

## AGENDA EL SEGUNDO CITY COUNCIL COUNCIL CHAMBERS - 350 Main Street

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

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

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

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

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

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, JUNE 1, 2010 – 5:30 P.M.

> Next Resolution # 4654 Next Ordinance # 1443

5:30 P.M. SESSION

**CALL TO ORDER** 

**ROLL CALL** 

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

#### SPECIAL ORDER OF BUSINESS:

#### **CLOSED SESSION:**

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

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

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

#### **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code §54956.9(b): -0-potential case (no further public statement is required at this time); Initiation of litigation pursuant to Government Code §54956.9(c): -0- matter.

DISCUSSION OF PERSONNEL MATTERS (Gov't Code §54957): - 0- matters

## CONFERENCE WITH CITY'S LABOR NEGOTIATOR (Gov't Code §54957.6): -1-matters

 Represented Group: Police Support Services Employees Association (PSSEA), City Employees Association (CEA), Firefighters Association (FFA), Police Managers Association (PMA), Police Officers Association (POA), Supervisory and Professional Employees (S&P) Negotiators: Jack Wayt, Bob Hyland and Rich Kreisler

## CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov't Code §54956.8): -2-matters

1. City Property: 2161 El Segundo Boulevard, El Segundo (Fire Station No. 2)

City Negotiators: City Manager, Assistant City Manager

Negotiating Party: Out of Site, LLC

**Under Negotiation**: Price and Terms (potential lease or sale)

2. City Property: 2161 El Segundo Boulevard, El Segundo (Fire Station No. 2)

City Negotiators: City Manager, Assistant City Manager

**Negotiating Party**: Wiseburn School District

**Under Negotiation**: Price and Terms (potential lease or sale)



# AGENDA EL SEGUNDO CITY COUNCIL COUNCIL CHAMBERS - 350 Main Street

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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, JUNE 1, 2010 - 7:00 P.M.

Next Resolution # 4645 Next Ordinance # 1443

7:00 P.M. SESSION

**CALL TO ORDER** 

**INVOCATION** – Pastor John Svendsen, First Baptist Church

PLEDGE OF ALLEGIANCE - Council Member Don Brann

#### **PRESENTATIONS**

- a. Beauty and the Beach Cleanup Day
- b. Presentation to El Segundo Boys Volleyball Team for CIF Championship

#### **ROLL CALL**

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#### A. PROCEDURAL MOTIONS

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

Recommendation – Approval.

#### B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

1. Consideration and possible action to adopt a Resolution expressing the City Council's intent to voluntarily reduce individual Councilmember's salary by 20%. (Fiscal Impact: approximately \$10,800 per year)

Recommendation – (1) Adopt draft Resolution; (2) Alternatively, discuss and take other action related to this item.

#### C. UNFINISHED BUSINESS

#### D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

2. Consideration and possible action to announce the candidates of the Recreation and Parks Commission and Planning Commission.

Recommendation – (1) Announce the appointees to the Recreation and Parks Commission and Planning Commission, if any; (2) Alternatively, discuss and take other action related to this item.

#### 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.

3. Warrant Numbers 2577327 to 2577514 on Register No. 16 in the total amount of \$1,204,160.83 and Wire Transfers from 5/07/10 through 5/20/10 in the total amount of \$650,803.67.

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

4. Regular City Council Meeting Minutes of May 18, 2010 and Special Meeting Minutes of May 6, 2010.

Recommendation - Approval.

5. Consideration and possible action regarding approval of a contract with AKM Consulting Engineers to provide inspection and resident engineering services for the replacement of sanitary sewer mains at various locations within the Smoky Hollow Specific Plan area of the City of El Segundo. (Fiscal Impact: \$150,000)

Recommendation – (1) Authorize the City Manager to execute a professional service agreement in a form as approved by the City Attorney with AKM Consulting Engineers in the amount not to exceed \$150,000; (2) Alternatively, discuss and take other action related to this item.

6. Consideration and possible action regarding authorizing the recording of the Notice of Completion and authorizing the City Manager to accept completion of work for 21 homes related to the City's Residential Sound Insulation Program's Group 37 (Project No. RSI 09-14). (Final Contract Amount: \$581,587.21)

Recommendation – (1) Authorize the City Clerk to file the City's Planning and Building Safety Director's Notice of Completion in the County Recorder's Office;

- (2) Authorize the City Manager, or designee, to close out Project No. RSI 09-14;
- (3) Alternatively, discuss and take other action related to this item.

**CALL ITEMS FROM CONSENT AGENDA** 

#### F. NEW BUSINESS

	Consideration and possible action to introduce and waive first reading of an Ordinance amending the El Segundo Municipal Code's regulation of massage establishments with the City of El Segundo. (Fiscal Impact: None)
	Recommendation – (1) Introduce and waive first reading of draft Ordinance; (2) Schedule second reading and adoption of the Ordinance for June 15, 2010; (3) Alternatively, discuss and take other action related to this item.

G.	REPORTS – CITY MANAGER
Н.	REPORTS – CITY ATTORNEY
I.	REPORTS – CITY CLERK
J.	REPORTS – CITY TREASURER
K.	REPORTS CITY COUNCIL MEMBERS
	Council Member Fuentes –
	Council Member Brann –
	Council Member Jacobson –
	Mayor Pro Tem Fisher –
	Mayor Busch –

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#### **MEMORIALS -**

#### **CLOSED SESSION**

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#### REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)

#### ADJOURNMENT

POSTED:

DATE: May 26, 2010 TIME: 4:00 p.m. NAME: S.M. Ag



WHEREAS, For economic, aesthetic and environmental reasons, the quality of Santa Monica Bay beaches is of paramount concern to all citizens of El Segundo;

On Saturday, June 5, 2010, from 9:30 a.m. to 12:00 p.m., the El Segundo WHEREAS, Power, LLC and El Segundo Kiwanis Club will sponsor the 10th Annual Beauty & The Beach community event for people to gather and celebrate their commitment to preserving our beaches by undoing some of the damage caused to this precious natural resource; and

Employees of El Segundo Power, LLC and members of the El Segundo WHEREAS, Kiwanis Club along with other volunteers, will clean the stretch of beach from all debris between Grand Avenue to Vista del Mar Beach Entrance.

NOW, THEREFORE, on this 1st day of June, 2010, the Mayor and Members of the City Council of the City of El Segundo, California, hereby proclaim June 5, 2010 Beauty & The Beach Day in El Segundo and invite the community to join the El Segundo Power, LLC and members of *The El Segundo Kiwanis Club* in cleaning our El Segundo Beach.



Mayor Eric K. Busch

Mayer Pre Tem Bill Fisher Council Member Carl Jacobsen

Council Member Den Brann Council Member Suzanne Fuentes

MEETING DATE: June 1, 2010 AGENDA HEADING: Special Orders of Business

#### AGENDA DESCRIPTION:

Consideration and possible action to adopt a Resolution expressing the City Council's intent to voluntarily reduce individual Councilmember's salary by 20%. (Fiscal Impact: approximately \$10,800 per year)

#### RECOMMENDED COUNCIL ACTION:

- 1. Adopt draft Resolution.
- 2. Alternatively, discuss and take other action related to this item.

#### ATTACHED SUPPORTING DOCUMENTS:

**Draft Resolution** 

FISCAL IMPACT: Approximately \$10,800 per year

**Amount Requested:** \$0 **Additional Appropriation:** No

Account Number(s):

ORIGINATED BY: Councilmember Carl Jacobson

**REVIEWED BY:** Jack Wayt, City Manager **APPROVED BY:** Jack Wayt, City Manager

As is well documented, the City is facing a significant budget deficit. The international financial crisis affects all aspects of our state and local economies. Consequently, the City is considering various methods to reduce the budget deficit.

Among other things, the City Council is asking City employees to reduce pay or benefits to help lessen the City's financial burden. It seems only fair that the City Council itself take a pay cut to contribute to the overall effort.

I had hoped that the City Council could immediately implement a 20% reduction in compensation. However, the City Attorney informed me that Government Code § 36516 requires that the City Council utilize the same procedures for *decreasing* compensation as when *increasing* compensation. This means that the City Council would need to adopt an ordinance amending El Segundo Municipal Code § 1-4-3 (which sets the City Council's compensation at \$900 per month) to reduce its compensation. And, that reduction would not occur until after the next municipal election (Government Code § 36516.5).

I do not think that we can wait that long. Accordingly, I propose that we agree to voluntarily reduce our monthly compensation to \$720 (a 20% decrease). To memorialize that effort, I urge you to join me in adopting the draft resolution.

RESOLU	TION N	IO.

## A RESOLUTION EXPRESSING THE CITY COUNCIL'S INTENT TO VOLUNTARILY REDUCE INDIVIDUAL COUNCILMEMBER COMPENSATION BY 20%.

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

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

- A. Individual Councilmembers receive \$900 per month as compensation for serving on the City Council pursuant to El Segundo Municipal Code ("ESMC") § 1-4-3; and
- B. Because of the significant international, national, state and local economic crisis, the City is forced to adopt various budget austerity measures to help mitigate any reduction in public services or benefits; and
- C. Among other things, the City Council asked that City employees accept various measures that may reduce pay or benefits in order to ensure a balanced City budget; and
- D. To demonstrate the City Council's support for the employees, the City Council believes it is in the public interest for individual Councilmembers to voluntarily reduce their compensation by 20%; and
- E. Councilmembers who choose to such a voluntarily reduction would be paid \$720 per month in compensation.

<u>SECTION 2:</u> Councilmembers choosing to voluntarily reduce their pay should provide written confirmation of that decision to the City Manager.

<u>SECTION 3:</u> This Resolution will become effective immediately upon adoption and will remain effective unless superseded or repealed.

PASSED AND ADOPTED this _	day of	, 2010.
	Eric Busch, Mayor	

APPROVED AS TO FORM:		
Karl H. Berger, City Attorney		
ATTEST:		
STATE OF CALIFORNIA COUNTY OF LOS ANGELES CITY OF EL SEGUNDO	)	SS
number of members of the City Cowas duly passed and adopted by sail City, and attested to by the City Cle	uncil of id City rk of sa	Segundo, California, do hereby certify that the whole f said City is five; that the foregoing Resolution No. Council, approved and signed by the Mayor of said aid City, all at a regular meeting of said Council held e same was so passed and adopted by the following
AYES:		
NOES:		
ABSENT:		
ABSTAIN:		
City Clerk		

MEETING DATE: June 1, 2010

AGENDA HEADING: Committees, Commissions and Boards

#### **AGENDA DESCRIPTION:**

Consideration and possible action to announce the candidates of the Recreation and Parks Commission and Planning Commission.

(Fiscal Impact: None)

#### RECOMMENDED COUNCIL ACTION:

- 1. Announce the appointees to the Recreation and Parks Commission and Planning Commission, if any;
- 2. Alternatively, discuss and take other action related to this item.

#### ATTACHED SUPPORTING DOCUMENTS:

None

FISCAL IMPACT: Included in Adopted Budget

**Amount Budgeted:** 

\$ None

Additional Appropriation: N/A

Account Number(s):

**ORIGINATED BY:** 

Mishia Jennings, Executive Assistant

REVIEWED BY:

**APPROVED BY:** 

ack Wayt) City Manager

BACKGROUND AND DISCUSSION:	•			
Committee/Commission and Board	# of Openings	Appointee(s)	Term Expire(s)	
Recreation and Parks Commission	1		05/30/2014	55
Planning Commission (one partial one f	ull term) 2		06/30/2012 (parti	al term)
			06/30/2014 (full t	erm)

AS OF June 01, 2010

DATE OF APPROVAL:

2577327 - 2577514

916.15 7,421.78 3,552.85 3,710.00 565.92 394,310.33 2,031.37 4,222.84 399,255.05 2,036.78 300.32 9,000.00 19,724.43 203,987.77 152,653.31 EXPENDABLE TRUST FUND - DEVELOPER FEES EXPENDABLE TRUST FUND - OTHER ASSOCIATED RECREATION ACTIVITIES FUND CAPITAL IMPROVEMENT FUND INFRASTRUCTURE REPLACEMENT FUND WORKERS COMP. RESERVEANSURANCE TDA ARTICLE 3 · SB 821 BIKEWAY FUND MTA GRANT AIR QUALITY INVESTMENT PROGRAM HOME SOUND INSTALLATION FUND COMM. DEVEL. BLOCK GRANT PROP - THANSPORTATION HYPERION MITIGATION FUND PROP "C" TRANSPORTATION EQUIPMENT REPLACEMENT ASSESSMENT DISTRICT #73 RETIRED EMP. INSURANCE OUTSIDE SERVICES TRUST ASSET FORFEITURE FUND FACILITIES MAINTENANCE TOTAL WARRANTS TRAFFIC SAFETY FUND STATE GAS TAX FUND WATER UTILITY FUND LIABILITY INSURANCE WASTEWATER FUND GOLF COURSE FUND C.O.P.S. FUND L.A.W.A. FUND 

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

Information on actual expenditures is available in the Director of Administrative Services 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

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

For Fatification:

Payroll and Employee Benefit checks ¥

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

refry Release disbursements and/or adjustments approved by the City Manager. Handwritten

FINANCE DIRECTOR

₽

5/24/18 DATE

CITY MANAGER

VOID CHECKS DUE TO ALIGNMENT:

VOID CHECKS DUE TO INCORRECT CHECK DATE:

VOID CHECKS DUE TO COMPUTER SOFTWARE ERROR:

NOTES

#### CITY OF EL SEGUNDO PAYMENTS BY WIRE TRANSFER 5/07/10 THROUGH 5/20/10

Date	Payee	Amount	Description
4/27/2010	Health Comp	2,695.37	Weekly claims
4/29/2010	Health Comp	1,498.07	Weekly claims
4/30/2010	Federal Reserve Bank	50.00	Employee Savings Bonds
4/30/2010	Federal Reserve Bank	250.00	Employee Savings Bonds
4/30/2010	Unum	460.20	LTD
5/13/2010	Health Comp	715.42	Weekly claims
5/13/2010	Employment Development	4,803.25	State Taxes
5/13/2010	<b>Employment Development</b>	64,820.07	State Taxes
5/13/2010	IRS	266,912.51	Federal Taxes
5/14/2010	UB	4,421.97	PARS payment
5/14/2010	Manufacturers & Traders	51,616.68	457 payment Vantagepoint
5/14/2010	Nationwide EFT	1,720.31	EFT 457 payment
5/14/2010	Nationwide EFT	93,136.22	EFT 457 payment
5/14/2010	State of CA EFT	1,276.15	Child support payment
5/14/2010	Federal Reserve Bank	200.00	Employee Savings Bonds
5/19/2010	Cal Pers	93,226.95	Retirement
5/19/2010	Lane Donovan Golf Ptr	20,191.01	Payroll Transfer
4/22-5/20/10	Workers Comp Activity	42,809.49	SCRMA checks issued
	•	650,803.67	

## DATE OF RATIFICATION: 6/01/10 TOTAL PAYMENTS BY WIRE:

650,803.67

Certified as to the accuracy of the wire transfers by:

May m. Kobis	5/20/10
Deputy City Treasurer	Date
<b>D</b>	5/24/10
Director of Finance	Date
Bul Ciowe	5/24/10
City Manager for	Date

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

## REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, MAY 18, 2010 – 5:00 P.M.

5:00 P.M. SESSION

CALL TO ORDER - Mayor Busch

**ROLL CALL** 

Mayor Busch - Present

Mayor Pro Tem Fisher - Present – arrived at 5:10 p.m.

Council Member Brann - Present
Council Member Fuentes - Present
Council Member Jacobson - Present

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Mark Hensley, City Attorney, announced that Council would be meeting in closed session pursuant to the items listed on the agenda.

#### CLOSED SESSION:

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

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

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Government Code §54956.9(b): -0-potential case (no further public statement is required at this time); Initiation of litigation pursuant to Government Code §54956.9(c): -0- matter.

DISCUSSION OF PERSONNEL MATTERS (Gov't Code §54957): - 0- matters

CONFERENCE WITH CITY'S LABOR NEGOTIATOR (Gov't Code §54957.6): -1-matters

Represented Group: Police Support Services Employees Association (PSSEA), City Employees Association (CEA), Firefighters Association (FFA), Police Managers Association (PMA), Police Officers Association (POA), Supervisory and Professional Employees (S&P)

Negotiators: Jack Wayt, Bob Hyland and Rich Kreisler

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

SPECIAL MATTERS: - 0- matter

Council recessed at 6:50 p.m.

## REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, MAY 18, 2010 - 7:00 P.M.

#### 7:00 P.M. SESSION

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

INVOCATION - Bishop Craig Layne, Church of Jesus Christ of Latter Day Saints

PLEDGE OF ALLEGIANCE - Council Member Suzanne Fuentes

#### **PRESENTATIONS**

- a. Mayor Pro Tem Fisher presented a Proclamation proclaiming the month of June "Relay For Life" month.
- b. Mayor Busch presented a Proclamation announcing May 16 though 22 as National Public Works Week.

#### ROLL CALL

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

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#### A. PROCEDURAL MOTIONS

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

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

- B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)
- C. UNFINISHED BUSINESS
- D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS
- Consideration and possible action regarding setting a date and time for interviewing candidates for Recreation and Parks Commission, Planning Commission, Library Board of Trustees, Senior Citizen Housing Corporation Board, Community Cable Advisory Committee, and Environmental Committee.

Council consensus to set the date for interviews of the candidates for 4:30 p.m., Tuesday, June 1, 2010, and announce appointees at the City Council's 7:00 p.m. June 1, 2010 meeting.

#### E. CONSENT AGENDA

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

- 2. Approved Warrant Numbers 2577130 to 2577326 on Register No. 15 in the total amount of \$803,524.44 and Wire Transfers from 4/23/10 through 5/06/10 in the total amount of \$2,383,501.47. Authorized staff to release. Ratifed: Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.
- 3. Approved Regular City Council Meeting Minutes of May 4, 2010.
- 4. Approved the additional thirty (30) day provisional appointment extension for the position of Interim Recreation Superintendent. (Fiscal Impact: Savings of \$106,574 in Fiscal Year 2009-2010)
- 5. Adopted Resolution No. 4651 which authorizes the City Manager, or designee to apply for, receive and appropriate funds from the State of California for Capital Improvement Projects to be funded with Proposition 1B funding. (Fiscal Impact: \$131,692.42 grant fund revenue)
- 6. Approved a fee waiver request from the Center Street School PTA to hang a banner over Main Street from May 24 to June 7, 2010 for its Ice Cream Social. (Fiscal Impact: \$178.00)
- 7. Authorized the City Clerk to file the City's Planning and Building Safety Director's Notice of Completion in the County Recorder's Office and authorized the City Manager, or designee, to accept completion of work for 33 homes related to the City's Residential Sound Insulation Program's Group 36 (Project No. RSI 09-11). (Final Contract Amount: \$742,980)

MOTION by Mayor Pro Tem Fisher, SECONDED by Council Member Fuentes to approve Consent Agenda Items 2, 3, 4, 5, 6, and 7. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

#### CALL ITEMS FROM CONSENT AGENDA

- F. NEW BUSINESS
- 8. Consideration and possible action regarding the presentation of fiscal year 2009-2010 Midyear Financial Review and approval of fiscal year 2010-2011 Budget Calendar. (Fiscal Impact: None)

Deborah Cullen, Finance Director, gave a report.

Council consensus to receive and file FY 2009-2010 Midyear Financial staff report and direct staff to proceed with Fiscal Year 2010-2011 Budget Calendar.

9. Consideration and possible action regarding the Funding Agreement extending financial assistance to the El Segundo Unified School District (ESUSD) for the purpose of school facilities and programs. (Fiscal Impact: \$250,000 annual contribution)

Council Member Brann, gave a report.

MOTION by Council Member Brann, SECONDED by Mayor Pro Tem Fisher to maintain the agreement for 2010 year as \$250,000 in money and \$617,495 in in-kind services. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

10. Consideration and possible action regarding 1) Introduction of an Ordinance and Adoption of a Resolution of Intention to approve an Amendment to the contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the El Segundo City Council providing Section 20903 (Two Years Additional Service Credit) for the City's Local Safety Members, with the exception of Department Heads and local Police members; 2) Adoption of a Resolution providing a designated Retirement Period for Section 20903, Two Years Additional Service Credit; 3) Certification of Compliance with Government Code Section 20903; and 4) Approval of a \$1,000 payment to eligible employees entering into a Date-Certain Retirement Separation Agreement with the City. (Fiscal Impact: 1) Estimated increase in the City's PERS safety employer rate of 0.31% and an annual cost increase in FY 2012-2013 of \$52,000; 2) Salary savings based on the number of employees retiring during the designated retirement period, less the \$1,000 payment for entering into a Date-Certain Retirement Separation Agreement.).

Martha Dijkstra, Human Resources Manager, gave a report.

MOTION by Mayor Busch, SECONDED by Mayor Pro Tem Fisher to adopt Resolution No. 4652, a resolution of Intention to approve an Amendment to the contract between the Board of Administration, California Public Employees' Retirement System and the City Council, City of El Segundo, Resolution No. 4653, providing a designated retirement period for Section 20903, Two Years Additional Service Credit, certify compliance with Government Code Section 20903, approve a \$1,000 payment to eligible employees entering into a Date-Certain Retirement Separation Agreement with the City, and authorize the City Manager to execute the Retirement Separation Agreement, in a form approved by the City Attorney. MOTION PASSED BY THE FOLLOWING VOICE VOTE. AYES; BUSCH, FISHER, JACOBSON, FUENTES. NOES: BRANN. 4/1

Mark Hensley, City Attorney, read by title only:

#### **ORDINANCE NO. 1442**

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF EL SEGUNDO AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

Mayor Busch introduced the ordinance.

**REPORTS – CITY MANAGER** 

**REPORTS – CITY ATTORNEY** 

REPORTS - CITY CLERK

REPORTS – CITY TREASURER

REPORTS - CITY COUNCIL MEMBERS

Council Member Fuentes – Spoke on Elderfest.

Council Member Brann – Spoke on Elderfest and Public Works Week.

Council Member Jacobson – Spoke on Elderfest and Super CPR Saturday.

Mayor Pro Tem Fisher - NONE

Mayor Busch – Spoke on compost and water wise gardening workshop. Noted that the Education Foundation car show is June 5, 2010 at the automobile museum.

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have receive 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. – NONE

MEMORIALS - Ryan Christopher Broderick, resident.

**CLOSED SESSION - NONE** 

ADJOURNMENT at 8:29 p.m.

Cindy Mortesen, City Clerk

#### SPECIAL MEETING OF THE EL SEGUNDO CITY COUNCIL THURSDAY, May 6, 2010 El Segundo Public Library 111 W. Mariposa Avenue, El Segundo, CA 90245 7:30 a.m.

7:30 A.M. SESSION

CALL TO ORDER - Mayor Busch at 7:35 a.m.

ROLL CALL

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

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Pursuant to Government Code § 54954.3(a), the only public comment that will be permitted during this Special Meeting is that pertaining to the agenda item listed below. 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.

#### SPECIAL ORDERS OF BUSINESS:

1. Consideration and possible action regarding a strategic planning workshop resulting in City Council guidance to staff for preparing the Fiscal Year 2010-2011 Preliminary Budget. Staff will present a brief overview of policy issues, challenges/limitations, goals and strategies associated with preparation and planning of the fiscal year budget including, without limitation, the following matters:

Jack Wayt, City Manager, gave an introduction.

Deborah Cullen, Finance Director, gave a presentation.

o Policy issues including:

LA County Fire Survey School District Funding Reserve Policy Going Green Staff to prepare a list of in-kind services provided to the School District and agendize an item for the May 18, 2010 Council Meeting to review School District funding.

Staff to look at all City buildings to determine if it would be cost effective to install solar panels and identify other potential cost effective "Green" projects.

Staff to provide a report to Council on status of the City Fleet and Equipment Replacement Fund including cost saving opportunities.

Policy issues including:

Parking Structure
Infrastructure Bank Loan
LAX Consultants

Council recessed at 8:50 a.m.

Council reconvened at 9:00 a.m. with all members present.

o Capital projects including:

Aquatics Center Beach Restroom

Potential revenue generators

Police- Library- Fire- Recreation and Parks (PLF) Developer Fee Study

Trash Collection Fees

Power Plant Upgrade

Vacant Property (Fire Station #2)

Transient Occupancy Tax Increase and Utility User Tax Residential (Planning for 2011-2012 potential revenue increase FY 20212-2013)

Measure M and N Update

**Parking Meters** 

Potential Budget Reduction Options

Cost of 1% salaries and benefits Citywide - \$465,000

**Pension Costs** 

PERS Increases

**Employees Portion of PERS costs** 

**Healthcare Costs** 

Current and Retiree Medical Benefit

o Furloughs

1 day per month Citywide \$1.7 million

o Layoffs

2 23

o Golden Handshake Safety and Miscellaneous

Staff to return with an analysis of employee benefit costs. Staff to present how departments would be staffed if the City keeps their own Fire Department versus going County Fire.

Additional Savings/Options/One-Time Money

Salaries and Benefits
Equipment Savings and Balance in Equipment Replacement
Equipment Replacement Funding
Capital Project Funding

- o Reserves
- Next Steps

Midyear Presentation – May 18 Schedule next Strategic Planning Session Start the FY 2010-2011 Preliminary Budget

ADJOURNMENT at 10:40 a.m.

Cathy Domann, Deputy Clerk

3

## MEETING DATE: June 1, 2010 AGENDA HEADING: Consent Agenda

#### **AGENDA DESCRIPTION:**

Consideration and possible action regarding approval of a contract with AKM Consulting Engineers to provide inspection and resident engineering services for the replacement of sanitary sewer mains at various locations within the Smoky Hollow Specific Plan area of the City of El Segundo.

(Fiscal Impact: \$150,000)

#### RECOMMENDED COUNCIL ACTION:

- 1. Authorize the City Manager to execute a professional service agreement in a form as approved by the City Attorney with AKM Consulting Engineers in the amount not to exceed \$150,000.
- 2. Alternatively, discuss and take other action related to this item.

#### ATTACHED SUPPORTING DOCUMENTS:

Proposal from AKM Consulting Engineers

FISCAL IMPACT: Included in Adopted Budget

Amount Requested:

\$150,000

**Additional Appropriation:** No

Account Number(s):

301-400-8204-8317

ORIGINATED BY:

Maryam M. Jonas, Principal Engineer

**REVIEWED BY:** 

Stephanie Katsouleas, Public Works Director

APPROVED BY:

Jack Watt, Qity Manager

#### BACKGROUND AND DISCUSSION:

On April 20, 2010, the City Council approved a contract with Mathew and Stewart Company, Inc., for the replacement of sanitary sewer mains at various locations within the Smoky Hollow Specific Plan. Staff received two proposals in response to the request for inspection services for this project. After initial review of the proposals, staff reviewed the background and qualifications of the inspectors. Staff determined that AKM best meets the needs of the City for this project. Mr. Steve Patterson of AKM Consulting Engineers has considerable experience managing similar projects with references that are consistently positive.

The services provided by Mr. Patterson are but not limited to:

• Coordinate between the contractor, sub-contractor, and the City to ensure that

construction activities are performed on schedule and in accordance with the plans and specifications.

- Monitor and report on contractor's daily progress, processes submittals and request for information (RFI's).
- Prepare and distribute daily reports on construction activities and progress
- Conduct weekly construction meetings with the contractor, sub-contractors and the City staff.

Staff recommends awarding a contract to AKM Consulting Engineers to retain Mr. Steve Patterson's services to provide construction inspection and resident engineering for the construction phase of the sanitary sewer rehabilitation project.

Funding is available from the Environmental Protection Agency (EPA) grant which requires a cost sharing match of 55% EPA to 45% City. The City Match is available from the El Segundo Sewer Enterprise Fund.



553 Wald Irvine, CA 92618

Telephone: 949.753.7333 Facsimile: 949.753.7320 Water Resources

Transportation

Infrastructure

Construction Management

May 4, 2010

#### City of El Segundo

350 Main Street El Segundo, California 90245

Attention:

Ms. Maryam Jonas

Principal Civil Engineer

Subject:

Proposal for Inspection and Resident Engineering Services for the El Segundo

**Sanitary Sewer Rehabilitation Project** 

Dear Ms. Jonas:

AKM Consulting Engineers is pleased to submit this proposal to provide inspection and resident engineering services for the City's Sanitary Sewer Rehabilitation Project in response to your request. The scope of services to be provided consists of the following tasks:

- Review design plans and specifications prior to project start-up
- Participate in the pre-construction meeting, and provide coordination/communication during preconstruction activities
- Coordinate the shop-drawing review and approval process, maintain a shop drawing review log
- Ensure conformance with plans, specifications, and permits
- Provide coordination/communications as needed throughout the duration of construction activities
- Coordinate the request for information process
- Coordinate project addenda and contract change order
- Prepare and submit daily inspection reports to document daily work activities and other pertinent events. The inspection reports will include daily photographs of all work activities
- Attend regular weekly and monthly construction meetings (and other meetings as needed throughout the duration of the project). Submit meeting minutes to City for review and approval
- Submit weekly reports including the daily inspection reports, and photographs. All photographs shall be digital with date stamp
- Establish punch-list during construction, and update the punch-lists as construction progresses

Ms. Maryam Jonas

City of El Segundo

May 4, 2010

Page 2

Review Contractor's schedule, delays, and any other construction phase activity to proactively

address any potential delays

Review the contractor's red-lined as-built prints weekly.

Review monthly progress payments and supporting documentation required by the contract

documents, including certified payroll records. Verify pay quantities.

Provide coordination/communications as needed throughout the duration of the post- construction

activities.

Participate in final walk-thru and follow-up on punch-list items.

Conduct final review of redlines

Review contractor's final pay request

Provide coordination/communications for project close-out activities to ensure a successful project,

and project acceptance by the City

We propose Mr. Steve Patterson as the inspector/resident engineer for the project. Mr. Patterson has extensive experience in inspecting and constructing water and wastewater pipelines and pump stations. He will be supported by AKM's engineering and administrative staffs in addressing special issues and

preparing the weekly reports.

We propose to provide these services on a time and materials bases at the following rates:

Inspector/Resident Engineer

\$95.00 per hour

**Engineering Support** 

\$165.00 per hour

Administrative

\$66.00 per hour

We appreciate the opportunity submit this proposal and look forward to being of service to the City of El Segundo. Should you have any questions, or require additional information, please do not hesitate in contacting the undersigned.

Very truly yours

**AKM Consulting Engineers** 

Zeki Kayiran, P.E.

Principal

## MEETING DATE: June 1, 2010 AGENDA HEADING: Consent Agenda

#### AGENDA DESCRIPTION:

Consideration and possible action regarding authorizing the recording of the Notice of Completion and authorizing the City Manager to accept completion of work for 21 homes related to the City's Residential Sound Insulation Program's Group 37 (Project No. RSI 09-14). (Final Contract Amount: \$581,587.21)

#### RECOMMENDED COUNCIL ACTION:

- 1. Authorize the City Clerk to file the City's Planning and Building Safety Director's Notice of Completion in the County Recorder's Office;
- 2. Authorize the City Manager, or designee, to close out Project No. RSI 09-14; and/or
- 3. Alternatively discuss and take other action related to this item.

#### ATTACHED SUPPORTING DOCUMENTS:

List of homes included in Groups 37 Planning and Building Safety Director's Notice of Completion

FISCAL IMPACT: Included in Adopted Budget

**Amounts Budgeted:** \$685,852 **Additional Appropriation:** N/A

**Account Number(s):** 116-400-0000-8960

ORIGINATED BY: James S. O'Neill, Program Manager

REVIEWED BY: Greg Carpenter, Director of Planting and Building Safety

APPROVED BY: Jack Wayt, City Manager &

#### **BACKGROUND AND DISCUSSION:**

This project is part of the City's Residential Sound Insulation (RSI) Program financed by federal grants from the Federal Aviation Administration (FAA) and the settlement agreement with Los Angeles World Airports (LAWA).

The RSI Program offers modifications to owners of qualifying residential property in the City of El Segundo that reduce interior sound levels of noise generated by air traffic from neighboring Los Angeles International Airport (LAX).

At its meeting on August 18, 2009 the City Council awarded a construction contract to Big West Professional Building Contractors, Inc. (PBC) for construction for 22 homes, commonly referred to as Group 37 of the RSI Program.

The work has now been completed at 21 of the 22 homes, with one home eliminated from the project after it was determined to be ineligible for the RSI Program.

The final contract amount is \$581,587.21.

### Exhibit A

## Residential Sound Insulation Program Group 37

RSI	Project
Number	Address
37.01	953 Cedar St, Unit 1
37.02	953 Cedar St, Unit 2
37.03	953 Cedar St, Unit 3
37.04	953 Cedar St, Unit 4
37.05	825 Eucalyptus Dr.
37.06	205 E. Walnut Ave.
37.07	421 W. Palm Ave.
37.08	770 W. Sycamore Ave.
37.09	202 E. Walnut Ave.
37.10	417 E. Sycamore Ave.
37.11	1107 E. Walnut Ave.
37.12	205 W. Maple Ave.
37.13	729 W. Oak Ave.
37.14	516 W. Sycamore Ave.
37.15	929 McCarthy Ct. (REMOVED)
37.16	226 W. Sycamore Ave.
37.17	607 W. Maple Ave.
37.18	770 W. Imperial Ave, Unit 60
37.19	821 Sheldon St.
37.20	NOT INCLUDED
37.21	845 Maryland St.
37.22	636 Hillcrest St.
37.23	1009 E. Acacia Ave.

Recording Requested by and When Recorded Mail To:

City Clerk, City Hall 350 Main Street El Segundo, CA 90245

<b>NOTICE OF</b>	COMPL	ETION	OF	CONSTRI	ICTION	PRO	JECT
NOTICE OF	CUMP		UF	CONSIRU		FNU	JEUI

	NOTICE OF COMPLETION OF CONSTRUCTION PROSECT				
Project Name:	Residential Sound Insulation Program – Group 37				
Project No. :	RSI 09-14				
Notice is hereb	y given pursuant to State of California Civil Code Section 3093 et seq that:				
1.	The undersigned is an officer of the owner of interest stated below in the property hereinafter described.				
2.	The project owner's name is: City of El Segundo				
3.	The full addresses of the project are: attached as Exhibit A and incorporated by reference				
4.	The nature of the interest of the owner is:				
5.	A work of improvement on the property hereinafter described was field reviewed by City representatives on: see attached Exhibit A				
6.	The work done was: Residential Sound Insulation Program Improvements				
7.	On June 1, 2010, City Council of the City of El Segundo accepted the work of this contract as being complete and directed the recording of this Notice of Completion in the Office of the County Recorder.  The name of the Contractor for such work of improvement was: Big West Construction Corporation				
8.					
9.	The property on which said work of improvement was completed is in the City of El Segundo, County of Los Angeles, State of California, and is described as follows: Private Residence(s) listed in Exhibit A				
10.	The street address of said properties are: set forth in Exhibit A				
	Dated:  Greg Carpenter  Planning and Building Safety Director				
-	<u>VERIFICATION</u>				
declara	ndersigned, say: I am the Director of Planning and Building Safety of the City El Segundo, the ant of the foregoing Notice of Completion; I have read said Notice of Completion and know the ts thereof; the same is true of my own knowledge.				
I decla	re under penalty of perjury the foregoing is true and correct.				
Execut	ed on at Eł Segundo, California.				
	Greg Carpenter Planning and Building Safety Director				

## MEETING DATE: June 1, 2010 AGENDA HEADING: New Business

#### AGENDA DESCRIPTION:

Consideration and possible action to introduce and waive first reading of an Ordinance amending the El Segundo Municipal Code's regulation of massage establishments within the City of El Segundo. (Fiscal Impact: None)

#### RECOMMENDED COUNCIL ACTION:

- 1. Introduce and waive first reading of draft Ordinance;
- 2. Schedule second reading and adoption of the Ordinance for June 15, 2010;
- 3. Alternatively, discuss and take other action related to this item.

#### ATTACHED SUPPORTING DOCUMENTS:

(1) Draft Ordinance amending Title 4, section 10.

**FISCAL IMPACT: None** 

Amount Budgeted:

\$None

Additional Appropriation: N/A

Account Number(s):

ORIGINATED BY:

Steve Jones, Business Services Manager

**REVIEWED BY:** 

Mark Hensley, City Attorney

APPROVED BY:

Jack Wart City Manager

#### BACKGROUND AND DISCUSSION:

Senate Bill 731 became effective on September 1, 2009. Prior to SB 731, the regulation of massage establishments has been at the local level. This new law sets up a statewide system of certification for massage therapists that exempts state-certified therapists from having to obtain a massage permit from the local government. The law is in response to the criticism of legitimate massage therapists that it is a burden to obtain a multitude of permits if they practice in more than one city or move within the state.

SB 731 created a massage therapy organization called the California Massage Therapy Council (CMTC), a nonprofit organization that provides for the statewide certification of massage therapists and massage practitioners. To become state certified, applicants must be eighteen years of age or older, meet specific educational criteria, provide the CMTC with current required information, provide fingerprints for submission to the Department of Justice for a criminal background check, and to pay fees required by the CMTC.

The Bill also prohibits cities from enacting or enforcing certain ordinances regulating the practice of massage by a certificate holder. Key provisions of SB 731 are summarized below:

- Any person certified by the CMTC has the right to practice massage, consistent with state law and the qualifications established by his or her certification in any city or county in the state and is not required to obtain any other license, permit, or other authorization. However, the bill does not prevent a city from adopting or enforcing any local ordinance governing zoning, business licensing, and reasonable health and safety requirements for massage establishments or businesses.
- 2. A CMTC certified sole proprietorship, and massage establishments or businesses that employ or use only persons certified by the CMTC, enjoy more freedom from local regulation. Although a local agency have the right to adopt land use and zoning requirements applicable to massage establishments or businesses, any land use and zoning requirements must be no different than the requirements that are uniformly applied to other professional or personal services businesses.
- 3. Qualifying massage establishments or businesses cannot be required to provide additional restroom, shower, or other facilities that are not uniformly applicable to other professional or personal service businesses.

Cities that regulate massage establishments must update their massage establishment ordinance to reflect SB 731. Otherwise, much of a city's ordinance is likely preempted and unenforceable against these establishments, and aspects of the businesses that could be regulated are foregone.

The City must make sure to treat qualifying massage establishments in accordance with the new state law. There will be two separate systems with separate rules governing qualifying and nonqualifying businesses. The City should have an updated ordinance to keep it straight.

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE CHAPTER 4-10 REGULATING MASSAGE ESTABLISHMENTS WITHIN THE CITY OF EL SEGUNDO.

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

<u>SECTION 1:</u> Et Segundo Municipal Code ("ESMC") § 4-10-2 is amended to add the following definitions:

"MASSAGE THERAPY ORGANIZATION (MTO): The organization created pursuant to Business and Professions Code, Division 2, Chapter 10.5.

CERTIFIED MASSAGE PRACTITIONER: An individual certified by the Massage Therapy Organization pursuant to Business and Professions Code § 4601(b) and who administers massage for compensation.

CERTIFIED MASSAGE THERAPIST: An individual who by the Massage Therapy Organization pursuant to Business and Professions Code § 4601(c) and who administers massage for compensation."

<u>SECTION 2:</u> All references in ESMC Chapter 4-10 to "massage parlors" are amended to read "massage establishments."

SECTION 3: ESMC § 4-10-3 is amended to read as follows:

"4-10-3: MASSAGE ESTABLISHMENTS; PERMIT, INVESTIGATION, FEES:

Every person conducting, managing, operating, owning or in control of a massage establishment or any other place that is open to the public or is a private club, where facial massages, fomentations, massages, electric or magnetic treatments, alcohol rubs, Russian, Swedish or Turkish baths are administered or given, or any public bathing place, which has in connection therewith a steam room, dry or hot room plunge, swimming pool, shower bath, or sleeping accommodations, must obtain a permit in accordance with this chapter, and for each of such places pay, upon applying for a permit, an investigation fee of five hundred dollars (\$500.00). Each such place must subsequently pay an annual inspection fee of one hundred twenty dollars (\$120.00) for the cost of submitting to an annual inspection under the Los Angeles County massage

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establishment inspection program. In addition, each such massage establishment must pay a business license tax in accordance with this code. A Massage Establishment Permit is not required for (1) a massage establishment that is a sole proprietorship where the sole proprietor is certified by the MTO; or (2) a massage establishment that employs or uses only individuals certified by the MTO."

SECTION 4: ESMC § 4-10-4 is amended to read as follows:

"4-10-4: MASSAGE TECHNICIANS; PERMIT, EXAMINATION, FEES:

Massage technicians must obtain a permit pursuant to this chapter and, when applying for a permit, pay a one time investigation fee set by city council resolution. In order to obtain a permit, each massage technician must successfully pass the Los Angeles County examination of applicants for massage technician permits and pay, upon applying for a permit, an examination fee set by city council resolution. In addition, any massage technicians doing business in the city as an independent operative are subject to the business license tax provided for by this code. Certified Massage Practitioners and Certified Massage Therapists are exempt from the permit requirement established by this section provided that the MTO-certified individual is practicing consistent with the qualifications established by his or her certification. Certified Massage Practitioners and Certified Massage Therapists are not exempt from the business license tax set forth in this Code."

SECTION 5: ESMC § 4-10-5 is amended to read as follows:

"4-10-5: BUSINESS LICENSE REQUIRED:

Before operating any massage establishment or becoming engaged in the occupation of a massage practitioner or massage technician, the individual proposing to conduct the business must obtain the required business license to do so and, in addition, unless otherwise specified, is subject to each and all of the terms, conditions and provisions of this chapter."

SECTION 6: ESMC § 4-10-10 is amended to read as follows:

"4-10-10: NOTICE OF CHANGE:

Whenever any change occurs relating to the written information required by this chapter, the applicant or permittee must give notification of such change to the licensing authority within twenty

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(20) days after such change or at any hearing conducted under this chapter if such hearing is conducted before the above notification has been given. Every owner of a massage establishment that employs or uses only MTO-certified massage practitioners and therapists, and every massage establishment that is a sole proprietorship where the sole proprietor is MTO-certified, must notify the city not less than 20 days before changing management, renaming, or conveying the massage business to another person."

SECTION 7: ESMC § 4-10-13 is amended to read as follows:

"4-10-13: INSPECTION:

The police department may inspect any massage establishment in the city during regular business hours with or without notice. Police officers and any official inspectors while on official business must be allowed to enter any massage establishment free of charge for the purpose of inspection."

SECTION 8: ESMC § 4-10-21 is amended to read as follows:

"4-10-21: DISPLAY OF PERMIT:

Every person holding a permit issued pursuant to this Chapter must keep the same posted in a conspicuous place upon the licensed premises in open and clear view. Massage establishments that are sole proprietorships, where the sole proprietor is MTO-certified, and massage establishments that employ or use only MTO-certified persons, must file with the city copies of the current MTO certifications for each person providing massage services at the business."

SECTION 9: ESMC § 4-10-24 is amended to read as follows:

"4-10-24: MASSAGE ESTABLISHMENT; OPERATION:

Unless otherwise specified, every massage establishment must be maintained and operated in conformance with the requirements of this Code and Business and Professions Code, Division 2, Chapter 10.5."

SECTION 10: ESMC § 4-10-26 is amended to read as follows:

"4-10-26: MASSAGE TECHNICIAN; EMPLOYMENT:

A permittee or person required by this Chapter to obtain a permit

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cannot hire or employ a massage technician unless such massage technician possesses a valid, subsisting permit required by this Chapter or a valid MTO certification."

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SECTION 11: ESMC § 4-10-30 is amended to read as follows:

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#### "4-10-30: FACILITIES; MINIMUM REQUIREMENTS:

A permit cannot be issued pursuant to this Chapter unless an inspection reveals that the massage establishment has each of the following minimum requirements and a certificate of occupancy was issued by the Planning and Building Safety Director, requirements of this section do not apply to (1) a massage establishment that is a sole proprietorship where the sole proprietor is certified by the MTO; or (2) a massage establishment that employs or uses only individuals certified by the MTO.

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Α. Lighting And Ventilation: Minimum lighting must be provided in accordance with the California building code, as adopted by this Code, and, in addition, at least one artificial light of not less than nine hundred (900) lumens must be provided in each enclosed room or booth where massage services are being performed on a patron. Minimum ventilation must be provided in accordance with the California building code, as adopted by this Code.

and Development Services:

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B. Washbasins: A minimum of one separate washbasin must be provided for the use of the employees of the massage establishment, which basin must provide soap or detergent and hot and cold running water at all times and be located within or as close as practicable to the area devoted to the performance of massage services. In addition, each washbasin must have sanitary towels

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placed in permanently installed dispensers. C. Bathing, Dressing, Toilet Facilities: Adequate bathing, dressing, Deleted: shall

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locker, and toilet facilities must be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker must be capable of being locked, as well as a minimum of one toilet and one washbasin, must be provided. If male and female patrons are to be served simultaneously at the massage establishment, separate bathing, a separate massage room or rooms, separate dressing and separate toilet facilities must be provided for male and female patrons."

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SECTION 12: This ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., Formatted: Bullets and Numbering

	public gatherings. This Ordinance, therefore, is categorically exempt from further CEQA review under Cal. Code Regs. Title 14, §§ 15301, 15304(e), 15308, and 15323.	
	SECTION 13: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.	Formatted: Bullets and Numbering
1	SECTION 14: Repeal or amendment of any provision of the El Segundo Municipal Code 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.	Formatted: Bullets and Numbering
1	SECTION 15: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.	Formatted: Bullets and Numbering
١	SECTION 16: This Ordinance will become effective on the thirty-first (31st) * day following its passage and adoption.	Formatted: Bullets and Numbering
	PASSED AND ADOPTED this day of, 2010.	Deleted: 2009
	Eric Busch, Mayor	Deleted: Kelly McDowell
	ATTEST:	
	STATE OF CALIFORNIA ) COUNTY OF LOS ANGELES ) SS CITY OF EL SEGUNDO )	
	I, Cindy Mortesen, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No was duly introduced by said City	

"CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to permit operation of existing facilities; minor temporary use of land; ensure maintenance, restoration and protection of the environment; and regulate normal operations of facilities for

	d adopted by said City Council, approved and Deleted: 2009
signed by the Mayor, and atteste said Council held on thesame was so passed and adopte	
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
Cindy Mortesen, City Clerk	
	ADDDOVED AS TO FORM
	APPROVED AS TO FORM: Mark D. Hensley, City Attorney
	By: Karl H. Berger, Assistant City Attorney