it on behalf of the City. The City Manager or designee may take all necessary actions to effectuate the Agreement.

**SECTION 3.** *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 4.** *Effective Date.* This Resolution will take effect immediately upon adoption and will remain effective unless repealed or superseded.

**SECTION 5.** *City Clerk Actions.* 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 AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Drew Boyles, Mayor

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

I, Tracy Weaver, City Clerk of the City of El Segundo, California, hereby certify that the whole number of members of the City Council of the City is five; that the foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted by said City Council, approved and signed by the Mayor of said City, and attested to by the City Clerk of said City, all at a regular meeting of said Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and the same was so passed and adopted by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
Tracy Weaver, City Clerk

APPROVED AS TO FORM:  
MARK HENSLEY, CITY ATTORNEY

\_\_\_\_\_  
Joaquin Vazquez, Deputy City Attorney

**SCO ID: 2100-22APP08**

STATE OF CALIFORNIA - DEPARTMENT OF GENERAL SERVICES

**STANDARD AGREEMENT**

STD 213 (Rev. 04/2020)

AGREEMENT NUMBER <b>22-APP08</b>	PURCHASING AUTHORITY NUMBER (If Applicable) <b>ABC-2100</b>
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1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

Department of Alcoholic Beverage Control

CONTRACTOR NAME

City of El Segundo through the El Segundo Police Department

2. The term of this Agreement is:

START DATE

July 1, 2022

THROUGH END DATE

June 30, 2023

3. The maximum amount of this Agreement is:

\$74,901.00 Seventy four thousand nine hundred and one dollar and no cents

4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

Exhibits	Title	Pages
Exhibit A	Scope of Work	2
Exhibit B	Budget Detail and Payment Provisions	3
Exhibit C *	General Terms and Conditions (GTC 04/2017)	4
+ - Exhibit D	Special Terms and Conditions	1
+ - Attachment RFP	RFP Scope of Work	7

*Items shown with an asterisk (\*), are hereby incorporated by reference and made part of this agreement as if attached hereto.*

*These documents can be viewed at <https://www.dgs.ca.gov/OLS/Resources>*

**IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.**

**CONTRACTOR**

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

City of El Segundo through the El Segundo Police Department

CONTRACTOR BUSINESS ADDRESS

348 Main Street

CITY

El Segundo

STATE

CA

ZIP

90245

PRINTED NAME OF PERSON SIGNING

Jaime Bermudez

TITLE

Chief of Police

CONTRACTOR AUTHORIZED SIGNATURE

DATE SIGNED

STATE OF CALIFORNIA - DEPARTMENT OF GENERAL SERVICES

**STANDARD AGREEMENT**

STD 213 (Rev. 04/2020)

AGREEMENT NUMBER 22-APP08	PURCHASING AUTHORITY NUMBER (If Applicable) ABC-2100
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**STATE OF CALIFORNIA**

CONTRACTING AGENCY NAME

Department of Alcoholic Beverage Control

CONTRACTING AGENCY ADDRESS

3927 Lennane Drive, Suite 100

CITY

Sacramento

STATE

CA

ZIP

95834

PRINTED NAME OF PERSON SIGNING

Patty Baker

TITLE

Chief, Business Management Branch

CONTRACTING AGENCY AUTHORIZED SIGNATURE

DATE SIGNED

CALIFORNIA DEPARTMENT OF GENERAL SERVICES APPROVAL

EXEMPTION (If Applicable)

## **EXHIBIT A SCOPE OF WORK**

### **I. SCOPE OF WORK**

- Contractor agrees to implement the Department of Alcoholic Beverage Control (ABC), Alcohol Policing Partnership program. This program is intended to work with law enforcement agencies to develop an effective, comprehensive and strategic approach to eliminate the crime and public nuisance problems associated with problem alcoholic beverage outlets.
- Contractor agrees to implement ABC's Minor Decoy, Shoulder Tap Programs and conduct Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) Inspections. These Programs target both ABC licensed premises and individuals who furnish alcoholic beverages to the underage operators. The project is targeted to reduce underage drinking and the resultant DUI driving injuries and fatalities, and/or property damages, reduce youth access to alcoholic beverages through the education of licensee(s), enforcement intervention and the impressions of omnipresence of law enforcement. In addition, Contractor agrees to the following goals:
  1. The operation period of the grant is July 1, 2022 through June 30, 2023.
  2. Contractor agrees to raise public awareness that selling, serving and/or furnishing alcoholic beverages to individuals under twenty-one years old is a criminal violation that will be prosecuted by local city and district attorneys.
  3. Minor Decoy operations are designed to educate and deter licensed locations from selling/furnishing alcohol to minors. Contractor agrees to conduct Minor Decoy Operations at both "On-Sale" and "Off-Sale" licensed establishments within the operation period of the grant.
  4. Shoulder Tap operations are used to detect and deter adult furnishers outside of a licensed business. Contractor agrees to conduct Shoulder Tap Operations at "Off-Sale" licensed locations to apprehend adults that are unaffiliated with the licensed businesses and who are purchasing alcohol for minors outside of the stores within the operation period of the grant.
  5. Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) primary goal is to educate licensee's on alcohol related laws to help reduce alcohol-related crime in and around licensed premises. Contractor agrees to conduct visits and inspections of licensed premises identifying areas of non-compliance at "On-Sale" and "Off-Sale" licensed locations within the operation period of the grant.

### **II. GOALS AND OBJECTIVES**

1. Conduct at least five (5) Minor Decoy operations.
2. Conduct at least four (4) Shoulder Tap operations, including participation in the 2023 statewide shoulder tap.
3. Conduct at least two (2) Trap Door/Cops in Shops operations.
4. Conduct at least two (2) Party Patrols and Dispersal Deployments in all three cities simultaneously to I.D & enforce A/B violations by minors and furnishings of A/Bs to minors.

5. Conduct at least four (4) IMPACT operations.
6. Make three (3) community presentations on ABC issues as part of the education process (one in each city).
7. Conduct at least three (3) roll call trainings at each PD to include TRACE training.
8. Conduct at least one (1) special event enforcement.
9. Conduct at least two (2) LEAD trainings.
10. Provide at least six (6) press releases on grant enforcement activities.
  - A. To announce the start of the program;
  - B. At the conclusion of each Minor Decoy Operation has been held (to announce the number of licensed premises who sold to the minor decoy)
  - C. At the conclusion of each Shoulder Tap Operation has been held (to announce the number of adults arrested for purchasing alcoholic beverages for the decoy).
11. Contractor will fax (916) 419-2599 or email each press release to the Department's Public Information Officer ([pio@abc.ca.gov](mailto:pio@abc.ca.gov)) as soon as it is released.
12. Contractor agrees in all press releases, in addition to any credits the agency wishes to give, will include the following statement: "This project is part of the Department of Alcoholic Beverage Control's Alcohol Policing Partnership."

Contractor agrees to complete and submit monthly reports, on a format designed and provided by the Department of Alcoholic Beverage Control due no later than 15<sup>th</sup> of the following month.

### III. PROJECT REPRESENTATIVES

The project representatives during the term of this agreement will be:

El Segundo Police Department  
Julissa Solano, Management Analyst  
348 Main Street  
El Segundo, CA 90245  
(310) 524-2278  
[jsolano@elsegundo.org](mailto:jsolano@elsegundo.org)

Department of Alcoholic Beverage Control  
Brandon Shotwell, Supervising Agent in Charge  
3927 Lennane Drive, Suite 100  
Sacramento, CA 95834  
(916) 419-2329  
[Brandon.shotwell@abc.ca.gov](mailto:Brandon.shotwell@abc.ca.gov)

Direct all fiscal inquiries to:

El Segundo Police Department  
Joseph Lillio, Finance Director  
350 Main Street  
El Segundo, CA 90245  
(310) 524-2315  
[jlillio@elsegundo.org](mailto:jlillio@elsegundo.org)

Department of Alcoholic Beverage Control  
Kristine Okino, Grant Coordinator  
3927 Lennane Drive, Suite 100  
Sacramento, CA 95834  
(916) 419-2572  
[Kristine.okino@abc.ca.gov](mailto:Kristine.okino@abc.ca.gov)

## **EXHIBIT B BUDGET DETAIL AND PAYMENT PROVISIONS**

### **I. INVOICING AND PAYMENT**

- For services satisfactorily rendered and upon receipt and approval of the invoice, the Department of Alcoholic Beverage Control agrees to pay a monthly payment of approved reimbursable costs per the Budget Detail of personnel overtime and benefits (actual cost) and/or allowable costs.
- Invoices shall clearly reference this contract number (22-APP08) and must not exceed the contract total authorized amount of \$74,901.00. Invoices are to be submitted by the 15<sup>th</sup> of every month, on the prescribed form designed by the Department of Alcoholic Beverage Control.

Submit to: Department of Alcoholic Beverage Control  
Attn: Kristine Okino, Grant Coordinator  
3927 Lennane Drive, Suite 100  
Sacramento, California 95834

- Payment shall be made in arrears within 30 days from the receipt of an undisputed invoice. Nothing contained herein shall prohibit advance payments as authorized by Item 2100-101-3036, Budget Act, Statutes of 2022.
- Contractor understands in order to be eligible for reimbursement; cost must be incurred on or after the effective date of the project, July 1, 2022 and on or before the project termination date, June 30, 2023.
- Revisions to the "Scope of Work" and the "Budget Detail" may be requested by a change request letter submitted by the Contractor. If approved, the revised Grant Scope of Work and/or Budget Detail supersedes and replaces the previous grant and will initiate an amendment. No revisions can exceed allotted amount as shown on the Budget Detail. The total amount of the grant must remain unchanged.
- Contractor agrees to refund to the State any amounts claimed for reimbursement and paid to Contractor which are later disallowed by the State after audit or inspection of records maintained by the Contractor.
- Only the costs displayed in the Budget Detail are authorized for reimbursement by the State to Contractor under this agreement. Any other costs incurred by Contractor in the performance of this agreement are the sole responsibility of Contractor.
- Title shall be reserved to the State for any State-furnished or State-financed property authorized by the State which is not fully consumed in the performance of this agreement. Contractor is responsible for the care, maintenance, repair, and protection of any such property. Inventory records shall be maintained by Contractor and submitted to the State upon request. All such property shall be returned to the State upon the expiration of this grant unless the State otherwise directs.
- Prior approval by the State in writing is required for the location, costs, dates, agenda, instructors, instructional materials, and attendees at any reimbursable training seminar, workshop or conference, and over any reimbursable publicity or educational materials to be made available for distribution. Contractor is required to acknowledge the support of the State whenever publicizing the work under this grant in any media.

**II. BUDGET DETAIL**

<b>COST CATEGORY</b>	<b>TOTAL COST</b>
<b>A. Personnel Services</b>	
<u>Overtime</u>	
El Segundo Sergeant (107 hours @ \$198/hour)	\$21,186.00
El Segundo Police Officers (107 hours @ \$165/hour)	\$17,655.00
Hermosa Officer (107 hours @ \$165/hour)	\$17,655.00
Manhattan Beach Officer (107 hours @ \$165/hour)	\$17,655.00
Benefits (n/a)	\$0.00
<b>TOTAL Personnel</b>	<b>\$74,151.00</b>
<b>B. Operating Expenses (receipts required)</b>	
Decoy expenses	\$750.00
<b>TOTAL Operating</b>	<b>\$750.00</b>
<b>C. Equipment (receipts required, must be purchased by 12/31)</b>	
n/a	\$0.00
<b>TOTAL Equipment</b>	<b>\$0.00</b>
<b>D. Travel Costs</b>	
n/a	\$0.00
<b>TOTAL Travel</b>	<b>\$0.00</b>
<b>GRANT TOTAL</b>	<b>\$74,901.00</b>

### **III. BUDGET CONTINGENCY CLAUSE**

- It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.
- If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an agreement amendment to Contractor to reflect the reduced amount.

### **IV. PROMPT PAYMENT CLAUSE**

- Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927.

## **EXHIBIT C GENERAL TERMS AND CONDITIONS**

1. **APPROVAL**: This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Contractor may not commence performance until such approval has been obtained.
2. **AMENDMENT**: No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. **ASSIGNMENT**: This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.
4. **AUDIT**: Contractor agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).
5. **INDEMNIFICATION**: Contractor agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Contractor in the performance of this Agreement.
6. **DISPUTES**: Contractor shall continue with the responsibilities under this Agreement during any dispute.
7. **TERMINATION FOR CAUSE**: The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.
8. **INDEPENDENT CONTRACTOR**: Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.

9. RECYCLING CERTIFICATION: The Contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post-consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).
10. NON-DISCRIMINATION CLAUSE: During the performance of this Agreement, Contractor and its subcontractors shall not deny the contract's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Contractor shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the awarding state agency to implement such article. Contractor shall permit access by representatives of the Department of Fair Employment and Housing and the awarding state agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or Agency shall require to ascertain compliance with this clause. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)

Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

11. CERTIFICATION CLAUSES: The CONTRACTOR CERTIFICATION CLAUSES contained in the document CCC 04/2017 are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.
12. TIMELINESS: Time is of the essence in this Agreement.
13. COMPENSATION: The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.
14. GOVERNING LAW: This contract is governed by and shall be interpreted in accordance with the laws of the State of California.
15. ANTITRUST CLAIMS: The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.

- a. The Government Code Chapter on Antitrust claims contains the following definitions:
    - 1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.
    - 2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.
  - b. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.
  - c. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.
  - d. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.
16. CHILD SUPPORT COMPLIANCE ACT: For any Agreement in excess of \$100,000, the contractor acknowledges in accordance with Public Contract Code 7110, that:
- a. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and
  - b. The contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

17. UNENFORCEABLE PROVISION: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.
18. PRIORITY HIRING CONSIDERATIONS: If this Contract includes services in excess of \$200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the Contract to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.
19. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:
  - a. If for this Contract Contractor made a commitment to achieve small business participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)
  - b. If for this Contract Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)
20. LOSS LEADER: If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)

## **EXHIBIT D SPECIAL TERMS AND CONDITIONS**

1. **Disputes:** Any disputes concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Director, Department of Alcoholic Beverage Control, or designee, who shall reduce his decision in writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Department shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the State a written appeal addressed to the Director of the Department of Alcoholic Beverage Control. The decision of the Director of Alcoholic Beverage Control or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, capricious, arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, Contractor shall proceed diligently with the performance of the contract and in accordance with the decision of the State.
2. **Cancellation/Termination:** This agreement may be cancelled or terminated without cause by either party by giving thirty (30) calendar days advance written notice to the other party. Such notification shall state the effective date of termination or cancellation and include any final performance and/or payment/invoicing instructions/requirements. No penalty shall accrue to either party because of contract termination.
3. **Contract Validity:** This contract is valid and enforceable only if adequate funds are appropriated in Item 2100-101-3036, Budget Act of 2022, for the purposes of this program.
4. **Contractor Certifications:** By signing this agreement, Contractor certifies compliance with the provisions of CCC 04/2017, Standard Contractor Certification Clauses. This document may be viewed at: <https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Standard-Contract-Language>
5. If the State determines that the grant project is not achieving its goals and objectives on schedule, funding may be reduced by the State to reflect this lower level of project activity and/or cancel the agreement.



# STATE OF CALIFORNIA

## Department of Alcoholic Beverage Control

### Alcohol Policing Partnership Program

### PROPOSAL COVER SHEET

(TO BE COMPLETED BY APPLICANT AGENCY)

<b>1. Name of Applicant Agency:</b> El Segundo, Manhattan Beach & Hermosa Beach Police Departments	
<b>2. Description of Applicant Agency:</b> <i>Provide your city or county jurisdiction, and include population data, relevant demographic, and socio-economic characteristics of the community.</i> The cities of El Segundo, Manhattan Beach and Hermosa Beach are neighboring cities that are located South West of Los Angeles on the southern tip of the Santa Monica Bay. Each of the three agencies is led by their own Chief of Police along with a total of 6 captains, 9 lieutenants and 29 sergeants. These three agencies together are authorized 166 sworn officers and 104 civilian employees, serving a resident population of over 71,000 and have over 350 establishments that are licensed by the Department of Alcoholic Beverage Control to sell alcohol.	
<b>3. Number of licenses in Project Area:</b> 363	<b>4. Tax ID:</b> 95-6000706
<b>5. Funds Requested:</b>	<b>6. Project Period:</b> July 1, 2022 – June 30, 2023
<b>7. Acceptance of Conditions:</b> <i>By submitting this proposal, the applicant signifies acceptance of the responsibility to comply with all requirements stated in the Request for Proposals. The applicant understands that ABC is not obligated to fund the project until the applicant submits correctly completed documents required for the contract.</i>	
<b>A. Project Director</b> <i>Person Having Day-To-Day Responsibility for the Project</i>	<b>B. Chief of Police or Sheriff</b> <i>Authorizing Official</i>
Name: Julissa Solano Address: 348 Main Street El Segundo, CA 90245  Phone: (310) 524-2278 Email Address: JSOLANO@ELSEGUNDO.ORG Title: Management Analyst	Name: Jaime Bermudez Address: 348 Main Street El Segundo, CA 90245  Phone: (310) 524-2280 Email Address: JBERMUDEZ@ELSEGUNDO.ORG Title: Chief of Police
Signature:	Signature:
<b>C. Fiscal or Accounting Official</b>	<b>D. ABC USE ONLY</b>
Name: Joseph Lillio Address: 350 Main Street El Segundo, CA 90245  Phone: (310) 524-2315 Email Address: JLILLIO@ELSEGUNDO.ORG Title: Finance Director	
Signature:	

## SCOPE OF WORK

### Summary

The El Segundo, Manhattan Beach and Hermosa Beach Police Departments are committed to enhancing their levels of enforcement and education regarding ABC licensed establishments and problems associated with alcohol sales. These three agencies will work together with ABC investigators to identify and target problematic establishments and will participate in sting operations, conduct party prevention deployments and train officers from each department on ABC enforcement tactics, strategies and administrative accusation processes. The departments will work together to improve the public's awareness of ABC rules, regulations and enforcement activities by conducting presentations at community group meetings and submitting press releases that support the efforts of the grant program. The progress will be reported to ABC on a monthly basis and will include a final year-end report.

The El Segundo, Manhattan Beach and Hermosa Beach Police Departments have a value system in place that is dedicated to providing the finest police services to residents and visitors in their respective communities. The members of these departments are dedicated to ensuring the safety of their citizens and protecting the quality of life that exists in each of their communities. This project has the full support and commitment of all three Police Chiefs and the members of their departments.

### Project Personnel

The staffing needed for each department to carry out the grant goals and objectives will require one sergeant from the El Segundo Police Department who will be responsible for the overall coordination and supervision of the grant. This sergeant will also participate in the operations, testify in court and in ABC administrative hearings and attend training offered by ABC during the year. Staffing will also require three officers (one officer from each agency) who will be responsible for attending training presentations offered by ABC during the year, carrying out the operations, testifying in court and ABC hearings and conducting public education presentations.

## SCOPE OF WORK

### Problem Statement

Together, the El Segundo, Manhattan Beach and Hermosa Beach Police Departments provide public safety to a population of 71,770 residing in approximately 10.81 square miles. These cities are home to several large shopping malls that include popular bars and restaurants. These cities have established a reputation as having a vibrant and thriving social scene. These cities have a mixed use of residential, commercial, and industrial zones that include bars, restaurants, taverns, and hotels, which creates a high number of complaints against ABC licensed establishments. Each city boasts a vibrant downtown that is home to numerous bars and nightclubs, all located within blocks of each other on pedestrian friendly walks, adjacent to the beach. In 2021, the El Segundo, Manhattan Beach and Hermosa Beach Police Departments have responded to over 78,000 calls for service. In 2021, these departments arrested over 250 individuals for DUI. These departments also made contact with over 300 people for public intoxication. These three cities have 363 establishments licensed to sell alcoholic beverages and they continue to receive applications for additional licenses.

These three cities are home to upscale shopping, dining and beaches that host a variety of popular events that attract very large crowds, including Professional Volleyball Tournaments, the International Surf Festival, the Manhattan Beach Six Man Volleyball Tournament, the Hermosa Beach St. Patrick's Day Parade, Hermosa Beach 30th Street Iron Man Competition and a Grand Prix Bike Race. The Manhattan Beach Six Man Volleyball Tournament draws in about 50,000 spectators for the two-day tournament, which creates an atmosphere where adults and juveniles commit alcoholic related violations.

### Project Description *section 1 of 3*

The following goals and objectives will be performed during the 12 months of this project by the Manhattan Beach, Hermosa Beach and El Segundo Police Departments;

1. Train one sergeant from the El Segundo Police Department who will be responsible for coordinating the grant activities and train one officer from each department who will be responsible for carrying out the grant goals and objectives.
2. The sergeant and/or officers assigned to the grant detail will attend training presentations and conferences offered by ABC during the year.
3. Prepare press releases in cooperation with ABC, to announce the project and report on significant progress and activities.
4. Make 3 presentations to a community group on ABC issues as part of the education process (one in each city).
5. Conduct 2 Licensee Education on Alcohol and Drugs (LEAD) training seminars to include all three cities at the same time to educate licensees and employees on responsible service.
6. Conduct 4 Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) inspections where officers will visit licensed establishments to insure compliance with ABC regulations and attempt to gain voluntary compliance.

## SCOPE OF WORK

### **Project Description** *section 2 of 3*

7. Conduct 2 Party Patrol and Dispersal Deployments to include all three cities at the same time in an attempt to identify and enforce alcohol violations by minors and adults who furnish alcohol to minors.
8. Conduct 6 stings to include Minor Decoy and Shoulder TAP Stings to detect, prosecute and deter furnishing alcohol to minors.
9. Conduct 2 Trap Door/Cops in Shops deployments where officers will pose as customers in various establishments to detect and discourage violations such as minors using fraudulent identification, over service, after hour sales and consumption or municipal violations.

**SCOPE OF WORK**

**Project Description** *section 3 of 3*

**ALCOHOL POLICING PARTNERSHIP GRANT  
PROPOSAL BUDGET DETAIL**

**A. Personnel Services**

**Salaries**

	Classification/Positions	Computation	Total Cost
1			
2			
3			
		SUBTOTAL	\$ 0.00

**Overtime**

	Classification/Positions	Computation	Total Cost
1	El Segundo Sergeant	\$198 * 107 hours	\$ 21,186.00
2	El Segundo Officer x 1	\$165 * 107 hours	\$ 17,655.00
3	Hermosa Officer x 1	\$165 * 107 hours	\$ 17,655.00
4	Manhattan Beach Officer x 1	\$165 * 107 hours	\$ 17,655.00
5			
6			
		SUBTOTAL	\$ 74,151.00

**Benefits**

	Classification/Positions	Computation	Total Cost
1			
2			
3			
4			
5			
		SUBTOTAL	\$ 0.00

**B. Operating Expenses and Equipment**

**Operating Expenses \***

	Description	Computation	Total Cost
1	Six (6) minor decoy/ shoulder TAP operating expenses	6 operations x \$125	\$ 750.00
2			
	* maximum of \$2,500.00		
		SUBTOTAL	\$ 750.00

**Equipment \***

	Description	Computation	Total Cost
1			
2			
3			
	* maximum of \$2,500.00		
		SUBTOTAL	\$ 0.00

**C. Travel Expenses \***

	Description	Computation	Total Cost
1			
2			
3			
4			
		SUBTOTAL	\$ 0.00

\* APP Conference only. All travel cannot exceed current state rates

**GRANT TOTAL** \$ 74,901.00

## OTHER FUNDING SOURCES

Complete the following to report the total funds available to support the activities related to accomplishing the goals and objectives of the contract. In the "Grant Funds" column, report the ABC funds requested by category. In the "Other Funds" column, report all other funds available to support the project by category (if none, leave blank). Then calculate the totals by category in the "Program Total" column. Total each column down to arrive at the total program funds available.

*Note: Round all budget amounts to the nearest dollar—no cents.*

Budget Category	Grant Funds	Other Funds	Program Total
A. Personnel Services	74,151.00		74,151.00
B. Operating Expense	750.00		750.00
C. Travel/Registration Fees			0.00
D. Equipment			0.00
<b>TOTALS</b>	<b>\$ 74,901.00</b>	<b>\$ 0.00</b>	<b>\$ 74,901.00</b>

*This form does not become part of the contract but is **required** in the Request for Proposal package.*



## City Council Agenda Statement

Meeting Date: September 20, 2022

Agenda Heading: Consent

Item Number: B.9

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### TITLE:

Implementation of Reorganization of City Departments – Second Reading

### RECOMMENDATION:

1. Waive second reading and adopt proposed Ordinance amending the El Segundo Municipal Code to reflect revised names of certain departments and positions.
2. Alternatively, discuss and take other action related to this item.

### FISCAL IMPACT:

Funding for the proposed actions was incorporated in the Adopted FY 2022-2023 Citywide Budget. No new funding is needed for this fiscal year.

### BACKGROUND:

On September 6, 2022, the Human Resources Director presented an Ordinance to revise the names of certain departments and positions in the City's Municipal Code as adopted in the FY 2022-2023 Budget. The City Council approved the proposed Ordinance and directed staff to schedule a second reading at the September 20, 2022 meeting. The revised names of certain departments and positions included in the Ordinance are as follows:

#### Recreation, Parks, and Library Department (name change)

The name of the former "Community Services Department" was changed to "Recreation, Parks, and Library Department" to reflect the merger of the Parks Division from the Public Works Department with the Community Services Department, which includes the Recreation and Library Divisions. The reorganized department structure is now comprised of three divisions: 1) Recreation, 2) Parks and 3) Library.

#### Community Development Department (name change)

## Implementation of Reorganization of City Departments – Second Reading

September 20, 2022

Page 2 of 3

The name of the former “Development Services Department” was changed to “Community Development Department” to better align with industry standards for building, planning, and neighborhood preservation services provided.

### **DISCUSSION:**

In alignment with the new Department names, the Ordinance also includes revisions to the titles of the job classifications of the Department Directors as described below:

#### Director of Community Development

The former Development Services Department is under the direction of the Director of Development Services. Staff recommends revising the current title to Director of Community Development Department. The salary range and “at-will” status in the Executive Management group would remain unchanged. Funding for this position is included in the Adopted FY 2022-2023 General Fund Budget.

#### Director of Recreation, Parks, and Library

The former Community Services Department is under the direction of the Director of Community Services. Staff recommends revising the current title to Director of Recreation, Parks, and Library. The salary range and “at-will” status in the Executive Management group would remain unchanged. Funding for this position is included in the Adopted FY 2022-2023 General Fund Budget.

The Ordinance modifies the City’s Municipal Code to comply with City’s personnel policies and practices and will apply the name changes to existing City resolutions and agreements. A resolution amending the position titles was approved by City Council at the September 6, 2022 meeting and will become effective upon the date of the adoption of the Ordinance.

### **CITY STRATEGIC PLAN COMPLIANCE:**

Goal 1: Enhance Customer Service, Diversity, Inclusion and Communication

Objective 1A: El Segundo provides unparalleled service to all customers.

Objective 1 B: El Segundo's engagement with the community ensures excellence.

Goal 3: Promote a Quality Workforce Through Teamwork and Organizational Efficiencies

Objective: El Segundo is an employer of choice and consistently hires for the future, with a workforce that is inspired, world-class, engaged and innovative.

**Implementation of Reorganization of City Departments – Second Reading**

**September 20, 2022**

**Page 3 of 3**

**PREPARED BY:**

Rebecca Redyk, Human Resources Director

**REVIEWED BY:**

Rebecca Redyk, Human Resources Director

**APPROVED BY:**

Barbara Voss, Deputy City Manager

**ATTACHED SUPPORTING DOCUMENTS:**

1. Ordinance Amending Municipal Code

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE EL SEGUNDO MUNICIPAL CODE TO REFLECT CHANGES TO THE CITY’S INTERNAL ORGANIZATION, INCLUDING REVISED NAMES OF CERTAIN DEPARTMENTS AND CLASSIFICATIONS.**

**THE CITY COUNCIL OF THE CITY OF EL SEGUNDO DOES ORDAIN AS FOLLOWS:**

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

- A. On August 16, 2022, the City Council approved a revised City organization chart which made changes to the names of certain departments and positions.
- B. The City Council desires to adopt this ordinance memorializing the changes within the City’s Code.

SECTION 2. El Segundo Municipal Code (“ESMC”) § 1-6-3 is amended in its entirety to read as follows:

**“1-6-3: CITY DEPARTMENTS:**

Effective \_\_\_\_\_, 2022 the organization of City government consists of the following departments:

City Administration

**Community Development Department**

Finance Department

Fire Department

Human Resources Department

Information Technology Systems Department

Police Department

Public Works Department

**Recreation, Parks, and Library Department”**

SECTION 3. ESMC § 1-6-5 is amended in its entirety to read as follows:

**“1-6-5 DEPARTMENT HEADS:**

For purposes of this chapter and expanding the coverage of initiative Ordinance No. 586, pursuant to its § 19, effective \_\_\_\_\_, the term “department head” includes:

Assistant City Manager

Chief Financial Officer

Chief of Police

City Manager

Deputy City Manager

**Director of Community Development**

Director of Human Resources

Director of Information Technology Services

Director of Public Works

**Director of Recreation, Parks, and Library**

Fire Chief”

SECTION 4. Throughout the remainder of the ESMC and for all City resolutions and contracts, all references to the following departments or directors are amended as follows:

<b><i>Current Titles</i></b>	<b><i>Shall be changed:</i></b>
“Development Services Department,” “Planning, Building and Safety Department,” “Planning and Building Department,” “Community, Economic and Development Services Department,”	“Community Development Department”
“Community Services Department,” “Recreation and Parks Department”	“Recreation, Parks, and Library Department”
“Director of Development Services,” “Director of Planning, Building and Safety,” “Director of Planning and Building Safety,” “Director of	“Director of Community Development”

Community, Economic and Planning and Building Safety,” “Community, Economic and Development Services Director,” “Director of Community, Economic and Development Services”	
“Director of Community Services,” “Recreation and Parks Director”	“Director of Recreation, Parks, and Library”

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

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

**SECTION 7. *Severability.*** If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provision or application and, to this end, the provisions of this Ordinance are severable.

**SECTION 8.** The City Clerk, or her duly appointed deputy, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

**SECTION 9. *Construction.*** This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

**SECTION 10. *Environmental Review.*** This Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”). Based upon that review, this Ordinance is exempt from

further review pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION 11. Recording. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 12. Execution. The Mayor, or presiding officer, is hereby authorized to affix his signature to this Ordinance signifying its adoption by the City Council of the City of El Segundo, and the City Clerk, or duly appointed deputy, is directed to attest thereto.

SECTION 13. Electronic Signatures. This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 14. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

ORDINANCE NO. \_\_\_\_ HAD ITS FIRST READING ON \_\_\_\_\_, ITS SECOND READING ON \_\_\_\_\_, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF EL SEGUNDO AT ITS REGULAR MEETING OF \_\_\_\_\_.

\_\_\_\_\_  
Drew Boyles, Mayor

ATTEST:

\_\_\_\_\_  
Tracy Weaver, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark D. Hensley, City Attorney



## City Council Agenda Statement

Meeting Date: September 20, 2022

Agenda Heading: Consent

Item Number: B.10

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### **TITLE:**

Resolution Allowing Continued Teleconferenced Public Meetings

### **RECOMMENDATION:**

1. Approve the proposed resolution to continue the City's utilization of relaxed teleconferencing requirements under the Brown Act.
2. Alternatively, discuss and take other action related to this item.

### **FISCAL IMPACT:**

The proposed action would have no significant fiscal impact on the General Fund.

### **BACKGROUND:**

Assembly Bill No. 361 ("AB 361") amended certain provisions of the Ralph M. Brown Act governing open meetings to allow teleconferencing, including internet-based video conferencing, in a manner similar to previously-issued gubernatorial executive orders. AB 361 allows a legislative body to continue utilizing teleconferencing to conduct public meetings under certain circumstances, provided it makes certain findings outlined in Government Code § 54953(e). Government Code § 54953(f) allows the municipal, but not state, legislative bodies to continue such teleconferencing until the earlier of the lifting of the Governor's state of emergency declaration or December 31, 2023, so long as certain findings are made every 30 days.

### **DISCUSSION:**

Since the Governor's state of emergency is still effective and the County of Los Angeles continues to strongly recommend certain masking and social distancing measures, the necessary findings can be made for the City Council to adopt the proposed Resolution allowing the continued use of "hybrid" teleconferenced meetings pursuant to Government Code §§ 54953(e) and 54953(f) for a period of 30 days from the date of the

Teleconferencing Resolution

**September 20, 2022**

**Page 2 of 2**

Resolution's adoption.

**CITY STRATEGIC PLAN COMPLIANCE:**

Goal 1: Enhance Customer Service, Diversity, Inclusion and Communication

Objective 1A: El Segundo provides unparalleled service to all customers.

Objective 1 B: El Segundo's engagement with the community ensures excellence.

**PREPARED BY:**

Joaquin Vazquez, Deputy City Attorney

**REVIEWED BY:**

Mark Hensley, City Attorney

**APPROVED BY:**

Barbara Voss, Deputy City Manager

**ATTACHED SUPPORTING DOCUMENTS:**

1. ES- Reso AB 361 Extension 09202022

RESOLUTION NO. \_\_\_\_\_ -

**A RESOLUTION OF THE CITY COUNCIL OF CITY OF EL SEGUNDO FINDING THAT CERTAIN CONDITIONS EXIST TO CONTINUE CONDUCTING PUBLIC MEETINGS VIA TELECONFERENCING PURUSANT TO GOVERNMENT CODE SECTION §§ 54953(e) AND 54953(f).**

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

**SECTION 1.** *Findings.* The City Council finds and declares as follows:

- A. On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California due to the threat of the COVID-19 pandemic and such State of Emergency has not been rescinded by either the Governor or the California Legislature.
- B. This gubernatorial proclamation, among other things, suspended local government emergency declaration, reporting, and extension requirements of Government Code § 8630 for the duration of the COVID-19 pandemic.
- C. Effective September 16, 2021, Assembly Bill No. 361 (“AB 361”) took effect which, among other things, amends certain provisions of the Ralph M. Brown Act (“Brown Act”) governing open meetings to allow teleconferencing, including internet-based video conferencing, in a manner similar to previously issued gubernatorial executive orders.
- D. During a proclaimed state of emergency, AB 361 allows a legislative body, like the City Council, to continue utilizing teleconferencing to conduct public meetings under certain circumstances, provided the legislative body makes certain findings.
- E. The City Council has previously adopted and made findings to continue meeting via teleconferencing pursuant to AB 361 and seeks to make additional findings under Government Code § 54953(e) to continue such teleconferencing use.
- F. The Los Angeles County Department of Public Health issued an order, effective April 22, 2022, maintaining its position that masks are “strongly recommended” in indoor settings to prevent transmission of COVID-19.
- G. Following weeks of high case numbers fueled by highly infectious strains of COVID-19, BA.4 and BA.5, in a July 12, 2022 press release, the Los Angeles County Department of Public Health has

recommended “wearing high-quality respirator masks and getting tested” to slow the spread of COVID-19.”

**SECTION 2.** *Teleconferencing; Ratification.*

A. Pursuant to Government Code § 54953(e), the City Council has reconsidered the circumstances of the state of emergency finds as follows:

1. California continues to be in a declared state of emergency pursuant to Government Code § 8625 (the California Emergency Services Act; see Government Code § 54953(e)(3); see also Governor’s Proclamation dated March 4, 2020); and
2. Based upon the Order of the Health Officer for County of Los Angeles Department of Public Health (dated April 21, 2022 and effective April 22, 2022) and recent public Los Angeles County Department of Public Health releases, masks are strongly recommended to curb the spread of COVID-19 (Government Code § 54953(e)(3)(B)(ii)).

B. Accordingly, to protect public health and safety the City Council:

1. Finds that it is in the public interest to conduct City Council meetings via teleconference as defined by Government Code § 54953;
2. Authorizes City Council members to appear at regular and special meetings in person; and
3. Authorizes public officials, designated by the City Manager, or designee, to attend such City Council meetings if presenting matters to the legislative body or if the official’s presence at the meeting is otherwise deemed necessary by the City Manager or designee.

C. The City Council will adhere to all requirements of Government Code § 54953 governing teleconferencing during the emergency including, without limitation, posting agendas; allowing for real-time public comment via either call-in or internet-based; allowing for written communications that will be either read or summarized into the record during the meeting as determined by the City Council; and protecting the statutory and constitutional rights of all persons appearing before the legislative body.

**SECTION 3.** *Environmental Review.* This Resolution itself and the actions anticipated herein were reviewed pursuant to the California Environmental Quality

Act (Public Resources Code §§ 21000, et seq., “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the “CEQA Guidelines”). Based upon that review, this action is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.

**SECTION 4. Reporting.** Every 30 days following adoption of this Resolution, the City Council will reconsider the extension of the teleconferencing method of public meetings in accordance with Government Code § 54953(e)(3). Such determinations may be placed on the consent calendar.

**SECTION 5. 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 6. Effective Date.** This Resolution will take effect immediately upon adoption and will remain effective unless repealed or superseded.

**SECTION 7. City Clerk Actions.** 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 AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Drew Boyles, Mayor

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

I, Tracy Weaver, City Clerk of the City of El Segundo, California, hereby certify that the whole number of members of the City Council of the City is five; that the foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted by said City Council, approved and signed by the Mayor of said City, and attested to by the City Clerk of said City, all at a regular meeting of said Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and the same was so passed and adopted by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

---

Tracy Weaver, City Clerk

APPROVED AS TO FORM:  
MARK HENSLEY, CITY ATTORNEY

---

Joaquin Vazquez, Deputy City Attorney



## **City Council Agenda Statement**

**Meeting Date:** September 20, 2022

**Agenda Heading:** Staff Presentations

**Item Number:** D.11

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### **TITLE:**

Smoky Hollow Pilot Parking Project Update

### **RECOMMENDATION:**

1. Provide feedback and direction to staff regarding the recommended three conceptual design options and advance the selected option.
2. Alternatively, discuss and take other action related to this item.

### **FISCAL IMPACT:**

None.

### **BACKGROUND:**

On October 2, 2018, the City Council adopted the Smoky Hollow Specific Plan. A pilot parking project was authorized under this plan to add a parallel parking lane for on-street parking along the north side of El Segundo Boulevard from the alley east of Main Street to the alley east of Sheldon Street. This pilot project was completed on January 21, 2020 in accordance to the Smoky Hollow Specific Plan, and was subsequently removed after a 16-month evaluation period at the direction of the City Council on May 18, 2021.

Staff was directed to initiate a second pilot project to add parking to the Smoky Hollow area. This alternative is to alter some of the north/south streets that intersect El Segundo Blvd. from the current two-way operation to one-way streets which would allow angled parking along those streets, as contemplated in the Smoky Hollow Specific Plan.

**Smokey Hollow Parking Pilot**

**September 20, 2022**

**Page 2 of 3**

**DISCUSSION:**

The conceptual design of this proposed pilot project was completed by KOA Corporation and is summarized in the attached presentation.

This proposed pilot project would convert Nevada Street and Oregon Street from El Segundo Boulevard to Grand Avenue to a one-way couplet, which would allow an additional 19 angled parking spaces. There are three alternative options to accomplish this conversion.

	<b>Estimated Construction Cost</b>	<b>Scope</b>
Alternative 1	\$100,000	Signing and striping only
Alternative 2	\$300,000	Signing and striping. Raised landscaping planters.
Alternative 3	\$2,200,000	Roadway rehabilitation, driveways, sidewalk, and curb ramps replacement. Corner curb extensions with landscaping and irrigation. Signing and striping improvements.

**CITY STRATEGIC PLAN COMPLIANCE:**

Goal 4: Develop and Maintain Quality Infrastructure and Technology

Objective 4A: El Segundo's physical infrastructure supports an inviting and safe community.

Goal 5: Champion Economic Development and Fiscal Sustainability

Objective 5A: El Segundo promotes economic growth and vitality for business and the community.

**PREPARED BY:**

Lifan Xu, City Engineer

**REVIEWED BY:**

Elias Sassoon, Public Works Director

**APPROVED BY:**

Barbara Voss, Deputy City Manager

**ATTACHED SUPPORTING DOCUMENTS:**

1. Smoky Hollow Pilot Parking Project Presentation



# Smoky Hollow Parking Pilot Project

# Project Goals & Objectives

- Implementation of Smoky Hollow Specific Plan pilot parking project.
- Conversion to one-way street and provide angled parking.
- Overall goal is to increase parking capacity.

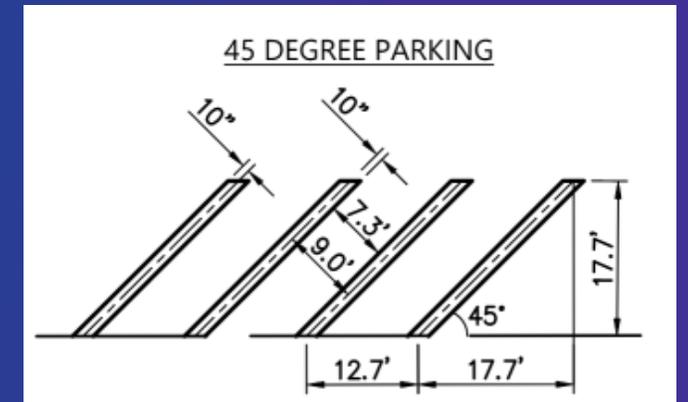
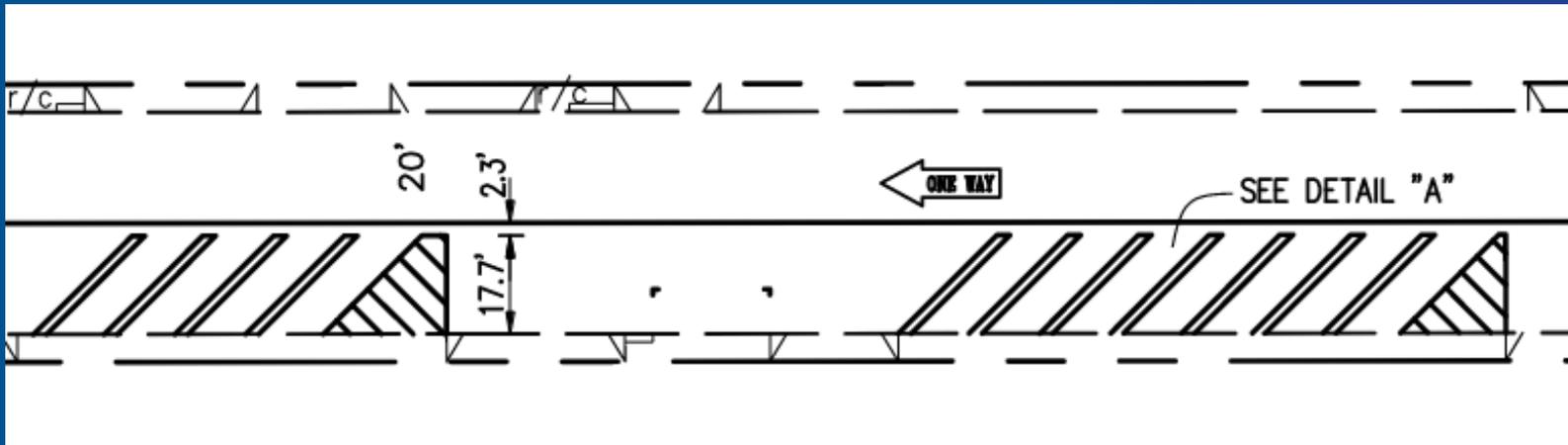
# Smoky Hollow Specific Plan

- Identification of one-way streets



# Pilot Parking Project

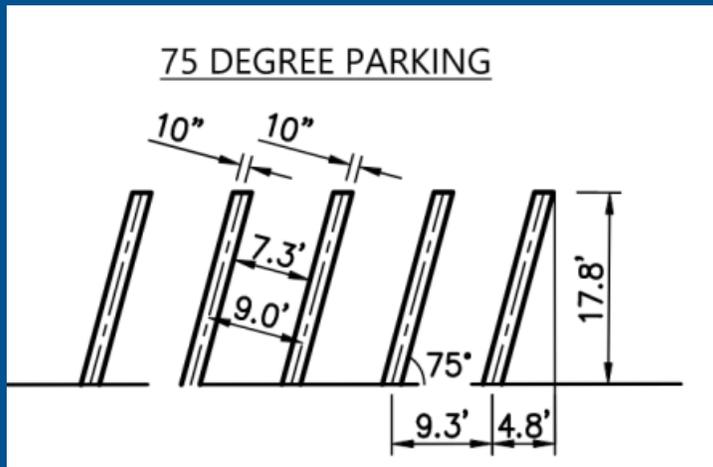
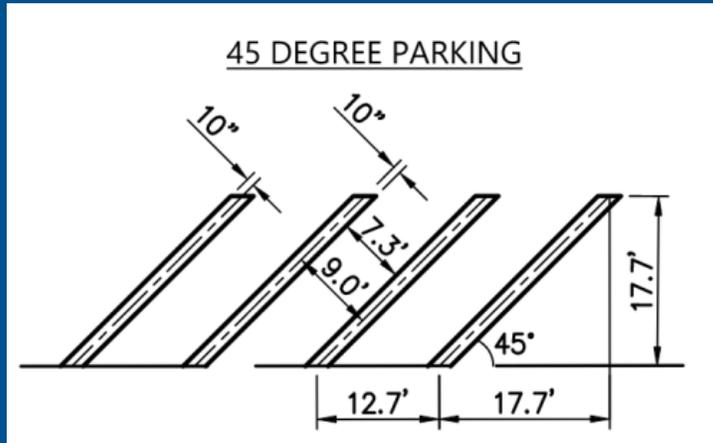
- Nevada Street & Oregon Street
  - Limits: El Segundo Boulevard to Grand Avenue
  - One-way couplet
  - Two consecutive blocks



# Angled Parking Analysis

- City of Los Angeles Department of Transportation Angled Parking Standard.
- Analyzed 45 degree through 75 degree parking.
- 45 degree parking yielded the most gain.

# Angled Parking Analysis



θ	A	B	C	E
37.5°	16.9'	14.8'	22'	11'
45°	17.7'	12.7'	17.7'	11.1'
50°	18.0'	11.75'	15.1'	12'
52.5°	18.2'	11.3'	13.9'	13.1'
60°	18.4'	10.4'	10.6'	15.1'
67.5°	18.2'	9.7'	7.5'	17.3'
75°	17.8'	9.3'	4.8'	19.7'

**NOTES**

- ALL PARKING STALL LINES AND EDGE LINES SHALL BE IN ALKYO-BASED THERMOPLASTIC.
- CALCULATIONS BASED ON, BUT NOT LIMITED TO L.A.M.C. SECTION 12.21, UTILIZING 9'X16' STALL SIZE. LARGE VEHICLES REQUIRING THE 18-FOOT DIMENSION ARE EXPECTED TO OVERHANG THE CURB, AS SHOWN. STALL DESIGN ABOVE REQUIRES 2-FOOT OVERHANG FOR 18-FOOT VEHICLE.
- ON LOCAL STREETS, COLLECTOR STREETS, AND THOSE ARTERIAL STREETS WHICH FUNCTION AS COLLECTOR STREETS (SEE 4, BELOW), THE "E" DIMENSION SHALL BE 4' MINIMUM WHERE THE PARKING ANGLE IS GREATER THAN 45 DEGREES. ON THOSE LOCAL AND COLLECTOR STREETS WITH ANGLE PARKING 45 DEGREES OR LESS, THE "E" DIMENSION MAY BE REDUCED TO A MINIMUM OF 2 FEET. THE 4' DIMENSION IS PREFERRED, HOWEVER, AND SHOULD BE PROVIDED IF THE ROADWAY WIDTH PERMITS.
- ON ARTERIAL HIGHWAYS, THE "E" DIMENSIONS SHOWN IN THE ABOVE TABLE SHALL BE CONSIDERED REQUIRED MINIMUMS. THIS IS INTENDED TO PROVIDE FOR MANEUVERS TO AND FROM THE PARKING STALL WITHOUT OBSTRUCTING TRAFFIC MOVEMENT IN THE ADJACENT TRAVELED LANE. ARTERIAL STREETS ARE DESIGNATED IN COMMUNITY PLANS. A DESIGNATED ARTERIAL STREET MAY, FOR THE PURPOSES OF THIS STANDARD PLAN BE CONSIDERED AS A COLLECTOR STREET IF THE DAILY VOLUME IS LESS THAN 10,000 VEHICLES, OR THE STRIPING PROVIDES FOR ONLY ONE THROUGH LANE IN EACH DIRECTION.

APPROVED: *January 21, 2015*  
*John S. Fisher*  
 for Wayne K. Tando, General Manager  
 CITY OF LOS ANGELES  
 DEPARTMENT OF TRANSPORTATION  
 ON-STREET ANGLE PARKING STALLS 1/2  
 S-440.0

# Parking Analysis Table

Segment Location	Previous Study (2016)				New Parking Study (2022)					
	Existing Parallel Parking Capacity	Total Potential Parking	Increase In Parking Spaces	Percentage Increase In Parking	Existing Parallel Parking Capacity	Potential Diagonal Parking Capacity (1 side)	Remaining Parallel Parking	Total Potential Parking	Increase In Parking Spaces	Percentage Increase In Parking
Standard Street	22	23	1	5%	17	11	10	21	4	24%
Eucalyptus Street	27	36	9	33%	21	10	15	25	4	19%
Sheldon Street	16	20	4	25%	10	5	6	11	1	10%
Penn Street	19	23	4	21%	17	6	10	16	-1	-6%
Sierra Street	18	22	4	22%	9	4	6	10	1	11%
Lomita Street	22	24	2	9%	19	11	10	21	2	11%
Maryland Street	25	31	6	24%	20	15	11	26	6	30%
Center Street (North)	26	36	10	38%	26	21	14	35	9	35%
Center Street (South)	17	24	7	41%	8	3	8	11	3	38%
Nevada Street (North)	23	28	5	22%	21	13	12	25	4	19%
Nevada Street (South)	21	32	11	52%	19	5	15	20	1	5%
Oregon Street (North)	20	26	6	30%	23	23	10	33	10	43%
Oregon Street (South)	26	34	8	31%	20	12	12	24	4	20%
California Street	28	36	8	29%	24	17	15	32	8	33%
<b>Totals</b>	310	395	85	27%	254	156	154	310	56	22%

# Pilot Project Costs

- Alternative 1 – Approx. \$100k
  - Signing and striping only.
- Alternative 2 – Approx. \$300k
  - Signing and striping.
  - Raised landscaping planters.
- Alternative 3 - \$2.2 mil
  - Roadway rehabilitation, replace driveways, sidewalk, and curb ramps.
  - Corner curb extensions with landscaping and irrigation.
  - Signing and striping improvements.



## City Council Agenda Statement

Meeting Date: September 20, 2022

Agenda Heading: Staff Presentations

Item Number: D.12

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### TITLE:

Main Street / Imperial Highway Monument Sign

### RECOMMENDATION:

1. Provide feedback and direction to staff regarding the selected option of the "Old Time Postcard Inspiration" conceptual design.
2. Alternatively, discuss and take other action related to this item.

### FISCAL IMPACT:

\$450,000 for this project was included in the adopted FY 20-21 Capital Improvement Program Budget. The previous conceptual design expenditures and the design cost for this project total \$103,660. The remaining balance is \$346,340. If the cost of the project (once bid) exceeds the budgeted amount, an additional appropriation would be required.

### BACKGROUND:

On January 18, 2022, City Council authorized staff to execute a Professional Services Agreement with Hirsch & Associates, Inc. to prepare the design of the Main Street / Imperial Highway Monument Entry Feature and authorized staff to remove the existing signage at the Main Street and Imperial Highway intersection. By the end of January, Public Works staff had removed the sign at the site intersection. Additionally, Hirsch & Associates, Inc. investigated the site and prepared two concepts for this entry feature. The designer was asked to provide a design that is reflective of El Segundo's small-town charm, beach orientation, ties into the evolving nature of the Downtown area, and connects to the historic El Segundo High School, Library Park, and Library Park sites.

## Main Street / Imperial Highway Monument Entry Feature

September 20, 2022

Page 2 of 3

At the September 6, 2022 City Council meeting, Hirsch & Associates, Inc. presented the two conceptual options:

- The **Character of El Segundo** concept. This concept is inspired by industrial design and materials where the abstract graphic images are cut into steel or aluminum panels. This design touches on many of the features that come together to form the character of El Segundo from the past, present, and future. The estimated construction cost for this option is \$440,000.
- The **Old Time Postcard Inspiration** concept. This concept is inspired by the creative tourist industry marketing of the past. This bold, clean, and modern design will be a stand-out statement-piece in the landscape, inviting visitors to explore all that the city has to offer. The estimated construction cost for this option is \$420,000.

City Council provided feedback on the two presented options and selected the second option, the Old Time Postcard Inspiration conceptual design. The City Council asked staff to provide additional information related to the cost breakdown, landscaping design, and evaluation of a walking trail as part of the selected option in a subsequent presentation.

### **DISCUSSION:**

The cost breakdown of the Old Town Postcard Inspiration project is as follows:

Description	Estimated cost
General Site Demolition	\$52,000
"Old Time Postcard" Monument Sign	\$132,000
General Site Construction	\$71,000
Site Electrical	\$58,000
Irrigation	\$20,000
Landscape	\$27,000
General Conditions / Contingency	\$61,000
<b>TOTAL</b>	<b>\$421,000</b>

The staff and Hirsch & Associates, Inc. will make a PowerPoint presentation which provides the details of this cost break-down and also will provide information regarding a walking trail for the project.

It is respectfully requested of the City Council to provide feedback and direction to staff on the preparation of the final design for this entry feature project subsequent to the

## **Main Street / Imperial Highway Monument Entry Feature**

**September 20, 2022**

**Page 3 of 3**

PowerPoint presentation.

With the City Council's direction, the final design is estimated to be completed by December 2022.

### **CITY STRATEGIC PLAN COMPLIANCE:**

Goal 4: Develop and Maintain Quality Infrastructure and Technology

Objective 4A: El Segundo's physical infrastructure supports an inviting and safe community.

Objective 4B: El Segundo's technology supports effective, efficient, and proactive operations.

Goal 5: Champion Economic Development and Fiscal Sustainability

Objective 5A: El Segundo promotes economic growth and vitality for business and the community.

Objective 5B: El Segundo approaches its work in a financially strategic and responsible way.

#### **PREPARED BY:**

Cheryl Ebert, Senior Civil Engineer

#### **REVIEWED BY:**

Elias Sassoon, Public Works Director

#### **APPROVED BY:**

Barbara Voss, Deputy City Manager

### **ATTACHED SUPPORTING DOCUMENTS:**

None



## **City Council Agenda Statement**

**Meeting Date:** September 20, 2022

**Agenda Heading:** Staff Presentations

**Item Number:** D.13

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### **TITLE:**

One-Year Extension of Joint Use Agreements with El Segundo Unified School District

### **RECOMMENDATION:**

1. Approve a one-year extension of Joint Use Agreement for Public Recreation Facilities between the City of El Segundo and the El Segundo Unified School District. (ATTACHMENT A)
2. Approve a one-year extension of Joint Use Agreement Studio and Equipment with El Segundo Unified School District. (ATTACHMENT B)
3. Alternatively, discuss and take other action related to this item.

### **FISCAL IMPACT:**

It is anticipated that the City of El Segundo's in-kind contribution to supporting the services within the agreements is estimated to be \$944,190 as shown in Attachment C.

### **BACKGROUND:**

The City and the El Segundo Unified School District (the "District") previously entered into an agreement on September 12, 1990, governing the joint use of public recreation facilities, which was subsequently amended on August 21, 1991 and amended and restated again on December 8, 1992. In September 1999, the City and District also entered into a "Funding Agreement" in which the City would pay the District \$250,000 annually to provide student services and maintain its facilities. Additionally, the City agreed to fund \$80,000 for Crossing Guard services. In addition, on October 16, 2007, the City and District entered into a Memorandum of Understanding (MOU) for Library Services.

**One Year Extension of Joint Use Agreement with El Segundo Unified School District**  
**September 20, 2022**  
**Page 2 of 3**

In September 2012, the City also took the following actions:

1. Approved an amended Joint Use Agreement for Public Recreation Facilities between the City and the District for a term of 10 years.
2. Approved an Agreement between the City and the District for Joint Use of Media Studio and Equipment for a term of 10 years.
3. Approved the First Amendment to an MOU between the City and the District for Library Services for a term of 10 years.
4. Subsequent to this date, there have been three additional amendments to the Library MOU.

Beginning in Spring 2022, City staff began a series of discussions with the Superintendent of the District, Dr. Melissa Moore and her staff, regarding updating and renewal of the Joint Use Agreements due to the pending expiration of the agreements.

At the City Council meeting of August staff proposed extending the amended agreements for a term of ten years. The City Council discussed the agreements and expressed a desire to have a shorter term for the agreement based on the changing needs of the City and the school district. A shorter agreement term would allow City staff and District staff opportunities to amend the agreement more regularly to ensure the agreement is still meeting the needs of both parties. Council also directed staff to return with more details about the financial support that has been provided to the school district for the past 15 years and to include a list of in-kind financial contributions from the school district to the City. The City Council then discussed extending the agreements for a term of one year to give staff time to prepare a more detailed analysis of the joint use.

**DISCUSSION:**

The City and the District agree that it is in the public's best interest, economically and practically, to cooperate with each other in regard to the recreational use of certain City and District facilities. However, due to concerns raised by the City Council, staff will initiate a thorough analysis of the shared use and return to the City Council with a proposal for a five-year agreement by September 2023.

Staff will initiate meetings with District staff to gather relevant data and to discuss potential amendments to the agreement to better serve both entities.

**CITY STRATEGIC PLAN COMPLIANCE:**

Goal 1: Enhance Customer Service, Diversity, Inclusion and Communication

Objective 1A: El Segundo provides unparalleled service to all customers.

Objective 1 B: El Segundo's engagement with the community ensures excellence.

Goal 5: Champion Economic Development and Fiscal Sustainability

Objective 5A: El Segundo promotes economic growth and vitality for business and the community.

Objective 5B: El Segundo approaches its work in a financially strategic and responsible way.

**PREPARED BY:**

Aly Mancini, Recreation, Parks and Library Director

**REVIEWED BY:**

Aly Mancini, Recreation, Parks and Library Director

**APPROVED BY:**

Barbara Voss, Deputy City Manager

**ATTACHED SUPPORTING DOCUMENTS:**

1. ATTACHMENT A
2. ATTACHMENT B
3. ATTACHMENT C

**AMENDMENT TO THE JOINT USE AGREEMENT FOR PUBLIC RECREATION  
FACILITIES  
BETWEEN THE CITY OF EL SEGUNDO AND EL SEGUNDO UNIFIED SCHOOL  
DISTRICT OF LOS ANGELES COUNTY**

This Amendment (“Amendment”) is entered into on \_\_\_\_\_, by and between the between the CITY OF EL SEGUNDO, a municipal corporation ("City"), and the EL SEGUNDO UNIFIED SCHOOL DISTRICT OF LOS ANGELES COUNTY, a California public school district ("District).

**RECITALS**

**A. WHEREAS**, on or about September 19, 2012, the City and the District entered into that certain Amended and Restated Joint Use Agreement which established the Parties respective right and agreement to jointly use specific properties owned by each party (the “Original Agreement”).

**B. WHEREAS**, the Parties have agreed to extend the term of the Original Agreement pursuant to the same terms and conditions set forth in the Original Agreement, except as explicitly stated in this Amendment;

~~**C. WHEREAS**, where any Section or portion of the Original Agreement is amended or superseded by this Amendment, the balance of that Section not specifically amended or superseded shall remain in effect as originally written. Where any Section or portion thereof is supplemented, that supplement shall be considered added thereto, and the original provisions of the Section shall remain in effect as originally written. Where any Paragraph or Section is referenced, such Paragraph or Section is superseded and replaced by the language herein. This Amendment, taken together with the Agreement, represents a new agreement and understanding between the Parties;~~

~~**D. WHEREAS**~~, the City and District (collectively, the “Parties”) agree that the Recitals set forth hereinabove are expressly incorporated into the Agreement and correctly set forth the nature of the Agreement as modified by this Amendment.

**NOW, THEREFORE**, the District and the City agree that the terms and provisions of the Agreement are hereby amended as set forth herein below:

**1. Term**

Section 1 of the Agreement is hereby revised and replaced with the following

The term of this agreement shall continue until September 1, 2023 (the “Term”). This Agreement may be renewed or extended upon mutual written agreement of the parties. All references to Term in the Original Agreement shall reference the term as set forth herein.

**2. Miscellaneous**

A. Binding. The Parties and each of their signatories hereto warrant that each has the power and authority to execute this Amendment. This Amendment shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns. If any provision of this Amendment shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this Amendment or the Agreement.

B. Full Force and Effect. Except as herein modified, all terms and conditions of the Original Agreement shall remain unchanged and in full force and effect.

C. Modifications. This Amendment may be amended or modified only by an agreement in writing signed by both the District and City.

D. Counterparts. This Amendment may be executed and delivered in any number of counterparts, each of which so executed and delivered shall be deemed to be an original and all of which shall constitute one and the same instrument.

E. Inconsistencies. In the event of any inconsistency between the terms of this Amendment and those of the Agreement, the terms of this Amendment shall control.

**EL SEGUNDO UNIFIED SCHOOL DISTRICT OF LOS ANGELES COUNTY**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**CITY OF EL SEGUNDO**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**AMENDMENT TO THE JOINT USE OF VIDEO STUDIO AND EQUIPMENT  
BETWEEN THE CITY OF EL SEGUNDO AND EL SEGUNDO UNIFIED SCHOOL  
DISTRICT OF LOS ANGELES COUNTY**

This Amendment (“Amendment”) is entered into on \_\_\_\_\_, by and between the between the CITY OF EL SEGUNDO, a municipal corporation ("City"), and the EL SEGUNDO UNIFIED SCHOOL DISTRICT OF LOS ANGELES COUNTY, a California public school district ("District).

**RECITALS**

**A. WHEREAS**, on or about September 19, 2012, the City and the District entered into that certain “Agreement Between the City of El Segundo and the El Segundo Unified School District For Joint Use of Video Studio and Equipment” which established the Parties respective right and agreement to jointly use media equipment and facilities located at the District’s real property identified as El Segundo High School Building K at 640 Main Street, El Segundo CA 90245 (the “Original Agreement”).

**B. WHEREAS**, the Parties have agreed to extend the term of the Original Agreement pursuant to the same terms and conditions set forth in the Original Agreement, except as explicitly stated in this Amendment;

~~**C. WHEREAS**, where any Section or portion of the Original Agreement is amended or superseded by this Amendment, the balance of that Section not specifically amended or superseded shall remain in effect as originally written. Where any Section or portion thereof is supplemented, that supplement shall be considered added thereto, and the original provisions of the Section shall remain in effect as originally written. Where any Paragraph or Section is referenced, such Paragraph or Section is superseded and replaced by the language herein. This Amendment, taken together with the Agreement, represents a new agreement and understanding between the Parties;~~

~~**D. WHEREAS**, the City and District (collectively, the “Parties”) agree that the Recitals set forth hereinabove are expressly incorporated into the Agreement and correctly set forth the nature of the Agreement as modified by this Amendment.~~

**NOW, THEREFORE**, the District and the City agree that the terms and provisions of the Agreement are hereby amended as set forth herein below:

**1. Term**

Section 1 of the Agreement is hereby revised and replaced with the following

The term of this agreement shall continue until September 1, 2023 (the “Term”). This Agreement may be renewed or extended upon mutual written agreement of the parties. All references to Term in the Original Agreement shall reference the term as set forth herein.

**2. Miscellaneous**

A. Binding. The Parties and each of their signatories hereto warrant that each has the power and authority to execute this Amendment. This Amendment shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns. If any provision of this Amendment shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this Amendment or the Agreement.

B. Full Force and Effect. Except as herein modified, all terms and conditions of the Original Agreement shall remain unchanged and in full force and effect.

C. Modifications. This Amendment may be amended or modified only by an agreement in writing signed by both the District and City.

D. Counterparts. This Amendment may be executed and delivered in any number of counterparts, each of which so executed and delivered shall be deemed to be an original and all of which shall constitute one and the same instrument.

E. Inconsistencies. In the event of any inconsistency between the terms of this Amendment and those of the Agreement, the terms of this Amendment shall control.

**EL SEGUNDO UNIFIED SCHOOL DISTRICT OF LOS ANGELES COUNTY**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**CITY OF EL SEGUNDO**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

EXHIBIT A

City of El Segundo  
In-Kind & Other contributions to School District  
"Projected" Fiscal Year 2022-2023

<b>POLICE DEPARTMENT</b>	
SRO x2 schools	\$ 306,000
100 hours of overtime donated for football, prom, etc.	35,000
<b>POLICE DEPARTMENT TOTAL</b>	<b>341,000</b>
<b>FIRE DEPARTMENT</b>	
45 hours of straight time donated for football games	4,005
50 hours of straight time donated from Fire Prevention for inspections (includes Annual inspections, sprinklers, etc.)	2,185
56 hours of Fire Department emergency responses	8,308
200 hours of time donated for Workability Program- Student Worker	12,190
<b>FIRE DEPARTMENT TOTAL</b>	<b>26,688</b>
<b>COMMUNITY SERVICES</b>	
<i>Library Division</i>	
School Library Staff Salaries and Benefits	-
School Library Books and Materials	5,500
Shared Online Catalog Updates and Maintenance	5,000
	<i>Library Division Total</i> 10,500
<i>Recreation Division</i>	
Staff for school events at Teen Center	1,419
Staff (Lifeguards) for school events at Urho Saari Swim Stadium*	
Staff (Lifeguards) for school events the El Segundo Wiseburn Aquatics Center	41,946
Rental value for Recreation Park Stevenson Field	7,320
Rental value for Recreation Park Softball Field	7,320
Rental value for Urho Saari Swim Stadium*	
Rental value for Campus El Segundo	4,620
Rental value for Recreation Park Basketball and Tennis Courts	9,080
Rental value for Richmond St. School Field	7,320
Rental value for El Segundo Wiseburn Aquatics Center	109,569
Rental value for Teen Center	1,300
	<i>Recreation Division Total</i> 189,894
<i>Parks Division</i>	
Maintenance, preparation, and utilities for Richmond St. School Field less rental revenue	40,800
Maintenance, preparation, and utilities for Recreation Park Stevenson Field	38,200
Maintenance, preparation, and utilities for Recreation Park Softball Field	37,900
	<i>Parks Division Total</i> 116,900
<b>COMMUNITY SERVICES TOTAL</b>	<b>317,294</b>
<b>PUBLIC WORKS</b>	
Facility maintenance for Urho Saari Swim Stadium*	
Chemical and supplies for Urho Saari Swim Stadium*	
Utilities- gas, water, and electricity for Urho Saari Swim Stadium*	
Facility maintenance for El Segundo Wiseburn Aquatics Center	16,900
Chemical and supplies for El Segundo Wiseburn Aquatics Center	12,800
Utilities- gas, water, and electricity for El Segundo Wiseburn Aquatics Center	37,900
<b>PUBLIC WORKS TOTAL</b>	<b>67,600</b>
<b>CITY MEDIA SERVICES</b>	
Graduations (ESHS, ESMS and Arena)	9,284
ESHS Sports Coverage**	10,737
Concerts, plays, and misc. events (ESHS, ESMS, Richmond St, and Center St)	21,587
<b>CITY MEDIA SERVICES TOTAL</b>	<b>41,608</b>
<b>FINANCE DEPARTMENT</b>	
Crossing Guards at Richmond Street, Center Street, and El Segundo Middle School	135,000
<b>FINANCE DEPARTMENT TOTAL</b>	<b>135,000</b>
<b>CITY VEHICLES</b>	
Fuel and maintenance	15,000
<b>CITY VEHICLES TOTAL</b>	<b>15,000</b>
<b>GRAND TOTAL CONTRIBUTIONS</b>	<b>\$ 944,190</b>

\*Urho Saari Swim Stadium is under design and pending construction. Urho Saari Swim Stadium values have been removed at this time. Values will be discussed upon reopening.

\*\* Does not include potential playoff home football games estimated at \$3,826 for 76 hours.



## City Council Agenda Statement

**Meeting Date:** September 20, 2022

**Agenda Heading:** Committees, Commissions and Boards  
Presentations

**Item Number:** E.14

---

### **TITLE:**

El Segundo Senior Citizens Housing Corporation Board Updated Annual Report and Requests of City Council

### **RECOMMENDATION:**

1. Receive an updated presentation from the Senior Citizens Housing Corporation Board.
2. Provide direction on the following requests from the Senior Citizens Housing Corporation Board:
  - Formally dedicate 504 funds solely for Park Vista.
  - Grant the Board the authority to increase parking rates by 2% per annum until canceled.
  - Continue allowing the Board to raise rents on current residents by up to 2%.
  - Increase rental rate for new, incoming tenants to 65% of market rate effective 1/1/2023 for new tenants.
3. Alternatively, discuss and take other action related to this item.

### **FISCAL IMPACT:**

Depending on City Council's approved direction, there may be a positive financial impact to revenues for Park Vista senior housing facility. The fiscal impact to Park Vista's net operating budget as a result of the increases to parking rates and rental rates are outlined in the attached Financial Scenario Comparisons.

### **BACKGROUND:**

On August 16, 2022, the Senior Citizens Housing Corporation Board provided City Council a presentation on the status of Park Vista, including major decisions made in 2021; made Council aware of foreseeable challenges arising in the future; and sought

**Park Vista Senior Housing Board**

**September 20, 2022**

**Page 2 of 2**

direction regarding rental rates, options to close the future financial gap; and, alternate funding sources to ensure Park Vista continues providing lower-cost housing to senior El Segundo residents.

**DISCUSSION:**

After considering the August 16, 2022 discussion with City Council, the Board is returning with recommendations and requests of City Council to ensure a more sustainable economic future for the Park Vista facility. The following list is what the Board requests from the Council:

1. Formally dedicate 504 funds solely for Park Vista.
2. Grant the Board the authority to increase parking rates by 2% per annum until canceled.
3. Continue allowing the Board to raise rents on current residents by up to 2%.
4. Increase rental rate for new, incoming tenants to 65% of market rate effective 1/1/2023 for new tenants.

The attached presentation highlights the request above, which will be further elaborated by Board President Lanyi during the presentation.

**CITY STRATEGIC PLAN COMPLIANCE:**

Goal 1: Enhance Customer Service, Diversity, Inclusion and Communication

Objective 1A: El Segundo provides unparalleled service to all customers.

**PREPARED BY:**

Eduardo Schonborn, AICP, Planning Manager

**REVIEWED BY:**

Michael Allen, AICP, Development Services Director

**APPROVED BY:**

Barbara Voss, Deputy City Manager

**ATTACHED SUPPORTING DOCUMENTS:**

1. Senior Citizens Housing Corporation Board Presentation

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# Park Vista: ASKS based upon presentation to City Council

Paul Lanyi for the PV Board  
August 29, 2022

# Financials (option 1)

Assumes 3% increase to current tenants 2023 -2026 and 60% market rate through 2026 for new tenants

	2022	2023	2024	2025	2026	2027	2028	2029	2030	Park Vista 20-year Forecast										Total		
										2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	
Revenue	\$810,062	\$927,192	\$967,847	\$1,019,924	\$1,070,469	\$1,120,709	\$1,172,013	\$1,221,403	\$1,280,301	\$1,341,529	\$1,403,982	\$1,467,684	\$1,530,259	\$1,596,534	\$1,656,935	\$1,725,888	\$1,796,220	\$1,867,958	\$1,941,131	\$2,015,768	\$2,091,897	\$30,025,705
Expenses	(\$682,040)	(\$710,466)	(\$735,266)	(\$761,130)	(\$788,029)	(\$816,022)	(\$845,130)	(\$875,415)	(\$906,930)	(\$939,729)	(\$973,867)	(\$1,009,418)	(\$1,046,430)	(\$1,084,956)	(\$1,125,078)	(\$1,166,865)	(\$1,210,394)	(\$1,255,741)	(\$1,302,988)	(\$1,352,222)	(\$1,403,472)	
Net	\$128,022	\$216,726	\$232,581	\$258,794	\$282,440	\$304,687	\$326,883	\$345,988	\$373,371	\$401,801	\$430,115	\$458,266	\$483,830	\$511,578	\$531,857	\$559,022	\$585,826	\$612,217	\$638,143	\$663,546	\$688,425	
Capital Expense	(\$60,000)	(\$649,501)	(\$668,985)	(\$26,250)	(\$35,272)	(\$604,171)	(\$234,868)	(\$654,881)	(\$131,319)	(\$380,436)	(\$26,250)	(\$956,539)	(\$956,539)	(\$575,076)	(\$704,720)	(\$761,387)	(\$770,242)	(\$588,117)	(\$250,000)	(\$250,000)	(\$250,000)	
Transfer in From Fund 504	\$60,000	\$0	\$0	\$26,250	\$35,272	\$0	\$234,868	\$0	\$131,319	\$0	\$26,250	\$125,000	\$100,000	\$100,000	\$100,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Return to Equity	\$128,022	(\$432,774)	(\$436,404)	\$258,794	\$282,440	(\$299,484)	\$326,883	(\$308,893)	\$373,191	\$21,365	\$430,115	(\$373,273)	(\$372,709)	\$36,502	(\$72,862)	(\$202,364)	(\$184,416)	\$24,101	\$388,143	\$413,546	\$438,425	
Beginning Equity	\$1,600,000	\$1,728,022	\$1,295,248	\$858,844	\$1,117,638	\$1,400,078	\$1,100,594	\$1,427,477	\$1,118,584	\$1,491,775	\$1,513,139	\$1,943,254	\$1,569,981	\$1,197,271	\$1,233,774	\$1,160,911	\$958,547	\$774,131	\$798,232	\$1,186,374	\$1,599,920	
Ending Equity	\$1,728,022	\$1,295,248	\$858,844	\$1,117,638	\$1,400,078	\$1,100,594	\$1,427,477	\$1,118,584	\$1,491,775	\$1,513,139	\$1,943,254	\$1,569,981	\$1,197,271	\$1,233,774	\$1,160,911	\$958,547	\$774,131	\$798,232	\$1,186,374	\$1,599,920	\$2,038,345	
City's 504 Fund (\$960,000 in 2022)	\$900,000	\$900,000	\$900,000	\$873,750	\$838,478	\$838,478	\$603,610	\$603,610	\$472,471	\$472,471	\$446,221	\$321,221	\$221,221	\$121,221	\$21,221	\$21,221	\$21,221	\$21,221	\$21,221	\$21,221	\$21,221	\$21,221
Total Funds Available to Park Vista	\$2,628,022	\$2,195,248	\$1,758,844	\$1,991,388	\$2,238,556	\$1,939,072	\$2,031,087	\$1,722,194	\$1,964,246	\$1,985,610	\$2,389,475	\$1,891,202	\$1,418,492	\$1,354,995	\$1,182,132	\$979,768	\$795,352	\$819,453	\$1,207,595	\$1,621,141	\$2,059,566	
Recommended Reserve: 10% of operating expense + 2 years of capital Over or (under) recommended reserves	\$777,705	\$1,389,533	\$768,762	\$137,635	\$718,246	\$920,641	\$974,262	\$873,742	\$602,448	\$500,659	\$1,080,176	\$2,014,020	\$1,636,258	\$1,388,291	\$1,578,614	\$1,648,315	\$1,479,398	\$963,691	\$630,299	\$635,222	\$390,347	
	\$1,850,317	\$805,715	\$990,082	\$1,853,753	\$1,520,310	\$1,018,431	\$1,056,825	\$848,452	\$1,361,797	\$1,484,951	\$1,309,299	(\$122,818)	(\$217,766)	(\$33,297)	(\$396,482)	(\$668,547)	(\$684,046)	(\$144,238)	\$577,296	\$985,919	\$1,669,219	

Revenue Assumptions: 3% increase in rents (2023-2026), and 2% increase thereafter. 2% in parking fee every year, 4 units turning over per year & new tenants assessed at 60% of market rate through 2026 & 65% thereafter (2027 - 2042)  
 Expense Assumptions: 2% annual increase for management contract, 3% for utilities, 5% for all other expenses  
 Capital Assumptions: Based on the City's independent facility assessment plan of Park Vista; conducted by the City's Public Works Department

# Financials (option 2)

Assumes 2% increase to current tenants and 65% market rate 2023+ for new tenants

	2022	2023	2024	2025	2026	2027	2028	2029	2030	Park Vista 20-year Forecast												
										2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	
Revenue	\$810,062	\$923,304	\$966,524	\$1,020,745	\$1,072,990	\$1,123,279	\$1,174,635	\$1,224,078	\$1,283,029	\$1,344,312	\$1,406,820	\$1,470,578	\$1,533,212	\$1,599,546	\$1,660,007	\$1,729,021	\$1,799,416	\$1,871,218	\$1,944,456	\$2,019,159	\$2,095,357	\$30,071,748
Expenses	(\$682,040)	(\$710,466)	(\$735,266)	(\$761,130)	(\$788,029)	(\$816,022)	(\$845,130)	(\$875,415)	(\$906,930)	(\$939,729)	(\$973,867)	(\$1,009,418)	(\$1,046,430)	(\$1,084,956)	(\$1,125,078)	(\$1,166,865)	(\$1,210,394)	(\$1,255,741)	(\$1,302,988)	(\$1,352,222)	(\$1,403,472)	
Net	\$128,022	\$212,838	\$231,258	\$259,615	\$284,960	\$307,258	\$329,505	\$348,662	\$376,099	\$404,583	\$432,953	\$461,161	\$486,782	\$514,590	\$534,929	\$562,156	\$589,022	\$615,477	\$641,468	\$666,937	\$691,885	
Capital Expense	(\$60,000)	(\$649,501)	(\$668,985)	(\$26,250)	(\$35,272)	(\$604,171)	(\$234,868)	(\$654,881)	(\$131,319)	(\$380,436)	(\$26,250)	(\$956,539)	(\$956,539)	(\$575,076)	(\$704,720)	(\$761,387)	(\$770,242)	(\$588,117)	(\$250,000)	(\$250,000)	(\$250,000)	
Transfer in From Fund 504	\$60,000	\$0	\$0	\$26,250	\$35,272	\$0	\$234,868	\$0	\$131,319	\$0	\$26,250	\$125,000	\$100,000	\$100,000	\$100,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Return to Equity	\$128,022	(\$436,662)	(\$437,727)	\$259,615	\$284,960	(\$296,913)	\$329,505	(\$306,219)	\$375,919	\$24,147	\$432,953	(\$370,378)	(\$369,757)	\$39,514	(\$69,790)	(\$199,231)	(\$181,220)	\$27,361	\$391,468	\$416,937	\$441,885	
Beginning Equity	\$1,600,000	\$1,728,022	\$1,291,360	\$853,633	\$1,113,247	\$1,398,208	\$1,101,294	\$1,430,799	\$1,124,581	\$1,500,499	\$1,524,646	\$1,957,599	\$1,587,221	\$1,217,464	\$1,256,978	\$1,187,188	\$987,957	\$806,737	\$834,098	\$1,225,566	\$1,642,503	\$1,642,503
Ending Equity	\$1,728,022	\$1,291,360	\$853,633	\$1,113,247	\$1,398,208	\$1,101,294	\$1,430,799	\$1,124,581	\$1,500,499	\$1,524,646	\$1,957,599	\$1,587,221	\$1,217,464	\$1,256,978	\$1,187,188	\$987,957	\$806,737	\$834,098	\$1,225,566	\$1,642,503	\$2,084,388	
City's 504 Fund (\$960,000 in 2022)	\$900,000	\$900,000	\$900,000	\$873,750	\$838,478	\$838,478	\$603,610	\$603,610	\$472,471	\$472,471	\$446,221	\$321,221	\$221,221	\$121,221	\$21,221	\$21,221	\$21,221	\$21,221	\$21,221	\$21,221	\$21,221	\$21,221
Total Funds Available to Park Vista	\$2,628,022	\$2,191,360	\$1,753,633	\$1,986,997	\$2,236,686	\$1,939,772	\$2,034,409	\$1,728,191	\$1,972,970	\$1,997,117	\$2,403,820	\$1,908,442	\$1,438,685	\$1,378,199	\$1,208,409	\$1,009,178	\$827,958	\$855,319	\$1,246,787	\$1,663,724	\$2,105,609	
Recommended Reserve: 10% of operating expense + 2 years of capital Over or (under) recommended reserves	\$777,705	\$1,389,533	\$768,762	\$137,635	\$718,246	\$920,641	\$974,262	\$873,742	\$602,448	\$500,659	\$1,080,176	\$2,014,020	\$1,636,258	\$1,388,291	\$1,578,614	\$1,648,315	\$1,479,398	\$963,691	\$630,299	\$635,222	\$390,347	
	\$1,850,317	\$801,827	\$984,871	\$1,849,363	\$1,518,440	\$1,019,131	\$1,060,147	\$854,449	\$1,370,522	\$1,496,458	\$1,323,644	(\$105,578)	(\$197,573)	(\$10,092)	(\$370,205)	(\$639,137)	(\$651,440)	(\$108,372)	\$616,488	\$1,028,502	\$1,715,261	

Revenue Assumptions: 2% increase in rents (2022-2042), 2% in parking fee over year, 4 units turning over per year & new tenants assessed at 65% of market rate beginning in 2023 (2023 - 2042)

Expense Assumptions: 2% annual increase for management contract, 3% for utilities, 5% for all other expenses

Capital Assumptions: Based on the City's independent facility assessment plan of Park Vista: conducted by the City's Public Works Department

## — Adjusted Requests of City Council

- 1) Permit the Board to raise parking rates 2% per annum until canceled  
– recommended by City Director of Finance
- 2) Based upon comments from some Council members, do not ask current residents for more than 2% increase. To make up for this, start 65% of market rate 1/1/2023 for new tenants. This puts the burden on new residents rather than existing. Entire PV Board concurs.
- 3) The Board requests that City Council formally dedicates 504 funds solely for Park Vista



**City Council Agenda Statement**  
**Meeting Date:** September 20, 2022  
**Agenda Heading:** Reports - City Treasurer  
**Item Number:** G.15

---

**TITLE:**

Resolution to Adopt Updated Investment Policy

**RECOMMENDATION:**

1. Adopt a resolution approving the statement of Investment Policy.
2. Alternatively, discuss and take other action related to this item.

**FISCAL IMPACT:**

None

**BACKGROUND:**

The City of El Segundo is required to have a Statement of Investment Policy that regulates the investment of public funds; the Investment Policy establishes the cash management and investment guidelines for the City Treasurer. The City of El Segundo invests public funds in a prudent manner with the primary objectives of, in priority order, safety of principal, adequate liquidity and investment return, in conformance with all applicable state laws (Gov. Code § § 53600 and 53635 et seq.), and local statutes governing the investment of public funds. State law provides that any change in the City's Investment Policy is to be considered by the City Council at a public meeting (Gov. Code §53646(a)).

**DISCUSSION:**

Since the Statement of Investment Policy was last approved by the City Council, the policy has been amended to:

1. Update Section 7.0, Authorized Investments to reflect more restrictive guidelines in some cases, and less restrictive in others.

## **Resolution Approving the Statement of Investment Policy**

**September 20, 2022**

**Page 2 of 2**

2. Update Section 8.0, Investment Pools/Mutual Funds to explicitly call out approved mutual funds and JPAP.
3. Update Section 10.0, Maximum Maturities to allow securities with maturity greater than five years under very specific, stringent circumstances.
4. Replace Director of Finance with Chief Financial Officer to reflect changes to the organization.

The City Treasurer and staff recommend the City Council adopt the attached, proposed resolution, approving an update to the Statement of Investment Policy effective October 1, 2022.

### **CITY STRATEGIC PLAN COMPLIANCE:**

Goal 5: Champion Economic Development and Fiscal Sustainability

Objective 5B: El Segundo approaches its work in a financially strategic and responsible way.

#### **PREPARED BY:**

Jasmine Allen, Deputy City Treasurer II

#### **REVIEWED BY:**

Matthew Robinson, City Treasurer

#### **APPROVED BY:**

Barbara Voss, Deputy City Manager

### **ATTACHED SUPPORTING DOCUMENTS:**

1. RESOLUTION to adopt Investment Policy Final
2. Investment Policy 2022 Final
3. Investment Policy 2022 (redline)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING THE STATEMENT OF INVESTMENT POLICY, AS AMENDED, AND TO TAKE EFFECT OCTOBER 1, 2022.**

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

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

- A. The City of El Segundo is required to have a Statement of Investment Policy that regulates the investment of public funds.
- B. Pursuant to Government Code §53646(a), the City Treasurer may submit the Statement of Investment Policy to the City Council for its consideration at a public meeting.
- C. Since the Statement of Investment Policy was last approved by the City Council, the policy has been amended to:
  - 1. Update Section 7.0, Authorized Investments to reflect more restrictive guidelines in some cases, and less restrictive in others.
  - 2. Update Section 8.0, Investment Pools/Mutual Funds to explicitly call out approved mutual funds and JPAP.
  - 3. Update Section 10.0, Maximum Maturities to allow securities with maturity greater than five years under very specific, stringent circumstances.
  - 4. Replace Director of Finance with Chief Financial Officer to reflect changes to the organization.

**SECTION 2.** *Approval.* The City Council approves the Statement of Investment Policy, as amended and attached as Exhibit “A” and incorporated by reference. The Statement of Investment Policy will take effect as of October 1, 2022.

**SECTION 3.** *Severability.* If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

**SECTION 4.** *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 5.** *Effective Date.* This Resolution will take effect immediately upon adoption by the City Council.

**SECTION 6. 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 AND ADOPTED this 6<sup>th</sup> day of September, 2022.

\_\_\_\_\_  
Drew Boyles,  
Mayor

ATTEST:

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

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution No. \_\_\_\_ was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the \_\_\_\_ day of \_\_\_\_\_, 2022, 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

\_\_\_\_\_  
Joaquin Vazquez, Deputy City Attorney



EXHIBIT "A"  
Statement of Investment Policy

# **CITY OF EL SEGUNDO**



## **STATEMENT OF INVESTMENT POLICY**

**EFFECTIVE October 1st, 2022**

**Matthew A. Robinson, CFA**  
**City Treasurer**

**CITY OF EL SEGUNDO  
INVESTMENT POLICY  
TABLE OF CONTENTS**

1.0	Policy	Page 3
2.0	Scope	Page 3
3.0	Prudence	Page 4
4.0	Ethics and Conflict of Interest	Page 4
5.0	Investment Objectives	Page 4
6.0	Delegation of Authority	Page 5
7.0	Authorized Investments	Page 7
8.0	Investment Pools/Mutual Funds	Page 8
9.0	Diversification Guidelines	Page 8
10.0	Maximum Maturities	Page 8
11.0	Benchmarks	Page 8
12.0	Investment Advisory Committee	Page 9
13.0	Collateralization	Page 9
14.0	Safekeeping and Custody	Page 9
15.0	Reporting	Page 10
16.0	Internal Controls	Page 10
17.0	Authorized Financial Dealers and Institutions	Page 10
18.0	Continuing Education	Page 11

Attachments

Glossary of Investment Terms

Questionnaire – Financial Dealers

## **City of El Segundo Investment Policy**

### **1.0 Policy**

The City of El Segundo Investment Policy (Policy) establishes the cash management and investment guidelines for the City Treasurer. The City of El Segundo invests public funds in a prudent manner with the primary objectives of, in priority order, safety of principal, adequate liquidity and investment return, in conformance with state law, including California Government Code Sections 53600 and 53635 et seq., and local statutes governing the investment of public funds.

Government Code Section 53646(a)(2) does not mandate that investment policies be updated annually. However, on an annual basis, the City Treasurer must report to the City Council any material changes to the policy as reviewed and approved by the City's Investment Advisory Committee (IAC). The IAC will be required to review and approve the policy annually.

The City Treasurer will prepare a quarterly report to the City council, City Manager and Chief Financial Officer listing investment transactions made during the reporting period pursuant to Government Code Section 53607.

Government Code Section 53607 authorizes the City Council to delegate investment authority to the City Treasurer on an annual basis.

### **2.0 Scope**

This investment policy applies to all investment activities and financial assets of the City under management by the City Treasurer. This policy pertains to the City funds which are pooled for investment purposes and funds held in depository agencies.

It is the City's policy to pool funds for investment purposes to maximize efficiencies, reduce transaction costs, streamline cash flow forecasting, and provide greater access to the market.

The pooled funds include:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Enterprise Funds
- Trust and Agency Funds
- Debt Service Funds

Assets not under management of the City Treasurer are investments in the City's defined benefit plans, health savings plans, and pension plans.

### 3.0 Prudence

Government Code Section 53600.3 states that "...all governing bodies of local agencies or persons authorized to make investment decisions on behalf of those local agencies investing in public funds pursuant to this chapter are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law."

The City Treasurer and persons that the City Treasurer delegates to manage City investments, shall use the "Prudent Investor" standard. Investment officers acting in accordance with this Policy, written portfolio guidelines and procedures, and exercising due diligence shall be relieved of personal responsibility for individual security's credit risk or market price changes, provided deviations from expectations are reported in the quarterly investment reports to the City Council, and appropriate action is taken to control adverse developments.

When investing and managing City funds, the City Treasurer and employees shall act with care, skill, prudence and diligence to meet the aims of the investment objectives listed in order in Section 5.0, Investment Objectives.

### 4.0 Ethics and Conflict of Interest

The City Treasurer, employees involved in the investment process, and the members of IAC shall refrain from all personal business activity that could conflict with the management of the investment program. All individuals involved with the investment of City funds, or review of investment transactions, will be required to file a Form 700 – Statement of Economic Interests on an annual basis in accordance with California state law.

### 5.0 Investment Objectives

Safety: Safety of principal is the foremost objective of the investment program.

Investments of the City of El Segundo shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, the City shall only invest in high quality securities and it shall diversify its investments in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio so as not to harm the City's cash flow and principal. The City shall also structure its portfolio so as to prevent the need to sell securities prior to maturity and it shall not take short positions, that is, selling securities that the City does not own.

Two risks are monitored to help ensure safety of the investments. They are credit risk and market or interest rate risk.

**Credit Risk:** Credit risk is defined as the risk of loss due to the failure of an issuer to redeem the outstanding debt at the stated maturity date. Within this concept, credit risk also applies to the overall market perception of the financial strength and capacity of the issuer. Diversification of the investment portfolio by issuer, maturity date and amount invested will ensure that in the event of a failure of any one issuer, the event will not unduly harm or compromise the City's cash flow.

**Market or Interest Rate Risk:** Market or Interest Rate risk is the risk that the market value of investment securities in the portfolio may decline due to changes in general interest rates. Market rate risk can be mitigated by diversifying the investment of funds by maturity date and by investing funds to a specific cash requirement that would reduce the need to sell the security prior to maturity to meet immediate City cash flow needs.

**Liquidity:** The City of El Segundo's investment portfolio will remain sufficiently liquid to meet all operating requirements that might be reasonably anticipated.

**Return on Investments:** The City of El Segundo shall manage funds to optimize the return on investments consistent with the two primary objectives of safety and liquidity. The rate of return on investment should be designed to attain a market rate of return through budgetary and economic cycles consistent with the risk limitations, prudent investment principles and cash flow requirements identified by the City's Investment Policy.

## 6.0 Delegation of Authority

Pursuant to Government Code Section 53607, the City Council hereby authorizes the City Treasurer to invest and reinvest the City's funds, to sell or exchange securities so purchased, and to deposit securities for safekeeping in accordance with established procedures.

No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the City Treasurer. The City Treasurer may delegate all, or a portion of the investment authority to subordinates pursuant to Government Code Section 41006. Such delegation by the City Treasurer shall not remove or abridge the Treasurer's investment responsibility.

The City Treasurer shall establish written procedures for the operation and management of the City's investment program consistent with this investment policy, including appropriate written agreements with financial institutions.

CITY OF EL SEGUNDO  
7.0 - AUTHORIZED INVESTMENTS  
Allowable Investment Instruments per State Government Code Applicable to All Local Agencies  
As of January 1, 2022

INVESTMENT TYPE	MAXIMUM MATURITY <sup>C</sup>	MAXIMUM SPECIFIED % OF PORTFOLIO <sup>D</sup>	CITY OF EL SEGUNDO IMPOSED RESTRICTIONS	MINIMUM QUALITY REQUIREMENTS	GOV'T CODE SECTIONS
Local Agency Bonds	5 years	None	None (No more than 1% per issuer)	None	53601(a)
U.S. Treasury Obligations	5 years	None	None	None	53601(b)
State Obligations—CA And Others	5 years	None	None (No more than 1% per issuer)	None	53601(c) 53601(d)
CA Local Agency Obligations	5 years	None	None (No more than 1% per issuer)	None	53601(e)
U.S Agency Obligations	5 years	None	None	None	53601(f)
Bankers' Acceptances	180 days	40% <sup>E</sup>	Not Permitted*	None	53601(g)
Commercial Paper— Non-Pooled Funds <sup>F</sup> (under \$100,000,000 of investments)	270 days or less	25% of the agency's money <sup>G</sup>	Not Permitted*	Highest letter and number rating by an NRSRO <sup>H</sup>	53601(h)(2)(c)
Commercial Paper— Non-Pooled Funds (min. \$100,000,000 of investments)	270 days or less	40% of the agency's money <sup>G</sup>	Not Permitted*	Highest letter and number rating by an NRSRO <sup>H</sup>	53601(h)(2)(c)
Commercial Paper— Pooled Funds <sup>I</sup>	270 days or less	40% of the agency's money <sup>G</sup>	Not Permitted*	Highest letter and number rating by an NRSRO <sup>H</sup>	53635(a)(1)
Negotiable Certificates of Deposit	5 years	30% <sup>J</sup>	No more than \$250,000 per FDIC Cert #	None	53601(i)
Non-negotiable Certificates of Deposit	5 years	None	No more than \$250,000 per FDIC Cert #	None	53630 et seq.
Placement Service Deposits	5 years	50% <sup>K</sup>	Not Permitted*	None	53601.8 and 53635.8
Placement Service Certificates of Deposit	5 years	50% <sup>K</sup>	Not Permitted*	None	53601.8 and 53635.8
Repurchase Agreements	1 year	None	Not Permitted*	None	53601(j)
Reverse Repurchase Agreements and Securities Lending Agreements	92 days <sup>L</sup>	20% of the base value of the portfolio	Not Permitted*	None <sup>M</sup>	53601(j)
Medium-Term Notes <sup>N</sup>	5 years or less	30%	30% (No more than 1% per issuer)	"A" rating category or its equivalent or better	53601(k)
Mutual Funds And Money Market Mutual Funds	N/A	20%	20% (No more than 10% per fund)	Multiple <sup>P,Q</sup>	53601(l) and 53601.6(b)
Collateralized Bank Deposits <sup>R</sup>	5 years	None	Not Permitted*	None	53630 et seq. and 53601(n)
Mortgage Pass-Through and Asset-Backed Securities	5 years or less	20%	Not Permitted*	"AA" rating category or its equivalent or better	53601(o)
County Pooled Investment Funds	N/A	None	None (No more than 50% per fund)	None	27133
Joint Powers Authority Pool	N/A	None	None (No more than 50% per fund)	Multiple <sup>S</sup>	53601(p)
Local Agency Investment Fund (LAIF)	N/A	None	None	None	16429.1
Voluntary Investment Program Fund <sup>T</sup>	N/A	None	None	None	16340
Supranational Obligations <sup>U</sup>	5 years or less	30%	30% (No more than 1% per issuer)	"AA" rating category or its equivalent or better	53601(q)
Public Bank Obligations	5 years	None	Not Permitted*	None	53601(r), 53635(c) and 57603

\*Not permitted outside a diversified fund or pooled investment vehicle  
 For notes on the table above, see p. 13 of the guide available at <https://bit.ly/3cZxoqn>

## 8.0 Investment Pools/Mutual Funds

The City of El Segundo will be required to conduct a thorough investigation of any government sponsored pool and/or mutual fund prior to investing and on a continual basis. There shall be a questionnaire completed which will provide the following:

1. A description of eligible investment securities, and a written statement of investment policy and objectives.
2. A description of interest calculations and how it is distributed, and how gains and losses are treated.
3. A description of how the securities are safeguarded (including the settlement process), and how often the securities are priced and the program audited.
4. A description of who may invest in the program, how often, what size deposits and withdrawals are allowed.
5. A schedule for receiving statements and portfolio listings.
6. A description of how the pool/fund utilizes reserves, retained earnings, etc.
7. A fee schedule, including when and how fees are assessed.
8. The eligibility of the pool/fund to invest in bond proceeds and a description of its practices.

City of El Segundo Authorized JPAP and Mutual Funds					
Name	Type	Asset Class	Term	NAV	Information Statement / Prospectus
CAMP - California Asset Management Program	JPAP	Multi	Short	Fixed	<a href="https://www.camponline.com/docs/default-source/default/current-camp-program-guide-final-042721.pdf?sfvrsn=3f5ee308_20">https://www.camponline.com/docs/default-source/default/current-camp-program-guide-final-042721.pdf?sfvrsn=3f5ee308_20</a>
CalTrust - Liquidity Fund	JPAP	Multi	Short	Fixed	<a href="https://caltrust.org/wp-content/uploads/2022/03/Information-Statement-Updated-Feb-2022.pdf">https://caltrust.org/wp-content/uploads/2022/03/Information-Statement-Updated-Feb-2022.pdf</a>
CalTrust - Short Term Fund	JPAP	Multi	Short	Floating	<a href="https://caltrust.org/wp-content/uploads/2022/03/Information-Statement-Updated-Feb-2022.pdf">https://caltrust.org/wp-content/uploads/2022/03/Information-Statement-Updated-Feb-2022.pdf</a>
CalTrust - Medium Term Fund	JPAP	Multi	Medium	Floating	<a href="https://caltrust.org/wp-content/uploads/2022/03/Information-Statement-Updated-Feb-2022.pdf">https://caltrust.org/wp-content/uploads/2022/03/Information-Statement-Updated-Feb-2022.pdf</a>
Vanguard Short-Term Inflation-Protected Securities Index Fund (VTSPX)	Mutual Fund	Treasuries	Medium	Floating	<a href="https://personal.vanguard.com/pub/Pdf/spi1867.pdf?2210120654">https://personal.vanguard.com/pub/Pdf/spi1867.pdf?2210120654</a>
Vanguard Short-Term Treasury Index Fund Institutional Shares (VSBIX)	Mutual Fund	Treasuries	Medium	Floating	<a href="https://personal.vanguard.com/pub/Pdf/spi1642.pdf?2210120628">https://personal.vanguard.com/pub/Pdf/spi1642.pdf?2210120628</a>
Vanguard Short-Term Federal Fund Admiral Shares (VSGDX)	Mutual Fund	U.S. Agencies	Medium	Floating	<a href="https://personal.vanguard.com/pub/Pdf/sp49.pdf?2210166032">https://personal.vanguard.com/pub/Pdf/sp49.pdf?2210166032</a>

## 9.0 Diversification Guidelines

The City of El Segundo will diversify its investments by security type, issuer and maturity dates. Concentration limits are indicated in the Authorized Investments Section 7.0 for all investment categories.

## 10.0 Maximum Maturities

To the extent possible, the City of El Segundo will attempt to match its investments with anticipated cash flow requirements. Pursuant to Government Code Section 53601, the City will not *directly* invest in securities maturing more than five (5) years from the date of purchase however, beginning three months from this Policy's effective date, the City may *indirectly* invest in such securities if such investment is from an approved investment pool/mutual fund from Policy Section 8.0 and the WAM (weighted average

maturity) of the pool/fund must be under (5) five years at time of purchase.

#### 11.0 Benchmarks

The City of El Segundo Quarterly Investment Report will include benchmark reporting. The benchmark reporting will be used as a reference tool only to communicate investment performance against established benchmarks. The use of benchmarks will not imply that the City Treasurer will assume more risk to the portfolio as safety of principal and liquidity of funds are the first two primary objectives of the City's portfolio. The City will use the following benchmark to compare and evaluate portfolio performance.

Interpolated Yield: The market yield of US Treasury securities as compared to the portfolio's weighted average maturity (WAM) for the long-term and short-term investments in the portfolio.

#### 12.0 Investment Advisory Committee

The City of El Segundo has established an Investment Advisory Committee (IAC) to provide advice and assistance of persons with experience in the investment field on the investment of City funds to ensure that City funds are invested in a safe and prudent manner.

The City of El Segundo Investment Advisory Committee (IAC) was established by City Council resolution 3764 on June 12, 1992.

The IAC shall have four (4) members appointed by the City Council to serve at their discretion. The committee members shall be the City Treasurer, the Chief Financial Officer, one member who shall be a resident of the City of El Segundo and one member who may be a non-resident of the City. Desirable qualifications of IAC members include, but are not limited to, work experience or educational background in banking, investments or finance.

The IAC shall review and make recommendations on City investment policy and guidelines, list of banking institutions working with the City, list of brokers and dealers working with the City, and investments in the City portfolio. IAC members shall review and vote on recommendations of any new type of investment.

The IAC shall meet on a quarterly basis to discuss the City's investments and investment objectives.

The City Treasurer will prepare a quarterly report to the City council, City Manager and Chief Financial Officer listing investment transactions made during the reporting period pursuant to Government Code Section 53607.

### 13.0 Collateralization

California Government Code, Sections 53652, et seq., requires depository institutions to post certain types and levels of collateral for public funds above the FDIC insurance amounts. The collateral requirements apply to bank deposits, both active (checking and savings accounts) and inactive (non-negotiable time certificates of deposit).

### 14.0 Safekeeping and Custody

The City of El Segundo shall require that all investment transactions be conducted through the delivery-versus-payment (DVP) process pursuant to Government Code Section 53601. Securities shall be held by a third party custodian designated by the City Treasurer and evidenced by safekeeping receipts pursuant to Government Code Section 53608.

### 15.0 Reporting

The City Treasurer will prepare a quarterly report to the City council, City Manager and Chief Financial Officer listing investment transactions made during the reporting period pursuant to Government Code Section 53607. At a minimum, the quarterly report must include type of investment, issuer name, dollar amount of each security, date of maturity, par value, book value and current market value of securities, rate of interest, funds managed by contracted parties, percentage of the portfolio in each investment category, weighted average maturity, statement of ability to meet expenditure requirements for the next six months, and Treasurer indication of compliance with the City's Investment Policy.

In addition to the quarterly report, the City Treasurer will prepare a monthly statement of investments and transactions to the Chief Financial Officer.

### 16.0 Internal Controls

The City Treasurer shall establish a system of written internal controls, which shall ensure compliance with this Investment Policy and state law. The controls shall be designed to prevent loss of public funds due to fraud, employee error, and misrepresentation by third parties, or imprudent actions of employees. The City Treasurer shall evaluate any audit reports in a timely manner with the Chief Financial Officer.

Investment transactions and holdings shall be verified by the Chief Financial Officer on a monthly basis and reviewed annually by the City's external auditor.

### 17.0 Authorized Financial Dealers and Institutions

The City Treasurer shall transact business only with banks, savings and loans, state and federal credit unions, and securities dealers. The Treasurer shall select and maintain a current list of broker/dealers, as defined by Corporations Code Section 25004, authorized to provide the City investment services. This list of broker/dealers shall be included in the Treasurer's quarterly investment report to the City Council. The broker/dealers shall meet the requirements of Government Code Section 53635.5 and Securities & Exchange Commission Rule 240.15c3-1 (uniform net capital rule). The Treasurer shall keep on file with the City an audited financial statement for each authorized broker/dealer's last complete fiscal year. Each authorized broker/dealer shall execute an acknowledgement that it has read the City's current Investment Policy and that it will abide by the terms and conditions of the Policy. Additionally, each such broker/dealer shall complete the questionnaire attached hereto. City funds shall only be placed in and invested with depositories that meet the requirements of Government Code Sections 53630 et seq.

#### 18.0 Continuing Education

The City of El Segundo recognizes that employees engaged in investment and management of public funds should be provided with continuing education on all aspects of public fund management. At a minimum, the City Treasurer, Deputy Treasurer I and Deputy Treasurer II, should complete, at a minimum, five hours of continuing education in investment management on an annual basis through qualified institutions. Staff engaged in the management and investment process are encouraged to complete more than the minimum amount of continuing education as required in this policy. The Treasurer will include in the quarterly investment report the continuing education hours for the employees listed in this section.

# CITY OF EL SEGUNDO



## STATEMENT OF INVESTMENT POLICY

EFFECTIVE October 1st, 2022~~June 1, 2018~~

Matthew A. Robinson, CFA

~~Crista Binder, CTP, CFIP~~

City Treasurer



**CITY OF EL SEGUNDO  
INVESTMENT POLICY  
TABLE OF CONTENTS**

1.0	Policy	Page 3
2.0	Scope	Page 3
3.0	Prudence	Page 4
4.0	Ethics and Conflict of Interest	Page 4
5.0	Investment Objectives	Page 4
6.0	Delegation of Authority	Page 5
7.0	Authorized Investments	Page 7
8.0	Investment Pools/Mutual Funds	Page 8
9.0	Diversification Guidelines	Page 8
10.0	Maximum Maturities	Page 8
11.0	Benchmarks	Page 8
12.0	Investment Advisory Committee	Page 9
13.0	Collateralization	Page 9
14.0	Safekeeping and Custody	Page 9
15.0	Reporting	Page 10
16.0	Internal Controls	Page 10
17.0	Authorized Financial Dealers and Institutions	Page 10
18.0	Continuing Education	Page 11

Attachments

Glossary of Investment Terms  
Questionnaire – Financial Dealers

# City of El Segundo Investment Policy

## 1.0 Policy

The City of El Segundo Investment Policy (Policy) establishes the cash management and investment guidelines for the City Treasurer. ~~The City of El Segundo invests public funds in a prudent manner with the primary objectives of, in priority order, safety of principal, adequate liquidity and investment return, in conformance with [state law, including all State of California Government Code Sections \(53600 and 53635 et seq.\)](#) and local statutes governing the investment of public funds.~~

~~State of California Government Code Section 53646-(a)-(2) does not mandate that investment policies be updated annually. However, on an annual basis, the City Treasurer will~~ must report to the City Council any material changes to the policy as reviewed and approved by the City's Investment Advisory Committee (IAC). ~~The IAC will be required to review and approve the policy annually.~~

The City Treasurer will prepare a quarterly report to the City council, City Manager and ~~Chief Financial Officer~~ Director of Finance listing investment transactions made during the reporting period pursuant to Government Code Section 53607.

~~State of California Government Code Section (53607 authorizes) still requires that~~ the City Council to delegate investment authority to the City Treasurer on an annual basis.

## 2.0 Scope

This investment policy applies to all investment activities and financial assets of the City under management by the City Treasurer. ~~This policy pertains to the City funds which are pooled for investment purposes and funds held in depository agencies.~~

It is the City's policy to pool funds for investment purposes to maximize efficiencies, reduce transaction costs, streamline cash flow forecasting, and provide greater access to the market.

The pooled funds include:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Enterprise Funds
- Trust and Agency Funds
- Debt Service Funds

Assets not under management of the City Treasurer are investments in the City's defined benefit plans, health savings plans, and pension plans.

### 3.0 Prudence

~~State of California~~ Government Code Section 53600.3 states that "...all governing bodies of local agencies or persons authorized to make investment decisions on behalf of those local agencies investing in public funds pursuant to this chapter are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law."

The City Treasurer and persons that the City Treasurer delegates to manage City investments, shall use the "Prudent Investor" standard. Investment officers acting in accordance with this Policy, written portfolio guidelines and procedures, and exercising due diligence shall be relieved of personal responsibility for individual security's credit risk or market price changes, provided deviations from expectations are reported in the quarterly investment reports to the City Council, and appropriate action is taken to control adverse developments.

When investing and managing City funds, the City Treasurer and employees shall act with care, skill, prudence and diligence to meet the aims of the investment objectives listed in order in Section 5.0, Investment Objectives.

### 4.0 Ethics and Conflict of Interest

The City Treasurer, employees involved in the investment process, and the members of IAC shall refrain from all personal business activity that could conflict with the management of the investment program. All individuals involved with the investment of City funds, or review of investment transactions, will be required to file a Form 700 – Statement of Economic Interests on an annual basis in accordance with California state law.

### 5.0 Investment Objectives

Safety: Safety of principal is the foremost objective of the investment program.

Investments of the City of El Segundo shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, the City shall only invest in high quality securities and it shall diversify its investments in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio so as not to harm the City's cash flow and principal. The City shall also structure its portfolio so as to prevent the need to sell securities prior to maturity and it shall not take short positions, that is, selling securities that the City does not own.

Two risks are monitored to help ensure safety of the investments. They are credit risk and market or interest rate risk.

**Credit Risk:** Credit risk is defined as the risk of loss due to the failure of an issuer to redeem the outstanding debt at the stated maturity date. Within this concept, credit risk also applies to the overall market perception of the financial strength and capacity of the issuer. Diversification of the investment portfolio by issuer, maturity date and amount invested will ensure that in the event of a failure of any one issuer, the event will not unduly harm or compromise the City's cash flow.

**Market or Interest Rate Risk:** Market or Interest Rate risk is the risk that the market value of investment securities in the portfolio may decline due to changes in general interest rates. Market rate risk can be mitigated by diversifying the investment of funds by maturity date and by investing funds to a specific cash requirement that would reduce the need to sell the security prior to maturity to meet immediate City cash flow needs.

**Liquidity:** The City of El Segundo's investment portfolio will remain sufficiently liquid to meet all operating requirements that might be reasonably anticipated.

**Return on Investments:** The City of El Segundo shall manage funds to optimize the return on investments consistent with the two primary objectives of safety and liquidity. The rate of return on investment should be designed to attain a market rate of return through budgetary and economic cycles consistent with the risk limitations, prudent investment principles and cash flow requirements identified by the City's Investment Policy.

## 6.0 Delegation of Authority

Pursuant to [State of California Government Code Section 53607](#), the City Council hereby authorizes the City Treasurer to invest and reinvest the City's funds, to sell or exchange securities so purchased, and to deposit securities for safekeeping in accordance with established procedures.

No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the City Treasurer. The City Treasurer may delegate all, or a portion of the investment authority to subordinates pursuant to ~~State of California~~ Government Code Section 41006. Such delegation by the City Treasurer shall not remove or abridge the Treasurer's investment responsibility.

The City Treasurer shall establish written procedures for the operation and management of the City's investment program consistent with this investment policy, including appropriate written agreements with financial institutions.

CITY OF EL SEGUNDO  
7.0 - AUTHORIZED INVESTMENTS  
Allowable Investment Instruments per State Government Code Applicable to All Local Agencies  
As of January 1, 2022

INVESTMENT TYPE	MAXIMUM MATURITY <sup>C</sup>	MAXIMUM SPECIFIED % OF PORTFOLIO <sup>D</sup>	CITY OF EL SEGUNDO IMPOSED RESTRICTIONS	MINIMUM QUALITY REQUIREMENTS	GOV'T CODE SECTIONS
Local Agency Bonds	5 years	None	None (No more than 1% per issuer)	None	53601(a)
U.S. Treasury Obligations	5 years	None	None	None	53601(b)
State Obligations— CA And Others	5 years	None	None (No more than 1% per issuer)	None	53601(c) 53601(d)
CA Local Agency Obligations	5 years	None	None (No more than 1% per issuer)	None	53601(e)
U.S Agency Obligations	5 years	None	None	None	53601(f)
Bankers' Acceptances	180 days	40% <sup>E</sup>	Not Permitted*	None	53601(g)
Commercial Paper— Non-Pooled Funds <sup>F</sup> (under \$100,000,000 of investments)	270 days or less	25% of the agency's money <sup>G</sup>	Not Permitted*	Highest letter and number rating by an NRSRO <sup>H</sup>	53601(h)(2)(c)
Commercial Paper— Non-Pooled Funds (min. \$100,000,000 of investments)	270 days or less	40% of the agency's money <sup>G</sup>	Not Permitted*	Highest letter and number rating by an NRSRO <sup>H</sup>	53601(h)(2)(c)
Commercial Paper— Pooled Funds <sup>I</sup>	270 days or less	40% of the agency's money <sup>G</sup>	Not Permitted*	Highest letter and number rating by an NRSRO <sup>H</sup>	53635(a)(1)
Negotiable Certificates of Deposit	5 years	30% <sup>J</sup>	No more than \$250,000 per FDIC Cert #	None	53601(i)
Non-negotiable Certificates of Deposit	5 years	None	No more than \$250,000 per FDIC Cert #	None	53630 et seq.
Placement Service Deposits	5 years	50% <sup>K</sup>	Not Permitted*	None	53601.8 and 53635.8
Placement Service Certificates of Deposit	5 years	50% <sup>K</sup>	Not Permitted*	None	53601.8 and 53635.8
Repurchase Agreements	1 year	None	Not Permitted*	None	53601(j)
Reverse Repurchase Agreements and Securities Lending Agreements	92 days <sup>L</sup>	20% of the base value of the portfolio	Not Permitted*	None <sup>M</sup>	53601(j)
Medium-Term Notes <sup>N</sup>	5 years or less	30%	30% (No more than 1% per issuer)	"A" rating category or its equivalent or better	53601(k)
Mutual Funds And Money Market Mutual Funds	N/A	20%	20% (No more than 10% per fund)	Multiple <sup>P,Q</sup>	53601(l) and 53601.6(b)
Collateralized Bank Deposits <sup>R</sup>	5 years	None	Not Permitted*	None	53630 et seq. and 53601(n)
Mortgage Pass-Through and Asset-Backed Securities	5 years or less	20%	Not Permitted*	"AA" rating category or its equivalent or better	53601(o)
County Pooled Investment Funds	N/A	None	None (No more than 50% per fund)	None	27133
Joint Powers Authority Pool	N/A	None	None (No more than 50% per fund)	Multiple <sup>S</sup>	53601(p)
Local Agency Investment Fund (LAIF)	N/A	None	None	None	16429.1
Voluntary Investment Program Fund <sup>T</sup>	N/A	None	None	None	16340
Supranational Obligations <sup>U</sup>	5 years or less	30%	30% (No more than 1% per issuer)	"AA" rating category or its equivalent or better	53601(q)
Public Bank Obligations	5 years	None	Not Permitted*	None	53601(r), 53635(c) and 57603

\*Not permitted outside a diversified fund or pooled investment vehicle  
For notes on the table above, see AUTHORIZED INVESTMENTS table at <https://bit.ly/3cZxoqn>  
**7.0 AUTHORIZED INVESTMENTS**  
 Allowable Investment Instruments per State Government Code Applicable to All Local Agencies  
 As of January 1, 2016

INVESTMENT TYPE	MAXIMUM MATURITY	MAXIMUM % OF PORTFOLIO	MINIMUM QUALITY REQUIREMENTS	CITY OF EL SEGUNDO IMPOSED RESTRICTIONS*
Local Agency Bonds	5 years	None	"A" Rating	10%
U.S. Treasury Obligations	5 years	None	None	None
State Obligations – CA and Others	5 years	None	None	10%
CA Local Agency Obligations	5 years	None	None	10%
U.S. Agency Obligations	5 years	None	None	None
Bankers' Acceptances	180 days	40%	None	Not Permitted
Commercial Paper-Pooled Funds	270 days	40% of the agency's money	"A-1" if the issuer has issued long-term debt it must be rated "A" without regard to modifiers**	10% (no more than 3% per issuer)
Commercial Paper-Non-Pooled Funds	270 days	25% of the agency's money	"A-1" if the issuer has issued long-term debt it must be rated "A" without regard to modifiers**	10% (no more than 3% per issuer)
Negotiable Certificates of Deposit	5 years	30% (combined with placement service CDs)	None	None
Non-negotiable Certificates of Deposit	5 years	None	None	None
Placement Service Deposits	5 years	30% (inclusive of placement service CDs)	None	10%
Placement Service Certificates of Deposit	5 years	30% (combined with negotiable CDs)	None	10%
Repurchase Agreements	1 year	None	None	Not Permitted
Reverse Repurchase Agreements and Securities Lending Agreements	92 days	20% of the base value of the portfolio	None	Not Permitted
Medium-Term Notes	5 years	30%	"A" Rating "if the issuer has issued long-term debt it must be rated "A" without regard to modifiers**	15% (no more than 3% per issuer)
Mutual Funds and Money Market Mutual Funds	N/A	20%	Multiple	5%
Collateralized Bank Deposits	5 years	None	None	None
Mortgage Pass-Through Securities	5 years	20%	"A" Rating	Not Permitted
County Pooled Investment Funds	N/A	None	None	Not Permitted
Joint Powers Authority Pool	N/A	None	Multiple	30%
Local Agency Investment Fund (LAIF) (Up To Maximum Allowed)	N/A	None	None	None
Voluntary Investment Program Fund	N/A	None	None	Not Permitted
Supranational Obligations	5 years	30%	"A A" Rating	10% and "A A A" Rating

\* if less than State Code Maximum % of Portfolio

\* Pursuant to Government Code Sections: 16340, 16429.1, 53601, 53601.8, 53635, 53635.2, 53635.8 and 53638  
\*\* Issuing corporation must be organized and operating within the U.S. and have assets in excess of \$500 million -

## 8.0 Investment Pools/Mutual Funds

The City of El Segundo will be required to conduct a thorough investigation of any government sponsored pool and/or mutual fund prior to investing and on a continual basis. There shall be a questionnaire completed which will provide the following:

1. A description of eligible investment securities, and a written statement of investment policy and objectives.
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4. A description of who may invest in the program, how often, what size deposits and withdrawals are allowed.
5. A schedule for receiving statements and portfolio listings.
6. A description of how the pool/fund utilizes reserves, retained earnings, etc.
7. A fee schedule, including when and how fees are assessed.
8. The eligibility of the pool/fund to invest in bond proceeds and a description of its practices.

City of El Segundo Authorized JPAP and Mutual Funds					
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CalTrust - Liquidity Fund	JPAP	Multi	Short	Fixed	<a href="https://caltrust.org/wp-content/uploads/2022/03/Information-Statement-Updated-Feb-2022.pdf">https://caltrust.org/wp-content/uploads/2022/03/Information-Statement-Updated-Feb-2022.pdf</a>
CalTrust - Short Term Fund	JPAP	Multi	Short	Floating	<a href="https://caltrust.org/wp-content/uploads/2022/03/Information-Statement-Updated-Feb-2022.pdf">https://caltrust.org/wp-content/uploads/2022/03/Information-Statement-Updated-Feb-2022.pdf</a>
CalTrust - Medium Term Fund	JPAP	Multi	Medium	Floating	<a href="https://caltrust.org/wp-content/uploads/2022/03/Information-Statement-Updated-Feb-2022.pdf">https://caltrust.org/wp-content/uploads/2022/03/Information-Statement-Updated-Feb-2022.pdf</a>
Vanguard Short-Term Inflation-Protected Securities Index Fund (VTSPX)	Mutual Fund	Treasuries	Medium	Floating	<a href="https://personal.vanguard.com/pub/Pdf/spi1867.pdf?2210120654">https://personal.vanguard.com/pub/Pdf/spi1867.pdf?2210120654</a>
Vanguard Short-Term Treasury Index Fund Institutional Shares (VSBIX)	Mutual Fund	Treasuries	Medium	Floating	<a href="https://personal.vanguard.com/pub/Pdf/spi1642.pdf?2210120628">https://personal.vanguard.com/pub/Pdf/spi1642.pdf?2210120628</a>
Vanguard Short-Term Federal Fund Admiral Shares (VSGDX)	Mutual Fund	U.S. Agencies	Medium	Floating	<a href="https://personal.vanguard.com/pub/Pdf/sp49.pdf?2210166032">https://personal.vanguard.com/pub/Pdf/sp49.pdf?2210166032</a>

## 9.0 Diversification Guidelines

The City of El Segundo will diversify its investments by security type, issuer and maturity dates. Concentration limits are indicated in the Authorized Investments Section 7.0 for all investment categories, ~~except Treasury securities.~~

## 10.0 Maximum Maturities

To the extent possible, the City of El Segundo will attempt to match its investments with anticipated cash flow requirements. Pursuant to Government Code Section 53601, the City will not *directly* invest in securities maturing more than five (5) years from the date of purchase pursuant to Government Code Section 53601. However, as Government Code Section 53601 allows, the City of El Segundo will be allowed to invest *indirectly* in such securities provided that “the legislative body has granted express authority to

make that investment either specifically or as a part of an investment program approved by the legislative body no less than three months prior to the investment.”beginning three months from this Policy’s effective date,- the City may ~~Any~~ *indirectly* investment in such securities if such investment ~~must come~~ is from ~~within~~ an approved investment pool/mutual fund from Policy Section 8.0 and the WAM (weighted average maturity) of the pool/fund must be under (5) five years at time of purchase.

## 11.0 Benchmarks

The City of El Segundo Quarterly Investment Report will include benchmark reporting. The benchmark reporting will be used as a reference tool only to communicate investment performance against established benchmarks. The use of benchmarks will not imply that the City Treasurer will assume more risk to the portfolio as safety of principal and liquidity of funds are the first two primary objectives of the City's portfolio. The City will use the following benchmark to compare and evaluate portfolio performance.

Interpolated Yield: The market yield of US Treasury securities as compared to the portfolio's weighted average maturity (WAM) for the long-term and short-term investments in the portfolio.

## 12.0 Investment Advisory Committee

The City of El Segundo has established an Investment Advisory Committee (IAC) to provide advice and assistance of persons with experience in the investment field on the investment of City funds to ensure that City funds are invested in a safe and prudent manner.

The City of El Segundo Investment Advisory Committee (IAC) was established by City Council resolution 3764 on June 12, 1992.

The IAC shall have four (4) members appointed by the City Council to serve at their discretion. The committee members shall be the City Treasurer, the Chief Financial Officer~~Director of Finance~~, one member who shall be a resident of the City of El Segundo and one member who may be a non-resident of the City. Desirable qualifications of IAC members include, but are not limited to, work experience or educational background in banking, investments or finance.

The IAC shall review and make recommendations on City investment policy and guidelines, list of banking institutions working with the City, list of brokers and dealers working with the City, and investments in the City portfolio. IAC members shall review and vote on recommendations of any new type of investment.

The IAC shall meet on a quarterly basis to discuss the City's investments and investment

objectives.

The City Treasurer will prepare a quarterly report to the City council, City Manager and Chief Financial Officer~~Director of Finance~~ listing investment transactions made during the reporting period pursuant to Government Code Section 53607.

### 13.0 Collateralization

California Government Code, Sections 53652, et seq., requires depository institutions to post certain types and levels of collateral for public funds above the FDIC insurance amounts. The collateral requirements apply to bank deposits, both active (checking and savings accounts) and inactive (non-negotiable time certificates of deposit).

### 14.0 Safekeeping and Custody

The City of El Segundo shall require that all investment transactions be conducted through the delivery-versus-payment (DVP) process pursuant to Government Code Section 53601. Securities shall be held by a third party custodian designated by the City Treasurer and evidenced by safekeeping receipts pursuant to Government Code Section 53608.

### 15.0 Reporting

The City Treasurer will prepare a quarterly report to the City council, City Manager and Chief Financial Officer~~Director of Finance~~ listing investment transactions made during the reporting period pursuant to Government Code Section 53607. At a minimum, the quarterly report must include type of investment, issuer name, dollar amount of each security, date of maturity, par value, book value and current market value of securities, rate of interest, funds managed by contracted parties, percentage of the portfolio in each investment category, weighted average maturity, statement of ability to meet expenditure requirements for the next six months, and Treasurer indication of compliance with the City's Investment Policy.

In addition to the quarterly report, the City Treasurer will prepare a monthly statement of investments and transactions to the Chief Financial Officer~~Director of Finance~~.

### 16.0 Internal Controls

The City Treasurer shall establish a system of written internal controls, which shall ensure compliance with this Investment Policy and state law. The controls shall be designed to prevent loss of public funds due to fraud, employee error, and misrepresentation by third parties, or imprudent actions of employees. The City Treasurer shall evaluate any audit reports in a timely manner with the Chief Financial

~~Officer~~Director of Finance.

Investment transactions and holdings shall be verified by the Chief Financial Officer~~Director of Finance~~ on a monthly basis and reviewed annually by the City's external auditor.

#### 17.0 Authorized Financial Dealers and Institutions

The City Treasurer shall transact business only with banks, savings and loans, state and federal credit unions, and securities dealers. The Treasurer shall select and maintain a current list of broker/dealers, as defined by Corporations Code Section 25004, authorized to provide the City investment services. This list of broker/dealers shall be included in the Treasurer's quarterly investment report to the City Council. The broker/dealers shall meet the requirements of Government Code Section 53635.5 and Securities & Exchange Commission Rule 240.15c3-1 (uniform net capital rule). The Treasurer shall keep on file with the City an audited financial statement for each authorized broker/dealer's last complete fiscal year. Each authorized broker/dealer shall execute an acknowledgement that it has read the City's current Investment Policy and that it will abide by the terms and conditions of the Policy. Additionally, each such broker/dealer shall complete the questionnaire attached hereto. City funds shall only be placed in and invested with depositories that meet the requirements of Government Code Sections 53630 et seq.

#### 18.0 Continuing Education

The City of El Segundo recognizes that employees engaged in investment and management of public funds should be provided with continuing education on all aspects of public fund management. At a minimum, the City Treasurer, Deputy Treasurer I and Deputy Treasurer II, should complete, at a minimum, five hours of continuing education in investment management on an annual basis through qualified institutions. Staff engaged in the management and investment process are encouraged to complete more than the minimum amount of continuing education as required in this policy. The Treasurer will include in the quarterly investment report the continuing education hours for the employees listed in this section.



**City Council Agenda Statement**  
**Meeting Date:** September 20, 2022  
**Agenda Heading:** Reports - City Treasurer  
**Item Number:** G.16

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**TITLE:**

Resolution Authorizing Investment of Monies in the Local Agency Investment Fund by Specified City Officers

**RECOMMENDATION:**

1. Adopt a resolution reaffirming designated City officers having authority to deposit and withdraw money from the Local Agency Investment Fund (LAIF).
2. Alternatively, discuss and take other action related to this item.

**FISCAL IMPACT:**

None

**BACKGROUND:**

The Local Agency Investment Fund (LAIF) is established in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer.

**DISCUSSION:**

To improve the efficiency of the day-to-day Local Agency Investment Fund (LAIF) investment transactions including, deposits and withdrawals, the City Treasurer is requesting the City Council to adopt the attached Resolution to designate specified City officers authority to deposit or withdraw monies to/ from the Local Agency Investment Fund (LAIF).

**CITY STRATEGIC PLAN COMPLIANCE:**

Goal 5: Champion Economic Development and Fiscal Sustainability.

**Resolution Authorizing Investment of Monies in the Local Agency Investment  
Fund by Specified City Officers**

**September 20, 2022**

**Page 2 of 2**

Objective 5B: El Segundo approaches its work in a financially strategic and responsible way.

**PREPARED BY:**

Jasmine Allen, Deputy City Treasurer II

**REVIEWED BY:**

Matthew Robinson, City Treasurer

**APPROVED BY:**

Barbara Voss, Deputy City Manager

**ATTACHED SUPPORTING DOCUMENTS:**

1. LAIF Authorization For Transfer of Funds Resolution 09-12-22

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE INVESTMENT OF CITY MONIES IN THE LOCAL AGENCY INVESTMENT FUND BY SPECIFIED CITY OFFICERS.**

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

**SECTION 1.** *Findings.* The City Council finds as follows:

- A. The Local Agency Investment Fund (“LAIF”) is established in the State Treasury under Government Code § 16429.1 et. seq. for the deposit of money of a local agency for purposes of investment by the State Treasurer.
- B. Deposit and withdrawal of money in the LAIF in accordance with Government Code § 16429.1 et seq. for investment purposes is in the City’s best interests.

**SECTION 2.** *Authorization.*

- A. The City Council authorizes the deposit and withdrawal of City monies in the LAIF for investment purposes in accordance with Government Code § 16429.1 et. seq.
- B. The following City officers holding the specified titles or their successors in office are each authorized to order the deposit or withdrawal of monies in the LAIF and may execute and deliver any and all documents necessary or advisable to effectuate this Resolution’s purposes and associated contemplated transactions:
  - 1. Darrell George – City Manager
  - 2. Joseph Lillio - Chief Financial Officer
  - 3. Matthew Robinson – City Treasurer
  - 4. Dino Marsocci – Treasury & Customer Services Manager
  - 5. Jasmine Allen – Deputy City Treasurer II
  - 6. Latonya Fair – Deputy City Treasurer I

**SECTION 3.** *Severability.* If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

**SECTION 4.** *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 5.** *Rescission; Effective Date.* Any resolutions in conflict with the provisions herein are superseded. This Resolution will take effect immediately upon adoption by the City Council until rescinded.

**SECTION 6. 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
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 \_\_\_\_ 2021, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Tracy Weaver, City Clerk

APPROVED AS TO FORM:  
MARK D. HENSLEY, CITY ATTORNEY

\_\_\_\_\_  
Joaquin Vazquez, Deputy City Attorney