

SUPPLEMENTAL AGENDA **EL SEGUNDO CITY COUNCIL**

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

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

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

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

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

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, JUNE 2, 2009 - 7:00 P.M.

A new item is added to the Consent Agenda as follows:

E. CONSENT AGENDA

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

3A.

Consideration and possible action to adopt Resolution No. 4599, establishing procedures for paying an in-lieu fee in accordance with the Downtown Specific Plan (Fiscal impact: None).

Recommendation - (1) Adopt Resolution No. 4599; and (2) take such additional, related, action that may be desirable.

POSTED:

DATE: May 28, 2009

TIME: 4:30 P.M.

NAME: S.M. Jby

AGENDA DESCRIPTION:

Consideration and possible action regarding adopting a Resolution establishing a payment program and procedures for making parking in-lieu fee payments within the Downtown Specific Plan. (Fiscal Impact: None)

MEETING DATE: June 2, 2009

AGENDA HEADING: Consent Agenda

RECOMMENDED COUNCIL ACTION:

- 1. Adopt Resolution without reading; and/or
- 2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

 Resolution entitled "A RESOLUTION ESTABLISHING PROCEDURES FOR PAYING IN-LIEU FEES IN ACCORDANCE WITH THE EL SEGUNDO DOWNTOWN SPECIFIC PLAN"

FISCAL IMPACT: None

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

ORIGINATED BY: Karl H. Berger, Assistant Gity Attorney

REVIEWED BY:

APPROVED BY: Mark D. Hensley, City Attorney

On May 20, 2009, the City Council considered and voted to adopt a resolution establishing payment procedures for the in-lieu fee payments within the Downtown Specific Plan. Through inadvertence, the title was incorrectly read into the record. In an abundance of caution, we recommend that the Resolution be again adopted by the City Council to avoid any ambiguity.

RESOL	JTION	NO.
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A RESOLUTION ESTABLISHING PROCEDURES FOR PAYING IN-LIEU FEES IN ACCORDANCE WITH THE EL SEGUNDO DOWNTOWN SPECIFIC PLAN.

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

<u>SECTION 1:</u> The City Council finds and declares as follows:

- A. This Resolution is adopted in accord with the El Segundo
 Downtown Specific Plan ("DSP") and the El Segundo Municipal
 Code ("SPMC") for the purpose of establishing criteria to permit
 persons to repay in-lieu parking fees over a period of time;
- B. In 2003 and 2004, the City Council established an in-lieu parking fee to allow businesses within the DSP to pay the City a fee rather than construct new parking;
- C. The City Council recognized at that time that the unique circumstances of the City's downtown, e.g., the number of non-conforming small lots, makes it difficult for businesses to expand since the ability to provide adequate parking is limited by available acerage;
- D. Since that time, the City Council became aware that some property owners were reluctant to pay a lump sum in-lieu fee to the City and preferred to pay such fee over a period of time. This reluctance, and the inability to physically construct parking places on or near businesses within the downtown, prevented businesses from expanding within the DSP; and
- E. This Resolution relies upon the documentary and testimonial evidence submitted to the City during the public hearing held on May 20, 2009 in addition to such additional information that may be in the administrative record.

<u>SECTION 2</u>: **Payment Plans – Authorized**. Pursuant to the DSP and subject to this Resolution, the City Council authorizes the City Manager or Planning and Building Safety Director (collectively, "Administrator") to allow persons seeking to pay an in-lieu fee to the City over a period of time ("Payment Plan"). The Administrator is authorized to promulgate administrative policies and procedures ("AP&P") to implement the purpose of this Resolution.

<u>SECTION 3:</u> Payment Plan – Minimum Requirements. Payment Plans authorized by this Resolution must, at a minimum, meet the following criteria:

- A. The term for repayment cannot exceed twenty (20) years from the date the City issues a final certificate of occupancy for a facility;
- B. The debtor must enter into a repayment agreement with the City; execute a promissory note in favor of the City; execute a deed of trust in favor of the City to secure the promissory note; if required by the Administrator, upon recommendation by the City Attorney, record a covenant against the real property subject to parking requirements under the DSP; and take such additional action as may be required by the AP&P. All such documents must be approved as to form by the City Attorney.

SECTION 4: Exempt under the California Environmental Quality Act. This Resolution is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, et seq.; "CEQA") and CEQA regulations (Cal. Code Regs. Title 14, §§ 15000, et seq.) because it establishes, structures, and approves rates and charges to obtain funds for capital projects needed to maintain service within existing service areas. This Resolution, therefore, is categorically exempt from further CEQA review under Cal. Code Regs. Title 14, § 15273.

<u>SECTION 5:</u> **Effective Date of this Resolution.** This Resolution will become effective immediately upon adoption and remain in effect unless repealed or superseded.

PASSED AND ADOPTED this _	day of	, 2009.
ATTEST:	Kelly McDowell, Mayor	
Cindy Mortesen, City Clerk	_	
APPROVED AS TO FORM: Mark D. Hensley, City Attorney		
By: Karl H. Berger Assistant City Attorney		