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.

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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, January 15, 2013 – 5:00 PM

5:00 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) -4- matter

1. City of El Segundo vs. City of Los Angeles, et al., LASC Case No. BS094279
2. City of Los Angeles vs. Pacific Bell Telephone Company, et al., LASC Case No. BC414272
3. Willmore vs. City of El Segundo, et al., LASC Case No. BC485025
4. Garton vs. City of El Segundo, et al., LASC Case No. YC066586

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(b): -0- matter.

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

DISCUSSION OF PERSONNEL MATTERS (Gov’t Code §54957): -0- matter

APPOINTMENT OF PUBLIC EMPLOYEE (Gov’t. Code § 54957) –0- matter

CONFERENCE WITH CITY’S LABOR NEGOTIATOR (Gov’t Code §54957.6): -0- matters

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov’t Code §54956.8): -0- matters
AGENDA
EL SEGUNDO CITY COUNCIL
COUNCIL CHAMBERS - 350 Main Street

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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, January 15, 2013 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION –

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Fuentes
PRESENTATIONS

a) Presentation – 2012 Chamber of Commerce Holiday Parade Winners
b) Presentation – El Segundo High School Members of Grades of Green

ROLL CALL

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.

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 potential action regarding an Ordinance amending El Segundo Municipal Code Chapter 4-10 and Section 15-1-6 concerning regulation of massage establishments and massage technicians within the City of El Segundo. Applicant: City of El Segundo
(Fiscal Impact: None)
Recommendation – 1) Open the public hearing; 2) Discussion; 3) Introduce and waive first reading of the proposed Ordinance amending El Segundo Municipal Code Chapter 4-10 and Section 15-1-6 concerning regulation of massages within the City of El Segundo; 4) Schedule second reading and adoption of the Ordinance on February 5, 2013; and/or 5) Alternatively, discuss and take other possible action related to this item.

C. UNFINISHED BUSINESS

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

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. Warrant Numbers 2590628 to 2590639 on Register No. 6 in the total amount of $683,582.90 and Wire Transfers from 12/07/12 through 12/20/12 in the total amount of $2,992,899.23 and Warrant Numbers 2590840 to 2591001 on Register No. 7 in the total amount of $1,228,440.17 and Wire Transfers from 12/20/12 through 1/03/13 in the total amount of $766,604.02.

Recommendation – Approve Warrants Demand Registers 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.


Recommendation – Approval.

4. Consideration and possible action regarding adoption of Plans and Specifications for Installation of Sub-meters on the City's main electricity meter for City Hall, the Police Department and the Fire Station. Project No. PW 13-02.

(Fiscal Impact: $0, $15,000.00 grant reimbursement)

Recommendation – 1) Adopt the plans and specifications; 2) Alternatively, discuss and take other action related to this item.

5. Consideration and possible action to approve change orders with Premier Developing Services, Inc. for Construction of the Masonry Building for the Water Department's telemetry system (2161 E. El Segundo Blvd.) Project No. PW 12-04.

(Fiscal Impact $11,136.00)

Recommendation – 1) Authorize the City Manager to approve in the amount of $11,136.00 with Premier Developing Services, Inc for Construction of the Masonry Building for the Water Department's telemetry system. 2) Alternatively, discuss and take other action related to this item.

6. Consideration and possible action regarding approval of a change order for $855.76 for United Paving Co. for Maryland Street Improvements between Palm Ave. and Mariposa Ave. Project No. PW 11-02.

(Fiscal Impact $855.76)

Recommendation – 1) Approve a change order for United Paving Co. in the amount of $855.76; 2) Alternatively, discuss and take other action related to this item.
7. Consideration and possible action regarding Adoption of Plans and Specifications for Construction of the Mariposa Avenue Storm Drain from Maryland Street to Center Street. Project No. PW 12-06.
(Fiscal Impact $90,000.00)
Recommendation – 1) Adopt Plans and Specifications; 2) Alternatively, discuss and take other action related to this item.

8. Consideration and possible action regarding 1) adoption of Plans and Specifications for Construction of the Pressure Reducing Station Waterline Improvements at 2161 E. El Segundo Blvd and 2) authorizing the City Manager to enter into a Reimbursement Agreement with the property owner to cover 50% of the cost for these improvements. Project No. PW 13-01.
(Fiscal Impact $35,000.00)
Recommendation – 1) Adopt Plans and Specifications; 2) Authorize the City Manager to enter into a 50% Reimbursement Agreement with the property owner of 2161 E. El Segundo Blvd. in a form approved by the City Attorney for the Pressure Reducing Station Waterline Improvement Project; 3) Alternatively, discuss and take other possible action related to this item.

9. Consideration and possible action to adopt Ordinance No. 1475 to amend El Segundo Municipal Code (“ESMC”) § 4-8-8 to allow fees relating to entertainment permits to be adopted by City Council resolution. Applicant: City Initiated
(Fiscal Impact: $3,505)
Recommendation – 1) Waive second reading and adopt Ordinance No. 1475 for Environmental Assessment No. EA-990; and/or 2) Alternatively, discuss and take other possible related action to this item.

10. Consideration and possible action to waive bid requirements per El Segundo Municipal Code (“ESMC”) § 1-7-10 and authorize the City Manager, or designee, to purchase an NEC “TileMatrix” video wall system and associated hardware from Whitlock. The total cost for this purchase will be $60,000 using COPS grant and equipment replacement funds.
(Fiscal Impact: $60,000)
Recommendation – 1) Pursuant to El Segundo Municipal Code Section 1-7-10, waive the formal bidding process and purchase an NEC “TileMatrix” video wall system and associated hardware from Whitlock using equipment replacement and COPS grant funds; 2) Authorize the City Manager to execute an agreement, in a form approved by the City Attorney, to purchase an NEC “TileMatrix” video wall system and associated hardware from Whitlock using equipment replacement and COPS grant funds; 3) Alternatively, discuss and take other action related to this item.
11. Consideration and possible action to authorize the City Manager to execute a professional services agreement with Willdan Homeland Solutions to provide professional technical, and consulting support for the City’s Emergency Management program.  
(Fiscal Impact: $60,000)  
Recommendation – 1) Authorize the City Manager to execute a professional services agreement with Willdan Homeland Solutions in the amount not to exceed $60,000; 2) Alternatively, discuss and take other action related to this item.

F. NEW BUSINESS

12. Consideration and possible action regarding acceptance of the 2013-2018 Pavement Management Program Report prepared by Bucknam Infrastructure Group (Fiscal Impact: $0)  
Recommendation – 1) Accept the Pavement Management Program report as complete; 2) Alternatively, discuss and take other action related to this item.

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY

I. REPORTS – CITY CLERK

13. Consideration and possible action regarding the administering of the Oath of Office to the appointed City Treasurer.  
(Fiscal Impact: None)  
Recommendation – 1) Clerk presents Certificate of Appointment and administers oath of office; 2) Alternatively, discuss and take other action related to this item.

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fellhauer -

Council Member Atkinson –

Council Member Fisher –
Mayor Pro Tem Fuentes –

Mayor Jacobson –

14. Consideration and possible action to nominate, select and approve the travel of a former Council member to travel to Guaymas in February 2013. (Fiscal Impact: $1000.00)

Recommendation – 1) Authorize the City Manager to approve the travel costs for a former Council member to travel to Guaymas; 2) Alternatively, discuss and take other action related to this item.

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MEMORIALS –

CLOSED SESSION

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REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)

ADJOURNMENT

POSTED:

DATE: 1/19/13

TIME: 2:00 pm

NAME: [Handwritten name]

[Handwritten notes on the bottom of the page]
Presentation:
2012 Chamber of Commerce
Holiday Parade Winners
Presentation
El Segundo High School
Members of Grades of Green
AGENDA DESCRIPTION:

Consideration and potential action regarding an Ordinance amending El Segundo Municipal Code Chapter 4-10 and Section 15-1-6 concerning regulation of massage establishments and massage technicians within the City of El Segundo. Applicant: City of El Segundo (Fiscal Impact: None)

RECOMMENDED ACTION:

1. Open the public hearing;
2. Discussion;
3. Introduce and waive first reading of the proposed Ordinance amending El Segundo Municipal Code Chapter 4-10 and Section 15-1-6 concerning regulation of massages within the City of El Segundo;
4. Schedule second reading and adoption of the proposed Ordinance on February 5, 2013; and/or,
5. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Draft Ordinance.
2. Strike-out/Underline Format Text.

FISCAL IMPACT: None

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

ORIGINATED BY: Kimberly Christensen, AICP, Planning Manager
REVIEWED BY: Sam Lee, Director of Planning and Building Safety
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND & DISCUSSION:

I. Introduction

The proposed project is an Environmental Assessment and a Zone Text Amendment to modify the El Segundo Municipal Code (ESMC) regarding massage regulations to comply with changes in state law. The proposed ordinance also modifies ESMC §15-1-6 to include massage establishments in the definition of “Commercial” in the sub-category “Personal Services.”

II. Background

In 2008, the California Legislature enacted Senate Bill (SB) 731 and codified in the California Business and Professions Code a comprehensive massage practitioner and therapist certification
process, which was further amended by Assembly Bill (AB) 619 in 2011. This statewide permitting process is administered through the California Massage Therapy Council (CAMTC) and the law prohibits cities from establishing a separate license or permitting process. As a result, staff and the City Attorney’s office have prepared a proposed ordinance that establishes a new background check procedure and health and safety regulations for massage establishments intended to comply with recent changes in state law.

SB 731 and AB 619 created centralized state licensing regulations for massage establishments and massage practitioners. The law recognizes the importance of communication with cities regarding the permitting process and authorizes CAMTC to provide, upon request from a city or law enforcement, information concerning a certificate holder, including history of disciplinary actions against the certificate holder and any other information necessary to verify facts relevant to administering a local ordinance. The law authorizes cities to adopt an ordinance requiring any applicant for a business license to operate a massage establishment who has not been certified by the CAMTC and owns more than a five percent (5%) interest in the proposed establishment to fill out an application providing relevant information required to conduct a background check and make reasonable investigation into the information provided. Cities can deny or restrict a business license if the applicant has provided materially false information (§4612(b)(7)). Cities may also enforce health and safety regulations that are generally applicable to other professional services and impose a business license fee generally applicable to other professional services (§§ 4612(b)(3), 4612(b)(4)).

However, it is also important to recognize that the law imposes restrictions on cities. Cities cannot establish a separate license or permitting process. Cities also cannot apply land use and zoning requirements applicable to massage establishments that are not equally and uniformly applied to other professional or personal services businesses such as law and accountant offices, chiropractors, acupuncturists, beauty salons and barber shops (§ 4612(b)(4)). Additionally, the local building codes cannot require additional restrooms, showers or other facilities that are not uniformly applicable to other professional and personal services businesses. The zoning code cannot adopt regulations that require unlocked doors when there is no staff available to assure security for clients and staff behind closed doors, or require windows that provide a view into the massage rooms that interfere with the privacy of clients of the massage business (§4612(b)(5)).

The City of El Segundo has six (6) existing massage establishments. City business licenses were issued to 31 massage technicians last year. In the past 5 years, the City has not had any crime issues with massage establishments and has had no criminal filings with independently licensed massage technicians.

III. Analysis

Existing City regulations

The existing El Segundo regulations are no longer enforceable because of the changes in state law. ESMC Chapter 4-10 currently requires massage establishments and massage technicians in the City of El Segundo to obtain a permit that includes a required background investigation. Owners or operators of massage establishments and massage technicians are subject to a yearly
inspection and renewal process. Massage establishments are only permitted to operate in the City’s Urban Mixed Use (M-U) Zones. Off-site massage services offered at a business other than a massage establishment are permitted in the following zones: C-RS, C-2, C-3, CO, MU-N, MU-S, M-1, M-2, MM, SB, GAC, AND P-F.

Proposed Ordinance

The proposed Ordinance would amend and replace ESMC Chapter 4-10 in its entirety. The proposed Ordinance would eliminate the requirement for a local massage permit, which is a function administered by the State of California per Business and Professions Code §§ 4600, et seq.. The Ordinance would require all massage establishments and massage technicians operating in the City to hold certification from the CAMTC (the State permit). Owners or operators of massage establishments and massage technicians would be required to display their State permit, would be subject to a background investigation, and would be required to submit a nonrefundable fee to defray the cost of the investigation. The City would retain the right to revoke approvals for massage establishments that violate the terms of the Ordinance.

Pursuant to SB 731, staff proposes an ordinance that creates reasonable health and safety provisions and background check procedures to operate a massage establishment in the community. The ordinance requires that anyone who desires to operate a massage establishment in the City who has not been certified by the CAMTC and owns more than a five percent (5%) interest in the proposed establishment must first complete a massage establishment application, which requires submitting information needed for the City to conduct a background check. In addition, the ordinance requires all massage practitioners or massage therapists to hold current certification issued by the California Massage Therapy Council.

According to state law, in order to obtain certification as a Massage Practitioner, the applicant must demonstrate the successful completion of 250 hours of training that incorporates instruction on addressing anatomy, physiology, health and hygiene, and business ethics. Certification for a Massage Therapist requires the completion of 500 hours in the curricula of massage and related subjects. The applicant must also pass a state massage and bodywork competency assessment examination. This ordinance also establishes a transitional period for existing permittees to continue practicing while they obtain state certification on or before December 31, 2014.

State law requires that the land use and zoning regulations applicable to massage establishments be similar to those applied to other professional and personal services. Therefore, the ordinance also revises ESMC § 15-1-6, which defines commercial uses, to ensure that massage establishments are treated similarly to other personal commercial services, consistent with state law requirements. Specifically, the ordinance would amend ESMC § 15-1-6 to define massage establishments as a personal service, which is a subcategory of Retail Services. This would allow massage establishments to operate in all zones in the City that permit Retail Services.

IV. Environmental Review

This ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to
permit operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 Cal. Code Regs. §§ 15301, 15305, and 15308.

V. Planning Commission Hearing and Public Comments

On December 13, 2012, the Planning Commission held a public hearing regarding the proposed Ordinance. No members of the public provided testimony at the Planning Commission meeting and no written comments were received regarding the proposed Ordinance. After receiving testimony and documentary evidence, the Planning Commission adopted Resolution No. 2725 recommending that the City Council approve Environmental Assessment No. EA-1007 and Zone Text Amendment ZTA 12-07 and adopt the proposed Ordinance concerning regulation of massages within the City of El Segundo.

VI. Recommendation

Planning staff recommends that the City Council introduce and waive first reading of the attached draft Ordinance amending El Segundo Municipal Code Chapter 4-10 and Section 15-1-6 concerning regulation of massages within the City of El Segundo. If introduced without changes, second reading and adoption of the Ordinance would occur on February 5, 2013.
ORDINANCE NO. ______

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE
CHAPTER 4-10 AND SECTION 15-1-6 CONCERNING REGULATION
OF MASSAGES WITHIN THE CITY OF EL SEGUNDO.

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

SECTION 1: Findings. The City Council finds as follows:

A. The City currently regulates the practice of massage and the operation of
massage establishments for the benefit of the public health, safety and
welfare;

B. Business and Professions Code §§ 4600, et seq. (enacted by SB 731 in
2008 and amended by AB 619 in 2011) created a statewide system for
issuing massage worker permits, preempting local permitting systems and
requirements. The statewide permitting system is administered by the
California Massage Therapy Council;

C. The Business and Professions Code allows some local regulation of
massage establishments as part of the local business license process. To
enable the City to carry out the local regulation and review of massage
establishments found in Business and Professions Code §§ 4600, et seq.,
the City still must maintain massage establishment regulations in the El
Segundo Municipal Code ("ESMC");

D. On November 28, 2012, the City of El Segundo initiated an application for
Environmental Assessment No. EA-1007 and Zone Text Amendment No.
12-07 to amend the ESMC regulating massages within the City of El
Segundo;

E. The application was prepared and reviewed by the City’s Planning and
Building Safety Department for, in part, consistency with the General Plan
and conformity with the ESMC;

F. The City reviewed the project’s environmental impacts under the California
Environmental Quality Act (California Public Resources Code §§ 21000, et
seq., “CEQA”) and the regulations promulgated thereunder (14 California
Code of Regulations §§ 15000, et seq., the “CEQA Guidelines”), and the
City’s Environmental Guidelines (City Council Resolution No. 3805,
adopted March 16, 1993);

G. The Planning and Building Safety Department completed its review and
scheduled the public hearing regarding the application before the Planning
Commission for December 13, 2012;
On December 13, 2012, the Planning Commission held a public hearing to receive public testimony and other evidence regarding this Ordinance, including, without limitation, information provided to the Planning Commission by City staff and public testimony;

On December 13, 2012, the Planning Commission adopted Resolution No. 2725 recommending the City Council approve Environmental Assessment No. EA-1007 and Zone Text Amendment No. 12-07; and

This Ordinance and its findings are made based upon the entire administrative record including, without limitation, testimony and evidence presented to the City Council at its January 15, 2013, hearing including, without limitation, the staff report submitted by the Planning and Building Safety Department.

SECTION 2: Environmental Assessment. The proposed zone text amendment is exempt from further review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to permit operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 Cal. Code Regs. §§ 15301, 15305, and 15308.

SECTION 3: General Plan Findings. As required under Government Code § 65860 the ESMC amendments proposed by the Ordinance are consistent with the El Segundo General Plan as follows:

A. The proposed zone text amendment conforms with Land Use Element Goal LU4 in that the amendment will help provide a stable tax base for the City by providing a clear regulatory framework for massage uses and permit their operation in a manner similar to other personal service uses.

E. The proposed zone text amendment is also consistent with Economic Development Element Goal ED1 in that the amendment will help create in El Segundo a strong, healthy economic community in which all diverse stakeholders may benefit. The proposed amendment will provide a clear regulatory framework for massage uses and permit their operation in a manner similar to other personal service uses.

SECTION 4: Zone Text Amendment Findings. In accordance with ESMC § 15-26-4, the proposed Zone Text Amendment is consistent with the goals, policies, and objectives of the General Plan as follows:
A. It is consistent with the purpose of the ESMC, which is to serve the public health, safety, and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources.

B. It is necessary to comply with Business and Professions Code §§ 4600, et seq., to provide a clear regulatory framework for massage uses and permit their operation in a manner similar to other personal service uses consistent with state regulations.

SECTION 5: The definition of “Commercial” in ESMC Section 15-1-6 is amended in its entirety to read as follows:

“COMMERCIAL:

Financial Institutions: Banks and trust companies, credit agencies, credit unions, investment companies, lending and thrift institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies. Financial institutions do not include check cashing or payday loan facilities.

Retail Sales: Alcohol sales (off site), building material stores, convenience stores, general retail stores, and warehouse retail showrooms.

General Retail Stores: General retail stores include sales, without limitation, of appliances, art gallery, artists' supplies, bakeries (retail only), bicycles, books and periodicals, cameras and photographic supplies, clothing and accessories, computer and computer equipment, electronics, department stores, drug and discount stores, collectible items sales, curio, gift and souvenir shops, dry goods, fabric and sewing supplies, florists and houseplant stores (indoor), furniture and home furnishings, grocery stores, hardware, hobby materials, household and kitchen goods, jewelry, luggage and leather goods, musical instruments, parts and accessories, newsstands, orthopedic supplies, pharmacies, religious goods, small wares, specialty shops, sporting goods and equipment, stationery, and toys and games.

Retail Services: Personal services and business and consumer support services.

Business And Consumer Support Services: Business and consumer support services include, without limitation, establishments primarily providing consumers and businesses with services, including maintenance, repair and service, testing, rental, as well as the following: business equipment repair services (except vehicle repair, see definition of Vehicle Sales And Services: Maintenance/Repair), computer related services (rental, repair), copying, quick printing, and blueprinting services, equipment rental businesses within buildings, film processing laboratories, heavy equipment repair services where repair occurs on the client site, household appliance and equipment repair services, janitorial and maid services, mail advertising services
(reproduction and shipping), photocopying and photofinishing, protective services (other than office related), window cleaning.

Personal Services: Personal services include, without limitation, barbershops and beauty salons, clothing rental, dry cleaning pick up stores with limited equipment, hair, nail, facial, and personal care, laundromats (self-service laundries), massage establishments, photo development, shoe repair shops, tailors, tanning salons.

Personal services and business and consumer support services may also include accessory retail sales of products related to the services provided.”

SECTION 6: ESMC Chapter 4-10 is amended in its entirety to read as follows:

“Chapter 10 MASSAGE ESTABLISHMENTS

4-10-1: PURPOSE:

A. This chapter establishes new permitting standards intended to comply with California law and establish health and safety guidelines for massage establishments.

B. This chapter is not intended to be exclusive and compliance will not excuse noncompliance with any state or local laws or regulations that are uniformly applied to other professional or personal services businesses including, without limitation, all zoning applications; business license regulations; building, fire, electrical, and plumbing codes; and health and safety code laws and regulations applicable to professional or personal services businesses.

C. This chapter establishes a local regulatory system that allows only state certified massage therapists and massage practitioners to operate within the City. This chapter is also intended to allow a transitional period for certain existing massage practitioners to continue practicing while they obtain state certification before December 31, 2014, and to coordinate the timing of the City’s business license renewals with the state massage certification process.

4-10-2: DEFINITIONS:

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meaning set forth elsewhere in this Code, the Business and Professions Code, or Government Code.
“California Massage Therapy Council (CAMTC)” means the California Massage Therapy Council created pursuant to Business and Professions Code § 4600.5(a).

“Certified Massage Practitioner” means a person who is currently certified as a massage practitioner by the CAMTC, and who administers massage for compensation.

“Certified Massage Therapist” means a person who is currently certified as a massage therapist by the CAMTC, and who administers massage for compensation.

“City” means the City of El Segundo.

“Director” means the planning manager or such other director designated by the city manager.

“Massage” means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparations.

“Massage Establishment” means and includes any massage establishment, parlor, or any room, place or institution where massage is given or administered by a massage technician as the primary service of the business establishment.

“Massage Technician” means any person, who gives, performs or administers to another person a massage for any form of consideration.

“Person” means and includes person(s), firms, corporations, partnerships, associations or other forms of business organization or group.

“Specified anatomical areas” means and includes any of the following human anatomical areas: genitals, pubic regions, anuses or female breasts below a point immediately above the top of the areola.

“Specified sexual activities” means and includes all of the following:

A. Fondling or other erotic touching of specified anatomical areas;

B. Sex acts including, without limitation, intercourse, oral copulation, or sodomy;

C. Masturbation; or
D. Excretory functions as part of or in connection with any specified sexual activity listed in this definition.

4-10-3: ADMINISTRATION:

The Director is authorized to administer this chapter and to promulgate administrative policies and procedures required to implement the regulations set forth in this chapter.

4-10-4: CERTIFICATIONS REQUIRED:

A. Massage Establishment. It is unlawful for any person to own, operate or maintain a massage establishment unless all massage technicians employed by the massage establishment hold a current, valid certification from the CAMTC as a massage practitioner or massage therapist.

B. Massage Technician. It is unlawful for any person to engage in, or carry on the business or activities of a massage technician without a certification from the CAMTC as a massage practitioner or massage therapist.

C. Off-premises massage service. It is unlawful for any person to own, operate, or maintain an off-premise massage service in the city unless all massage technicians employed by the off-premises massage service hold a current, valid certification from the CAMTC as a certified massage practitioner or certified massage therapist.

4-10-5: MASSAGE ESTABLISHMENT OWNER BACKGROUND CHECK REQUIRED:

A. Any person, association, partnership, or corporation desiring to operate a massage establishment, that will own five percent (5%) or more of the massage establishment, and that is not a certified massage practitioner or certified massage therapist, must make an application to the Director for an investigation of the applicant's background and history. A nonrefundable fee, in an amount set by resolution, must accompany the submission of each application to defray the cost of investigation, inspection and enforcement of this chapter. An annual nonrefundable renewal fee will also be charged to defray associated costs of investigation, inspection and enforcement.

B. Each applicant for a background check must submit the following information:
1. The full true name and any other names used by the applicant.

2. The present address and telephone number of the applicant.

3. Driver’s license number and social security number.

4. The proposed address of the massage establishment.

5. Each residence and business address of the applicant for the three years immediately preceding the date of the application, and the inclusive dates for such address.

6. Written proof that the applicant is at least 18 years of age.

7. Applicant’s height, weight, and color of eyes and hair.

8. Two photographs of the applicant at least two inches by two inches taken within four months preceding the date of the application.

9. Applicant’s business, occupation and employment history for the ten years immediately preceding the date of application.

10. The business license or permit history of the applicant, including whether such applicant has ever had any license or permit issued by any agency or board, city, county or state revoked or suspended, or has had any professional or vocational license or permit revoked or suspended and the reason(s) for the revocation.

11. All criminal convictions for any of the offenses set forth in this chapter, and a statement of the dates and places of such convictions.

12. If the applicant is a corporation, the name of the corporation must be set forth exactly as shown in the articles of incorporation or charter, together with the state and date of incorporation and names and residence addresses of each of its current officers and directors, and each stockholder holding more than five percent of the stock of the corporation. If the applicant is a partnership, the application must set forth the names and residence addresses of each of the partners, including the limited partners. If the applicant is a limited partnership, it must furnish a copy of its certificate of limited partnership filed with the county clerk. If one or more partners is a corporation, the provisions of this section pertaining to corporate applicants will apply. The applicant corporation or
partnership must designate one of its officers or general partners to act as its responsible managing officer. Such person must complete and sign all application forms required of any individual applicant under this chapter, but only one application fee will be charged.

13. The name and address of the owner and lessor of the real property upon or in which the massage establishment is to be operated, and a copy of the lease or rental agreement. If the applicant is not the legal owner of the property, a notarized acknowledgement from the owner of the property that a massage establishment will be located on his or her property is required for each massage establishment permit location.

14. The full true names and other names used, the present addresses and telephone numbers, driver's license numbers, and social security numbers, and state certificates from the CAMTC or transitional licenses for all massage technicians who will be working as employees or independent contractors at each massage establishment permit location. The applicant must provide the Director with any changes in the massage technicians that work at the massage establishment during the permit period within 10 working days of each change.

15. The Director may require the applicant to furnish fingerprints when needed for the purpose of verifying identification.

16. Such other identification and information as may be required by the Director in order to verify the information to be included in the application.

C. The city is allowed a reasonable time, not to exceed 60 days, in which to investigate the information on the application. During the investigation of the background information, a city representative including, without limitation, a member of the Police Department, Fire Department, Building and Safety Department, Planning Department, or any authorized representative thereof, may inspect, with or without notice during regular business hours, the proposed place of business to determine whether it conforms to the requirements of this chapter. Upon completion of the inspection, the city representative must inform the Director in writing of the findings of the inspection.

D. Background clearance will be issued, within 60 days of receipt of the application, to any applicant who has furnished all of the information required by this section in the application for such license, provided:
1. The applicant has not made a material false statement in the application and that all massage technicians who will be working as employees or independent contractors at each massage establishment permit location possesses certification from the CAMTC as a massage practitioner or massage therapist;

2. The applicant, if an individual, or in the case of an applicant which is a corporation or partnership, any of its officers, directors, holders or five percent or more of the corporation's stock, has not, within five years immediately preceding the date of the filing of the application been convicted in a court of competent jurisdiction of any of the following offenses: Penal Code §§ 243.4; 261; 266a through 266j; 267; 314 to 316; 318; or 647(a, b, d); any offense requiring registration under Penal Code § 290 or Health and Safety Code § 11590; or any felony offense involving the possession, possession for sale, sale, transportation, furnishing, or giving away of a controlled substance specified in Health and Safety Code §§ 11054 to 11058, as amended; or any offense in another state which, if committed in California, would have been punishable as one or more of the heretofore mentioned offenses; or any offense involving the use of force or violence upon the person of another; or any offense involving theft, embezzlement or moral turpitude;

3. The applicant is at least 18 years of age; and

4. The applicant has not had a massage technician, massage establishment, escort service, nude entertainment, nude photo studio or similar type of license or permit suspended within one year or revoked within three years immediately preceding the date of the filing of the application, unless the applicant can show a material change in circumstances or that mitigating circumstances exist since the revocation or suspension.

4-10-6: ADDITIONAL REQUIREMENTS:

Before operating a massage establishment in the city, massage establishment owners must comply with all applicable codes adopted by the city, including, without limitation, the building, electrical, and plumbing codes.

4-10-7: DISPLAY OF PERMIT:

Any owner of a massage establishment or off-premise massage service must display the CAMTC certificates for all massage technicians prominently in a conspicuous place, capable of being viewed by customers or city
representatives, at every location where massage is performed or conducted, and carry photo identification card while on the premises of the massage establishment and/or performing massage services. For off-premise massage services, massage workers must also carry a copy of their CAMTC certificate and photo identification card and display it to customers upon request. Any advertising for a massage technician must include the name under which he or she is certified and his or her certificate number.

4-10-8: MASSAGE TECHNICIAN CERTIFICATES REQUIRED:

It is unlawful for owners of massage establishments or off-site massage services to allow any person to perform massage that is not a certified massage therapist or certified massage practitioner.

4-10-9: PROHIBITED CONDUCT:

It is unlawful for owners of massage establishments or off-premise massage services, or massage technicians, to conduct or allow any of the following activities:

A. It is unlawful for any massage technician or any other employee working in a massage establishment or for an off-premise massage service, or customers, patrons, or guests of the establishment or service, to engage in any specified sexual activities upon the premises of the massage establishment or the off-premise massage location.

B. It is unlawful for any massage technician or other employee of a massage establishment to expose specified anatomical areas in the presence of any patron, customer, or guest.

C. In the course of administering the massage, it is unlawful for any massage technician or other massage establishment employee to make intentional physical contact with the specified anatomical areas of any customer, patron or guest.

4-10-10: FACILITIES AND OPERATIONS:

It is unlawful for any massage establishment to operate unless the massage establishment premises and operation comply with the following minimum requirements:

A. Signs. A readable sign must be posted at the main entrance identifying the establishment as a massage establishment, provided, however, that all such signs must otherwise comply with the sign requirements of this code.
B. Lighting. Minimum lighting must be provided in accordance with the California Building Code, as adopted by this code, and, in addition, at least one unobstructed 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.

C. Ventilation. Minimum ventilation must be provided in accordance with the California Building Code, as adopted by this Code.

D. Disinfection of Instruments. Instruments used for massage must be disinfected before each use. Where instruments for massage are employed, adequate quantities of supplies for disinfection must be available during all hours of operation.

E. Water. Hot and cold running water must be provided at all times.

F. Linen Storage. Closed cabinets must be utilized for the storage of clean towels and linen. After use, towels and linen must be removed and stored in a separate container until laundered.

G. Sanitary Conditions. All walls, ceilings, floors, steam and vapor rooms, and all other physical facilities for the massage establishment must be kept in good repair and be maintained in a clean and sanitary condition.

H. Clean Linen. Clean and sanitary towels and linens must be provided for patrons receiving massage services. No common use of towels or linens is permitted.

I. Compliance with Laws. The premises to be used must at all times comply with all applicable state and local laws and regulations.

J. Any room in which a massage establishment provides massage services may not be used for residential sleeping purposes.

K. A register of all individuals employed as massage technicians, and copies of their current CAMTC certifications and the massage establishment owner's business license, must be maintained and available for inspection at all times during regular business hours.

L. Each person present in any area of the massage establishment outside the waiting area or other areas open to any member of the public must be a certified massage practitioner or certified massage therapist or the massage establishment owner.

M. The permits and certifications required by this chapter must be displayed in an open and conspicuous public place on the premises.
4-10-11: EXCEPTIONS:

This chapter does not apply to the following classes of individuals, and no CAMTC certification is required of such persons, while engaged in the performance of the duties of their respective professions:

A. Acupuncturists who are duly certified to practice their profession in the state of California.

B. Barbers, beauticians, and cosmetologists with respect to scalp, feet, hands, and face massages, who are duly permitted pursuant to Business and Professions Code §§ 7301, et seq., in accordance with the limitations of their permits.

C. Nurses who are registered as such under the laws of the state of California.

D. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly permitted to practice their respective professions in the state of California, or provide professional services in lawful compliance with Corporations Code § 13401(a).

4-10-12: PUBLIC NUISANCE ABATEMENT:

Any massage establishment operated, conducted or maintained contrary to the provisions of this chapter is unlawful and a public nuisance. The City Attorney is authorized, in addition to or in lieu of any other legal or criminal proceedings, to commence an action or proceeding for abatement, removal or enjoinder of such massage establishment in the manner provided by law. The City Attorney may seek a court order to grant such relief to abate or remove such massage establishments and restrain and enjoin any person from operating, conducting or maintaining such an establishment contrary to the provisions of this chapter.

4-10-13: REVOCATION:

A. Grounds for Revocation. The Director or City Attorney may revoke approvals issued under this chapter for one or more of the following grounds:

1. Fraud or Deceit. That the applicant practiced fraud or deceit in obtaining an approval under this chapter;

2. Violation of Chapter. That the massage establishment owner, operator, massage technician, or its employee violated a provision or provisions of this chapter;
3. Criminal Conviction. That the massage establishment owner, operator, massage technician, or its employee has been convicted in a court of competent jurisdiction of any offense described in this chapter;

4. Improperly Maintained Facilities. That the facilities and operations of the massage establishment are not kept in compliance with this chapter, and that the owner or operator has failed to promptly remedy any deficiency of which they have been notified. For purposes of this subsection, “notice” means notice given personally or by leaving notice at the massage establishment premises, or by first class mail, postage prepaid, to the address designated by the massage technician or establishment in accordance with this chapter;

5. Employment of Uncertified Technicians. That the massage establishment has employed, allowed or permitted an uncertified person to perform massage in the massage establishment;

6. Error. That the approval was issued in error;

7. Civil Penalties. Assessment of three or more civil penalties as provided by this chapter during any six month period; or

8. Prohibited Conduct. A massage establishment owner, operator, massage technician, or its employee or agent has been found to have engaged in prohibited conduct in violation of this chapter or Business and Professions Code Section 4600 et seq.

B. Notice of Revocation. Upon a determination on the grounds to revoke an approval under this chapter, the Director or City Attorney must cause a notice of revocation to be mailed by first class, postage prepaid mail, to the address designated by the massage technician or establishment pursuant to this chapter.

4-10-14: CIVIL LIABILITY AND PENALTIES:

A. Any person violating any provision of this chapter is liable in a civil action brought by the City Attorney for an amount up to $500 per violation. Such person is also liable for reasonable attorneys' fees and costs incurred by the City Attorney in any civil proceeding filed to enforce this chapter.

B. Enforcing this chapter through civil action may be filed as an
alternative to criminal enforcement. Civil enforcement does not require the violation to be knowing or willful. A civil action cannot be filed if the person is being criminally prosecuted.

C. Each violation of this chapter is a separate offense subject to the civil penalty.

D. The City Attorney may settle any civil enforcement before or after to the filing of a civil action by imposing a civil penalty in an amount not exceeding the potential civil liability, including attorneys’ fees, set forth in this section. If such civil penalty is paid in full, the City Attorney can agree not to file civil or criminal actions or, if action has already been filed, may dismiss such action. Imposition of all civil penalties is public record.

E. All civil fines must be deposited into the general fund.

4-10-15 APPEAL:

Any person denied an approval under this chapter or a massage establishment owner or operator whose approval has been revoked may appeal the denial or revocation in writing pursuant to the appeal procedures provided in by section 1-2A-15 et seq. of this code. Such appeal must be in writing and must be filed with the City Clerk not more than fifteen (15) days following the Director's deposit into the mail of the notice of denial or revocation sent to the applicant or massage establishment owner or operator to the address listed by the applicant or massage establishment owner or operator pursuant to this chapter. Any successful appeal will result in approval or reinstatement of an approval and refund of any fines collected by the City.”

SECTION 7: Construction. This Ordinance must be broadly construed in order 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 8: Enforceability. Repeal of any provision of the ESMC 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 9: Validity of Previous Code Sections. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the ESMC or other city ordinance by this Ordinance will be rendered void and cause such previous ESMC provision or other the city ordinance to remain in full force and effect for all purposes.
SECTION 10: 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 provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 11: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.
SECTION 12: This Ordinance will take effect on the 31st day following its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this ___ day of February, 2013.

__________________________
Carl Jacobson,
Mayor

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

By: __________________________
    Karl H. Berger,
    Assistant City Attorney

ATTEST:
TRACY SHERRILL WEAVER, City Clerk

By: __________________________

STATE OF CALIFORNIA       )
COUNTY OF LOS ANGELES     ) ss.
CITY OF EL SEGUNDO        )

I, TRACY SHERRILL WEAVER, City Clerk of the City of El Segundo, California, do hereby certify that the foregoing Ordinance No. ___ was introduced, and placed upon its first reading at a meeting of the City Council of the City of El Segundo, held on the ___ day of January, 2013. That thereafter on the ___ day of February, 2013, said Ordinance was duly passed, approved and adopted by the following vote:

AYES:  COUNCIL MEMBERS:
NOES:  COUNCIL MEMBERS:
ABSENT:  COUNCIL MEMBERS:
ABSTAIN:  COUNCIL MEMBERS:

Dated this ___ day of February, 2013

__________________________
Tracy Sherrill Weaver, City Clerk
City of El Segundo, California
4-10-1: PURPOSE:
The purpose of this chapter is to set forth rules and regulations governing massage establishments and massage technicians at certain premises within the city and require permits therefor. (Ord. No. 894, 3-12-1973; amd. Ord. No. 1443, 6-15-2010) Chapter 10 MASSAGE ESTABLISHMENTS

4-10-1. PURPOSE.

A. This chapter establishes new permitting standards intended to comply with California law and establish health and safety guidelines for massage establishments.

B. This chapter is not intended to be exclusive and compliance will not excuse noncompliance with any state or local laws or regulations that are uniformly applied to other professional or personal service businesses including, without limitation, all zoning applications, business license regulations, building, fire, electrical, and plumbing codes, and health and safety Code laws and regulations applicable to professional or personal service businesses.

C. This chapter establishes a local regulatory system that allows only state certified massage therapists and massage practitioners to operate within the City. This chapter is also intended to allow a transitional period for certain existing massage practitioners to continue practicing while they obtain state certification before December 31, 2014, and to coordinate the timing of the City’s business license renewals with the state massage certification process.

4-10-2. DEFINITIONS.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meaning set forth elsewhere in this Code, the Business and Professions Code, or Government Code.

“California Massage Therapy Council (CAMTC)” means the California Massage Therapy Council, created pursuant to Business and Professions Code § 4600.5(a).

“Certified Massage Practitioner” means a person who is currently certified as a massage practitioner by the CAMTC, and who administers massage for compensation.
"Certified Massage Therapist" means a person who is currently certified as a massage therapist by the CAMTC, and who administers massage for compensation.\(^{18}\)

"City" means the City of El Segundo.\(^{19}\)

"Director" means the planning manager or such other director designated by the city manager.\(^{20}\)

For the purpose of this chapter, certain words and phrases shall be construed herein as set forth in this section, unless it is apparent from the context that a different meaning is intended:

**APPELLANT:** A person who perfects an appeal pursuant to this chapter.

**APPLICANT:** A person who files an application for a new or renewal permit as provided herein.

**CERTIFIED MASSAGE PRACTITIONER:** An individual certified by the massage therapy organization pursuant to Business and Professions Code section 4601(b) and who administers massage for compensation.

**CERTIFIED MASSAGE THERAPIST:** An individual certified by the massage therapy organization pursuant to Business and Professions Code section 4601(e) and who administers massage for compensation.

**DAY:** A calendar day.

**MASSAGE:** Any method of pressure on or friction against or stroking kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or other appliances or devices with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparations.\(^{21}\)

**MASSAGE ESTABLISHMENT:** Any establishment having a fixed place of business where any individual, firm, association, partnership, corporation, joint venture or combination of individuals engage in, conduct, carry on or permits to be engaged in, conducted or carried on for consideration, massages, baths or health treatments involving massages or baths as regular functions.

**MASSAGE TECHNICIAN:** Any person male or female who administers to another person, for any form of consideration, a massage, alcohol rub, fomentation, bath, electric or magnetic massage procedure, manipulation of the body or similar procedure.

**MASSAGE THERAPY ORGANIZATION (MTO):** The organization created pursuant to Business and Professions Code division 2, chapter 10.5.

**NOTICE:** Written notice, given by personal service upon the addressee, or, given by United States mail, postage prepaid, addressed to the person to be notified at his last known address. Service of such notice shall be effective upon the completion of personal service, or upon the placing of the same in the custody of the United States postal service.
PERMITTEE: Any person who shall be granted a permit as provided herein, and his, her or its agents and representatives.

RECOGNIZED SCHOOL: Any school or institution of learning which school or institution of learning has been approved pursuant to section 29007.5 of the California Education Code and which has for its purpose the teaching of the theory, method, profession, or work of massage technicians, which school or institution of learning requires a resident course of study of not less than two hundred (200) hours to be given in not less than three (3) calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning showing the successful completion of such course of study or learning. (Ord. 1273, 7-1-1997; amd. Ord. 1443, 6-15-2010)\textsuperscript{38}

\textbf{29.4-10-3: MASSAGE ESTABLISHMENTS; PERMIT, INVESTIGATION, FEES.}\textsuperscript{30}

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 an annual inspection under the Los Angeles County massage 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: a) a massage establishment that is a sole proprietorship where the sole proprietor is certified by the MTO; or b) a massage establishment that employs or uses only individuals certified by the MTO. (Ord. 1443, 6-15-2010)\textsuperscript{31}

\textbf{32.4-10-4: MASSAGE TECHNICIANS; PERMIT, EXAMINATION, FEES.}\textsuperscript{33}

Massage technicians must obtain a permit pursuant to this chapter and, when applying for a permit, pay a one-time inspection 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 operator 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. (Ord. 1443, 6-15-2010)\textsuperscript{34}

\textbf{34.4-10-5: BUSINESS LICENSE REQUIRED.}\textsuperscript{36}

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. (Ord. 1443, 6-15-2010)\textsuperscript{37}

\textbf{38.4-10-6: WRITTEN APPLICATIONS REQUIRED.}\textsuperscript{39}
"Massage Establishment" means and includes any massage establishment, parlor, or any room, place or institution where massage is given or administered by a massage technician as the primary service of the business establishment. 40

"Massage Technician" means any person, who gives, performs or administers to another person a massage for any form of consideration. 41

"Person" means and includes person(s), firms, corporations, partnerships, associations or other forms of business organization or group. 42

"Specified anatomical areas" means and includes any of the following human anatomical areas: genitals, pubic regions, anus or female breasts below a point immediately above the top of the areola. 43

"Specified sexual activities" means and includes all of the following: 44

A. Fondling or other erotic touching of specified anatomical areas. 45
B. Sex acts including, without limitation, intercourse, oral copulation, or sodomy. 46
C. Masturbation; or 47
D. Excretory functions as part of or in connection with any specified sexual activity listed in this definition. 48

4-10-3: ADMINISTRATION. 49

The Director is authorized to administer this chapter and to promulgate administrative policies and procedures required to implement the regulations set forth in this chapter. 50

4-10-4: CERTIFICATIONS REQUIRED. 51

A. Massage Establishment. It is unlawful for any person to own, operate or maintain a massage establishment unless all massage technicians employed by the massage establishment hold a current, valid certification from the CAMTC as a massage practitioner or massage therapist. 52

B. Massage Technician. It is unlawful for any person to engage in, or carry on the business or activities of a massage technician without a certification from the CAMTC as a massage practitioner or massage therapist. 53

C. Off-premises massage service. It is unlawful for any person to own,
operate, or maintain an off-premise massage service in the city unless all massage technicians employed by the off-premises massage service hold a current, valid certification from the CAMTC as a certified massage practitioner or certified massage therapist.

4-10-5: MASSAGE ESTABLISHMENT OWNER BACKGROUND CHECK REQUIRED.

A. Any person, association, partnership, or corporation desiring to operate a massage establishment, that will own five percent (5%) or more of the massage establishment, and that is not a certified massage practitioner or certified massage therapist, must make an application to the Director for an investigation of the applicant’s background and history. A nonrefundable fee, in an amount set by resolution, must accompany the submission of each application to defray the cost of investigation, inspection and enforcement of this chapter. An annual nonrefundable renewal fee will also be charged to defray associated costs of investigation, inspection and enforcement.

B. Each applicant for a background check must submit the following information:

1. The full true name and any other names used by the applicant.
2. The present address and telephone number of the applicant.
3. Driver’s license number and social security number.
4. The proposed address of the massage establishment.
5. Each residence and business address of the applicant for the three years immediately preceding the date of the application, and the inclusive dates for such address.
6. Written proof that the applicant is at least 18 years of age.
7. Applicant’s height, weight, and color of eyes and hair.
8. Two photographs of the applicant at least two inches by two inches taken within four months preceding the date of the application.
9. Applicant’s business, occupation and employment history for the ten years immediately preceding the date of application.
10. The business license or permit history of the applicant, including whether such applicant has ever had any license or
permit issued by any agency or board, city, county or state
revoked or suspended, or has had any professional or vocational
license or permit revoked or suspended and the reason(s) for the
revocation.  

All criminal convictions for any of the offenses set forth in this
chapter, and a statement of the dates and places of such
convictions.

A. Filing of Application: Application for a massage establishment or massage technician permit or
renewal of such permit shall be filed with the licensing authority, shall be in writing on forms
provided by the city, shall be in duplicate, and shall be accompanied by the application fee for each
permit required. (Ord. 804, 3-12-1973; amd. 2000 Code; Ord. 1443, 6-15-2010)

B. Nonrefundable Fee: Verification: The application fee is established to cover part of the cost of the
investigation and processing of applications and is not refundable. Any such application shall be
verified as provided by section 446 of the California Code of Civil Procedure for the verification of
pleadings. (Ord. 804, 3-12-1973; amd. 2000 Code)

4-10-7: MASSAGE ESTABLISHMENT: APPLICATION, CONTENTS:

Each application for a massage establishment permit shall contain: (Ord. 804, 3-12-1973; amd. Ord.
1127, 11-16-1998; Ord. 1443, 6-15-2010)

A. A complete identification of the applicant with two (2) copies of a two-inch (2") square photograph of
the applicant taken within one year from date of application.

B. Names, residence and business addresses of any copartners,
excluding limited partners; or, if the applicant is a corporation,
the name of the corporation shall be set forth exactly
as shown in the articles of incorporation or charter,
together with the state and date of incorporation, the names
and residence addresses of each of the officers, directors,
and stockholders owning more than five percent of the
stock of the corporation. If the applicant is a partnership,
the application must set forth the names and
residence addresses of each of the partners, including the limited
partners. If the applicant is a limited partnership, it must furnish a
copy of its certificate of limited partnership filed with the county
clerk. If one or more of the partners is a corporation, the
provisions of this section pertaining to corporate applicants apply. Corporate applicants will apply. The applicant corporation
or partnership must designate one of its officers or general
partners to act as its responsible managing officer. Such person
must complete and sign all application forms required of any
individual applicant under this chapter, but only one application
fee will be charged.\textsuperscript{137}

C. The name, residence and business addresses of the managers and persons to be in charge.\textsuperscript{138}

D. The name, residence and business address and written consent of the owner of the premises, who shall indicate his consent by signing the application in the space provided.\textsuperscript{139}

E. The address and the particular room or rooms for which the permit is required, the square foot area thereof to be used for the massage services and such other information the licensing authority may require.\textsuperscript{140}

F. The exact nature of the proposed business for which the permit is requested, and the name under which it is to be operated.\textsuperscript{141}

G. Whether or not any person referred to in subsection A, B, C, or D of this section has had a permit for the same or any similar business suspended or revoked anywhere, and, if so, the circumstances of such suspension or revocation. The suspension or cancellation of a liquor license shall be considered as being included within the purpose of this subsection. (Ord. 804, 3-12-1973; amd. Ord. 1127, 11-15-1998)\textsuperscript{142}

H. Whether or not any person mentioned in subsection A, B, C, or D of this section has ever been convicted of a crime (excluding minor traffic offenses), and, if so, the details of the conviction, the nature of the charge and its disposition. (Ord. 804, 3-12-1973; amd. Ord. 1127, 11-15-1998; 2000 Code)\textsuperscript{143}

I. A statement in detail of the kind of massage service which is to be conducted on the premises.\textsuperscript{144}

J. The hours of operation.\textsuperscript{145}

K. Written statements of at least three (3) persons that the applicant is of good moral character.\textsuperscript{146}

L. Written proof that the applicant is over the age of eighteen (18) years.\textsuperscript{147}

M. Business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of the application.\textsuperscript{148}

N. A certificate from a medical doctor stating that the applicant has, within thirty (30) days immediately prior thereto, been examined and found to be free of any contagious or communicable disease.\textsuperscript{149}

O. Such other related information as the licensing authority may require. (Ord. 804, 3-12-1973; amd. Ord. 1127, 11-15-1998)\textsuperscript{150}

\textbf{4-10-8: MASSAGE TECHNICIAN; APPLICATION, CONTENTS.} \textsuperscript{152}

Each application for a massage technician permit shall contain:\textsuperscript{153}

A. A complete identification of the applicant with two (2) copies of a two inch (2\textquotedbl) square photograph of the applicant taken within one year of date of application.\textsuperscript{154}

B. The name and address of the business, and the occupation or employment of the applicant for the three (3) years immediately preceding the date of the application.\textsuperscript{155}

C. Whether or not any person referred to in subsection A or B of this section has had a permit for the same or any similar business suspended or revoked anywhere, and, if so, the circumstances of such suspension or revocation. The suspension or cancellation of a liquor license shall be considered as being included within the purpose of this subsection. (Ord. 804, 3-12-1973)\textsuperscript{156}
D. Whether or not any person referred to in subsection A or B of this section has ever been convicted of a crime (excluding minor traffic offenses); and, if so, the details of the conviction, the nature of the charge and its disposition. (Ord. 804, 3-12-1973; amd. 2000 Code)\textsuperscript{157}

E. Written statements of at least three (3) persons that the applicant is of good moral character.\textsuperscript{158}

F. Written proof that the applicant is over the age of eighteen (18) years.\textsuperscript{159}

G. A certificate from a medical doctor stating that the applicant has, within thirty (30) days immediately prior thereto, been examined and found to be free of any contagious or communicable disease. (Ord. 804, 3-12-1973)\textsuperscript{160}

H. Such other information as the licensing authority may require. (Ord. 804, 3-12-1973; amd. Ord. 4127, 11-15-1988; 2000 Code)\textsuperscript{161}


A. Furnish Documents. The massage technician shall furnish with his application for a permit:\textsuperscript{165}

1. A diploma or certificate of graduation from a recognized school wherein the method, profession and work of massage technician is taught; or\textsuperscript{166}

2. A diploma or certificate from a school outside of the state which complies with all of the requirements except approval pursuant to section 29007.5 of the state Education Code and also pass an evaluation by the Los Angeles County health officer.\textsuperscript{167}

B. Action Of Police Chief. The chief of police may take such action as appears to him necessary to determine that the applicant actually has attended classes either in a recognized school or in an out of state school complying with subsection A2 of this section. (Ord. 804, 3-12-1973; amd. Ord. 4263, 1-7-1997)\textsuperscript{168}

\textbf{4.10-10: NOTICE OF CHANGE:}\textsuperscript{170}

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 (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 twenty (20) days before changing management, renaming, or conveying the massage business to another person. (Ord. 1443, 6-16-2010)\textsuperscript{171}

\textbf{4.10-11: INVESTIGATION, IDENTIFICATION AND INSPECTION:}\textsuperscript{173}

The licensing authority, who upon receipt of an application for a massage establishment or a massage technician permit or a renewal of such permit, shall forward the application to the chief of police who shall conduct an appropriate investigation to determine whether said permit should be issued in
accordance with the provisions of this chapter as hereinafter set forth. The chief of police may request the assistance of any city department for the purpose of such investigation and he shall consider any relevant factual material relating to such application. The chief of police may cause the fingerprints to be taken of any person referred to in subsection 4-10-7A., B., C. or D., and subsection 4-10-8A. or B. of this chapter, and nothing contained herein shall be construed to deny the chief of police the right to additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of the chief of police to confirm the height and weight of the applicant. (Ord. 804, 3-12-1973; amd. Ord. 1127, 11-15-1988; Ord. 1443, 6-16-2010)  

4-10-12: IDENTIFICATION CARDS; FEE:  

The licensing authority may require the permittee and the permittee’s employees to carry identification cards issued by the police department.  

A. Issuance: When required by the licensing authority, the chief of police shall issue identification cards to the permittee and his employees in such form as the police department deems necessary to identify the permittee and his employees.  

B. Surrender of Card: Each permittee shall immediately surrender to the police department any identification card issued by the police department upon the revocation, suspension or cancellation of his permit. Each permittee shall immediately surrender to the police department any identification card issued by the police department when any such employee leaves the permittee’s employ or when such permittee’s permit is revoked, suspended, canceled or at the expiration of such permit without renewal.  

C. Violation: No person shall carry or use any identification card issued to him pursuant to this section after his permit or his employer’s permit has been revoked, suspended, canceled or expires without renewal. No person shall use the identification card issued to another person.  

D. Renewal: The identification card shall be valid for a period of one year, after which time it can be renewed. (Ord. 804, 3-12-1973)  

E. Fee: The fee for such identification card for the first year and each renewal year shall be set by resolution of the city council. (Ord. 1334, 4-17-2001)  

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. (Ord. 1443, 6-16-2010)  

4-10-14: APPROVAL OR DENIAL OF PERMIT:  

After an investigation by the chief of police, the licensing authority shall approve the application for the massage establishment or massage technician permit or renewal of such permit if. (Ord. 1263, 4-7-1987; amd. 2000 Code; Ord. 1443, 6-16-2010)  

A. A completed written application form therefore has been filed.  

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B. The required application fee therefor has been paid to the city treasurer.\(^{192}\)

C. As a result of his investigation, all applicable provisions of this chapter, with regard to such permit application, have been, or will be, met.\(^{193}\)

D. That the operation by the applicant will be carried on in a building, structure and location which complies with and meets all of the health, zoning, fire, building and safety requirements and standards of the laws of the state and this code applicable to such business operation.\(^{194}\)

E. That the applicant, his employee, agent or any person connected or associated with applicant as partner, director, officer, stockholder, associate or manager.\(^{195}\)

26. \(^{196}\)The name and address of the owner and lessor of the real property upon or in which the massage establishment is to be operated, and a copy of the lease or rental agreement, if the applicant is not the legal owner of the property, a notarized acknowledgement from the owner of the property that a massage establishment will be located on his or her property is required for each massage establishment permit location.\(^{197}\)

27. \(^{198}\)The full true names and other names used, the present addresses and telephone numbers, driver's license numbers, and social security numbers, and state certificates from the CAMTC or transitional licenses for all massage technicians who will be working as employees or independent contractors at each massage establishment permit location. The applicant must provide the Director with any changes in the massage technicians that work at the massage establishment during the permit period within 10 working days of each change.\(^{199}\)

28. \(^{200}\)The Director may require the applicant to furnish fingerprints when needed for the purpose of verifying identification.\(^{201}\)

29. \(^{202}\)Such other identification and information as may be required by the Director in order to verify the information to be included in the application.\(^{203}\)

C. \(^{204}\)The city is allowed a reasonable time, not to exceed 60 days, in which to investigate the information on the application. During the investigation of the background information, a city representative including, without limitation, a member of the Police Department, Fire Department, Building and Safety Department, Planning Department, or any authorized representative thereof, may inspect, with or without notice during regular business hours, the proposed place of business to determine whether it conforms to the requirements of this chapter. Upon completion of the inspection, the city representative must inform the
Director in writing of the findings of the inspection.

D. Background clearance will be issued, within 60 days of receipt of the application, to any applicant who has furnished all of the information required by this section in the application for such license, provided:

1. The applicant has not made a material false statement in the application and that all massage technicians who will be working as employees or independent contractors at each massage establishment permit location possesses certification from the CAMTC as a massage practitioner or massage therapist.

2. Has not been convicted in a court of competent jurisdiction by final judgment of:
   a. An offense involving the presentation, exhibition, or performance of an obscene production, motion picture, or play.
   b. An offense involving lewd conduct, or of any of the following offenses: Penal Code §§ 243.4, 261, 266a, 266i, 267, 314 to 316, 318, or 647(a, b, d); any offense requiring registration under Penal Code § 290 or Health and Safety Code § 11590; or any felony offense involving the use of force upon the person of another.
   c. Any offense involving theft, embezzlement or moral turpitude.
   d. An offense involving misconduct with children.
   e. An offense involving the maintenance of a nuisance in connection with the same or similar business operation.

2. Has not committed within the last five (5) years any offense described in subsections E-1a through E-10 of this section.

3. Has not allowed or permitted acts of sexual misconduct to be committed within prior business operations.

F. That the business is not a public nuisance or has not been a public nuisance at any time within the last five (5) years.
G. That the applicant, his employee, agent, or any person connected or associated with applicant as partner, director, officer, stockholder, associate, or manager has not knowingly made any false, misleading, or fraudulent statement of a material fact in the application for a permit, or in any report or record required to be filed with the chief of police.

3. The applicant is at least 18 years of age; and

4. The applicant has not had a massage technician, massage establishment, escort service, nude entertainment, nude photo studio or similar type of license or permit previously revoked for good cause within the past year, suspended within one year or revoked within three years immediately preceding the date of the filing of the application, unless the applicant has shown can show a material change in circumstances or that mitigating circumstances exist since the date of revocation, (Ord. 804, 3-12-1973) or suspension.

5. That the applicant, or the applicant’s employees or agents, except to the extent required, in writing, by a state licensed medical practitioner, have not engaged in the practice of touching or massaging genitals, gluteal fold, or anal areas of any patron or the breasts of any female patron.

6. That the applicant, or the applicant’s employees or agents, have not engaged in the practice of exposing genitals, gluteal fold, or anal areas and, in the case of female employees or massage technicians, their breasts, to any person. (Ord. 1263, 1-7-1977)

7. That the “massage establishment”, as defined in section 4-10-2 of this chapter, is located within an urban mixed use (M-U) zone. (Ord. 1266, 1-21-1977; amd. Ord. 4427, 11-16-1988)

4-10-15: NOTICE OF DECISION.

Notice of decision of the licensing authority with reference to a permit application under this chapter shall be made to the applicant or to any other person requesting such notice within forty-five (45) days after receipt of application for a permit or renewal of such permit. (Ord. 804, 3-12-1973; amd. Ord. 4427, 11-16-1988)

4-10-16: APPEAL PROCEDURE.

A. Right-Of- Appeal; Filing Fee: Any person aggrieved by the decision of the licensing authority with reference to approval or denial of an application for a permit or renewal of such permit or suspension of a permit shall have the right of appeal. An appeal must be perfected within fifteen (15) days after notice of the decision or order of suspension by filing with the city clerk a letter of appeal briefly stating therein the basis for such appeal, together with a filing and processing fee in the sum of fifty dollars ($50.00). (Ord. 804, 3-12-1973; amd. Ord. 1127, 11-15-1988).
B. Procedure Adopted By Resolution: Procedures for appeals and hearings under this chapter may be adopted by a resolution of the city council. (Ord. 804, 3-12-1973)\textsuperscript{261}

\textbf{262} \textbf{4-10-17: WAIVER:} \textsuperscript{263}

Failure to file a letter of appeal within said fifteen (15) days shall constitute a waiver of appellant's right to a hearing, but the city council in its discretion may nevertheless grant such a hearing. (Ord. 804, 3-12-1973)\textsuperscript{264}

\textbf{265} \textbf{4-10-18: PUBLIC HEARING:} \textsuperscript{266}

A. Notice Of Hearing: The city clerk shall fix the time and place of the hearing at a date no more than twenty-five (25) days after receipt of the letter of appeal. The city clerk shall give the appealing party and any other person requesting the same at least five (5) day's notice of the time and place of such hearing. The notice shall be substantially in the following form, but may include other information:

- You are hereby notified that a hearing will be held at , at the hour of , at which time you may show cause why the appeal which you have filed should be sustained.

(Ord. 804, 3-12-1973)\textsuperscript{267}

B. Hearing Opportunity; Burden Of Proof: At the time and place set for the hearing, upon the appeal from the decision of the licensing authority, the council shall give the appealing party, and any other interested party, a reasonable opportunity to be heard, in order to show cause why the determination of the licensing authority should not be upheld. In all such cases, the burden of proof shall be upon the appellant to show that there was no substantial evidence to support the action taken by the licensing authority. The determination of the city council shall be final and conclusive.

(Ord. 804, 3-12-1973; amd. Ord. 1127, 11-15-1988)\textsuperscript{268}

\textbf{269} \textbf{4-10-19: ISSUANCE AND LIMITATIONS OF PERMIT:} \textsuperscript{270}http://www.sterlingcodifiers.com/codebook/getBookData.php?id=&amp;chapter id=37253&amp;keywords=-634089\textsuperscript{271}

If the application for a permit or renewal on such permit is approved, the licensing authority shall issue the permit, and shall strictly limit such permits to the terms of the application. (Ord. 804, 3-12-1973; amd. Ord. 1127, 11-15-1988)\textsuperscript{272}

\textbf{273} \textbf{4-10-20: DURATION OF PERMIT:} \textsuperscript{274}http://www.sterlingcodifiers.com/codebook/getBookData.php?id=&amp;chapter id=37253&amp;keywords=-634090\textsuperscript{275}

Any permit issued pursuant to this chapter shall expire on December 31 of the year of issuance,\textsuperscript{276} provided, however, that\textsuperscript{277} permits issued after October 31 of any year shall expire on December 31 of the next succeeding year. (Ord. 804, 3-12-1973)\textsuperscript{278}

\textbf{279} \textbf{4-10-6: ADDITIONAL REQUIREMENTS:} \textsuperscript{280}
Before operating a massage establishment in the city, massage establishment owners must comply with all applicable codes adopted by the city, including, without limitation, the building, electrical, and plumbing codes.

DISPLAY OF PERMIT: [Link](http://www.sterlingcodifiers.com/codebook/getBookData.php?id=&chapter_id=37253&keywords=-63409)  

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. (Ord. 1443, 6-16-2010)

Any owner of a massage establishment or off-premise massage service must display the CAMTC certificates for all massage technicians prominently in a conspicuous place, capable of being viewed by customers or city representatives, at every location where massage is performed or conducted, and carry photo identification card while on the premises of the massage establishment and/or performing massage services. For off-premise massage services, massage workers must also carry a copy of their CAMTC certificate and photo identification card and display it to customers upon request. Any advertising for a massage technician must include the name under which he or she is certified and his or her certificate number.

4-10-8: MASSAGE TECHNICIAN CERTIFICATES REQUIRED:  
It is unlawful for owners of massage establishments or off-site massage services to allow any person to perform massage that is not a certified massage therapist or certified massage practitioner.

4-10-22: ASSIGNMENT OF PERMIT OR PROHIBITED CONDUCT:  
The assignment or attempt to assign any permit issued hereunder is unlawful and any such assignment or attempt to assign a permit shall render the permit null and void. (Ord. 804, 3-12-1973)

4-10-23: RULES AND REGULATIONS; POSTING:  
Every person holding a permit issued pursuant to this chapter shall keep the rules and regulations contained in sections 4-10-24 through 4-10-31 of this chapter and such supplemental rules and regulations as may be recommended by the city manager and adopted by resolution of the city council posted immediately adjacent to the permit in a conspicuous place upon the licensed premises in open and clear view of patrons. (Ord. 804, 3-12-1973)
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 10.6. (Ord. 1443, 6-15-2010)

4-10-25: SIGNS:

It is unlawful for owners of massage establishments or off-premise massage services, or massage technicians, to conduct or allow any of the following activities.

A. It is unlawful for any massage technician or any other employee working in a massage establishment or for an off-premise massage service, or customers, patrons, or guests of the establishment or service, to engage in any specified sexual activities upon the premises of the massage establishment or the off-premise massage location.

B. It is unlawful for any massage technician or other employee of a massage establishment to expose specified anatomical areas in the presence of any patron, customer, or guest.

C. In the course of administering the massage, it is unlawful for any massage technician or other massage establishment employee to make intentional physical contact with the specified anatomical areas of any customer, patron or guest.

4-10-10: FACILITIES AND OPERATIONS:

It is unlawful for any massage establishment to operate unless the massage establishment premises and operation comply with the following minimum requirements.

A. A recognizable and readable sign shall be posted at the main entrance identifying the establishment as a massage establishment. Provided, however, that all such signs must otherwise comply with the requirements of this code. Such sign shall as

4-10-26: MASSAGE TECHNICIAN; EMPLOYMENT:

A permittee or person required by this chapter to obtain a permit 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. (Ord. 1443, 6-15-2010)

4-10-27: OFF SITE MASSAGES:
A massage technician, with a valid permit issued pursuant to this chapter, may only administer massages at a massage establishment located within the urban mixed-use zone which has been issued a valid permit pursuant to this chapter. Notwithstanding any language in this chapter to the contrary, a massage technician with a valid permit issued pursuant to this chapter may provide massages at a location other than a massage establishment if all of the following conditions are met.\(^{337}\)

A. The massage technician administers massages at a business (other than a massage establishment) which has obtained a business license pursuant to chapter 2 of this title.\(^{338}\)

B. The business at which the massage is administered is located in one of the following zones: C-RS, C-2, C-3, CO, MU-N, M-U-S, M-1, M-2, MM, S-B, CAC and P-F.\(^{339}\)

C. The massage is only administered to employees or owners of the business.\(^{340}\)

D. The massage is administered without the use of lotions, oils or alcohol.\(^{341}\)

E. The individuals administering and receiving the massage are fully clothed.\(^{342}\)

F. The massage is only administered to the face, scalp, shoulders and back of the person receiving the massage. (Ord. 1273, 7-1-1997)\(^{343}\)

**344 4-10-28: MASSAGE TECHNICIAN; CONDUCT.**\(^{345}\)

It is unlawful for any person to massage any other person for immoral purposes or in a manner intended to arouse, appeal to, or gratify lust or passion or sexual desire. (Ord. 804, 3-12-1973)\(^{346}\)

**347 4-10-29: MAINTENANCE.**\(^{348}\)

All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment shall be maintained in good repair. (Ord. 804, 3-12-1973)\(^{349}\)

**350 4-10-30: FACILITIES; MINIMUM REQUIREMENTS.**\(^{351}\)

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. The requirements of this section do not apply to: a) a massage establishment that is a sole proprietorship where the sole proprietor is certified by the MTO; or b) a massage establishment that employs or uses only individuals certified by the MTO.

B. A. 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, in accordance with the California Building Code, as adopted by this code.\(^{352}\)

C. Minimum ventilation must be provided in accordance with the California Building Code, as adopted by this code.\(^{353}\)
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 placed in permanently installed dispensers. \[365\]

C. Bathing, Dressing, Toilet Facilities: Adequate bathing, dressing, 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. (Ord. 1443, 6-15-2010) \[366\]


The following sanitary facilities, equipment, instruments, materials and supplies used in the operation of the massage establishment shall be provided. \[370\]

A. Adequate equipment for disinfecting and sterilizing instruments used in performing massage services. \[371\]

C. Ventilation. Minimum ventilation must be provided in accordance with the California Building Code, as adopted by this Code. \[372\]

D. Disinfection of Instruments. Instruments used for massage must be disinfected before each use. Where instruments for massage are employed, adequate quantities of supplies for disinfection must be available during all hours of operation. \[373\]

E. Water. Hot and cold running water must be provided at all times. \[374\]

F. Linen Storage. Separate closed cabinets must be utilized for the storage of clean towels and soiled linen shall be plainly marked "Clean Linen", and "Soiled Linen" linen. After use, towels and linen must be removed and stored in a separate container until laundered. \[375\]

G. Sanitary Conditions. All walls, ceilings, floors, steam and vapor rooms, and all other physical facilities for the massage establishment must be kept in good repair and be maintained in a clean and sanitary condition. \[376\]

H. Clean Linen. Clean and sanitary towels and linens for each patron of the massage establishment or each patron must be provided for
patrons receiving massage services. No common use of towels or linens shall be permitted.

E. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

F. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities shall be maintained in a clean and sanitary condition. (Ord. 804, 3-12-1973)

4-10-32: EXCEPTION: HEALING ARTS.

This chapter does not apply to any treatment personally administered in good faith in the course of the practice of any healing art by any person licensed to practice any such art or profession under the provisions of the State Business and Professions Code or any other statute of this state. (Ord. 804, 3-12-1976)

K. Compliance with Laws. The premises to be used must at all times comply with all applicable state and local laws and regulations.

L. Any room in which a massage establishment provides massage services may not be used for residential sleeping purposes.

M. A register of all individuals employed as massage technicians, and copies of their current CAMTC certifications and the massage establishment owner's business license, must be maintained and available for inspection at all times during regular business hours.

N. Each person present in any area of the massage establishment outside the waiting area or other areas open to any member of the public must be a certified massage practitioner or certified massage therapist or the massage establishment owner.

O. The permits and certifications required by this chapter must be displayed in an open and conspicuous public place on the premises.

4-10-11: EXCEPTIONS.

This chapter does not apply to the following classes of individuals, and no CAMTC certification is required of such persons, while engaged in the performance of the duties of their respective professions.

A. Acupuncturists who are duly certified to practice their profession in the state of California.

B. Barbers, beauticians, and cosmetologists with respect to scalp, feet,
hands, and face massages, who are duly permitted pursuant to Business and Professions Code §§ 7301, et seq., in accordance with the limitations of their permits.

C. Nurses who are registered as such under the laws of the state of California.

D. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly permitted to practice their respective professions in the state of California, or provide professional services in lawful compliance with Corporations Code § 13401(a).

PUBLIC NUISANCE ABATEMENT

4-10-34: SUSPENSION OF PERMIT

A. Reasons For Suspension: The chief of police shall suspend any permit issued hereunder, if he finds:

1. That the operation, as conducted by the applicant, does not comply with all the health, zoning, fire, building and safety requirements and standards of the laws of California and this code applicable to such business operation.

2. That the applicant, his employee, agent or any person connected or associated with applicant, as partner, director, officer, stockholder, associate or manager.

4-10-13: REVOCATION

A. Grounds for Revocation. The Director or City Attorney may revoke approvals issued under this chapter for one or more of the following grounds:

1. Fraud or Deceit. That the applicant practiced fraud or deceit in
obtaining an approval under this chapter; 491

2. 492 Violation of Chapter. That the massage establishment owner, operator, massage technician, or its employee violated a provision or provisions of this chapter. 493

3. a. Has 494 Criminal Conviction. That the massage establishment owner, operator, massage technician, or its employee has 495 been convicted in a court of competent jurisdiction 496, by final judgment 497 of 498, 499

   (1) An offense involving the presentation, exhibition, or performance of an obscene production, motion picture, or play; or 500

   (2) An offense involving lewd conduct; or 501

   (3) An offense involving the use of force and violence upon the person of another; or 502

   (4) An offense involving misconduct with children; or 503

   (5) An offense involving the maintenance of a nuisance in connection with the same or similar business operation. 504 b. Has committed within the last five (5) years 505 any offense described in subsection A2a(1) through A2a(5) of this section, this chapter. 506

   c. Has allowed or permitted acts of sexual misconduct to be committed within business operations. 507

3. That the applicant, his employee, agent or any person connected or associated with applicant as partner, director, officer, stockholder, associate, or manager has knowingly made a false, misleading or fraudulent statement of a material fact in the application for a permit, or in a report or record required to be filed with any city agency. 508

4. That the business is a public nuisance or has been a public nuisance at any time within the last five (5) years. 511

5. That the applicant has had a similar-type permit previously revoked for good cause and has not shown a material change in circumstances since the date of revocation. (Ord. 804, 3-12-1976) 512

6. That the applicant, or the applicant's employees or agents, except to the extent required, in writing, by a state licensed medical practitioner, have engaged in the practice of touching or massaging genitals, gluteal fold, or anal areas of any patron or the breasts of any female patron. 513

7. That the applicant, or the applicant's employees or agents, have engaged in the practice of exposing genitals, gluteal fold, or anal areas and, in the case of female employees or massage technicians, their breasts, to any patron. (Ord. 1263, 1-7-1997) 514

B. Police Chief Determination. Appealable. The determination of the chief of police with regard to matters of suspension shall be appealable in the time and manner set forth in sections 4-10-16 through 4-10-18 of this chapter. 515

C. Order of Suspension. 516

1. The chief of police, in the case of such suspension, shall serve the permittee with a written order of suspension, which shall state the reasons for such suspension. The order shall be effective immediately if personally served, or forty eight (48) hours after the same has been deposited in the course of transmission in said United States postal service. 517
15. Improperly Maintained Facilities. That the facilities and operations of the massage establishment are not kept in compliance with this chapter, and that the owner or operator has failed to promptly remedy any deficiency of which they have been notified. For purposes of this subsection, “notice” means notice given personally or by leaving notice at the massage establishment premises, or by first class mail, postage prepaid, to the address designated by the massage technician or establishment in accordance with this chapter.

16. Employment of Uncertified Technicians. That the massage establishment has employed, allowed or permitted an uncertified person to perform massage in the massage establishment.

17. Error. That the approval was issued in error.

18. Civil Penalties. Assessment of three or more civil penalties as provided by this chapter during any six month period; or

19. Prohibited Conduct. A massage establishment owner, operator, massage technician, or its employee or agent has been found to have engaged in prohibited conduct in violation of this chapter or Business and Professions Code Section 4600 et seq.

B. Notice of Revocation. Upon a determination on the grounds to revoke an approval under this chapter, the Director or City Attorney must cause a notice of revocation to be mailed by first class, postage prepaid mail, to the address designated by the massage technician or establishment pursuant to this chapter.

4-10-14: CIVIL LIABILITY AND PENALTIES: Any person violating any provision of this chapter is liable in a civil action brought by the City Attorney for an amount up to $500 per violation. Such person is also liable for reasonable attorneys' fees and costs incurred by the City Attorney in any civil proceeding filed to enforce this chapter.

B. Enforcing this chapter through civil action may be filed as an alternative to criminal enforcement. Civil enforcement does not require the violation to be knowing or willful. A civil action cannot be filed if the
person is being criminally prosecuted. 536

C. 537 Each violation of this chapter is a separate offense subject to the civil penalty. 538

D. 539 The City Attorney may settle any civil enforcement before or after to the filing of a civil action by imposing a civil penalty in an amount not exceeding the potential civil liability, including attorneys' fees, set forth in this section. If such civil penalty is paid in full, the City Attorney can agree not to file civil or criminal actions or, if action has already been filed, may dismiss such action. Imposition of all civil penalties is public record. 540

E. 541 All civil fines must be deposited into the general fund. 542

4-10. 543 REVOCA TION; 544 APPEAL 545 SUSPENSION. 546 547

A. The suspension shall become a revocation fifteen (15) days after the order of suspension becomes effective unless the permittee files an appeal of the order of suspension in the manner set forth in sections 4-10-15 through 4-10-18 of this chapter. 549

B. Where an appeal is filed, the order shall be stayed pending a determination thereon by the city council which shall act upon the same at a meeting of the city council fixed by the city clerk, in the manner set forth in sections 4-10-15 through 4-10-18 of this chapter. Such suspension shall become a revocation if the city council upholds the suspension. The determination of the city council shall be final and conclusive. (Ord. 804, 3-12-1973.) 550

Any person denied an approval under this chapter or a massage establishment owner or operator whose approval has been revoked may appeal the denial or revocation in writing pursuant to the appeal procedures provided in by section 1-2A-15 et seq. of this code. Such appeal must be in writing and must be filed with the City Clerk not more than fifteen (15) days following the Director's deposit into the mail of the notice of denial or revocation sent to the applicant or massage establishment owner or operator to the address listed by the applicant or massage establishment owner or operator pursuant to this chapter. Any successful appeal will result in approval or reinstatement of an approval and refund of any fines collected by the City. 552
RESOLUTION NO. 2725

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE EI SEGUNDO MUNICIPAL CODE (“ESMC”) CHAPTER 4-10 AND SECTION 15-1-6 CONCERNING REGULATION OF MASSAGES WITHIN THE CITY OF EI SEGUNDO.

(EA NO. 1007 and ZTA NO. 12-07)

The Planning Commission of the City of El Segundo does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

A. The City currently regulates the practice of massage and the operation of massage establishments for the benefit of the public health, safety and welfare.

B. Business and Professions Code §§ 4600, et seq. (enacted by SB 731 in 2008 and amended by AB 619 in 2011) created a statewide system for issuing massage worker permits, preempting local permitting systems and requirements. The statewide permitting system is administered by the California Massage Therapy Council.

C. The Business and Professions Code allows some local regulation of massage establishments as part of the local business license process. To enable the City to carry out the local regulation and review of massage establishments found in Business and Professions Code §§ 4600, et seq., the City still must maintain massage establishment regulations in the El Segundo Municipal Code (“ESMC”).

D. On November 28, 2012, the City of El Segundo initiated an application for Environmental Assessment No. EA-1007 and Zone Text Amendment No. 12-07 to amend the ESMC regulating massages within the City of El Segundo;

E. The application was prepared and reviewed by the City’s Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the ESMC;

D. The City reviewed the project’s environmental impacts under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the “CEQA Guidelines”), and the City’s Environmental Guidelines (City Council Resolution No. 3805, adopted March 16, 1993);

E. The Planning and Building Safety Department completed its review and
scheduled the public hearing regarding the application before the Planning Commission for December 13, 2012;

F. On December 13, 2012, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed amendment, including, without limitation, information provided to the Planning Commission by City staff and public testimony; and

G. This Resolution and its findings are made based upon the evidence presented to the Commission at its December 13, 2012, hearing including, without limitation, the staff report submitted by the Planning and Building Safety Department.

SECTION 2: Factual Findings And Conclusions. The Commission finds that the proposed ordinance to amend ESMC Chapter 4-10 and ESMC § 15-1-6 concerning massage establishments includes, without limitation, as follows:

A. It modifies the definition of Commercial Personal Services to include massage establishments.

B. It establishes a local regulatory system that allows only state certified massage therapists and massage practitioners to operate within the City.

C. It allows for a transitional period for certain existing massage practitioners to continue practicing while they obtain state certification before December 31, 2004.

D. It establishes the required certifications for massage establishments and technicians.

E. It requires a background check for owners of massage establishments.

F. It requires display of state certificates for massage establishments and technicians.

G. It establishes prohibited conduct standards.

H. It establishes minimum requirements for massage establishment facilities and operations.

SECTION 3: Environmental Assessment. Because of the facts set forth in Section 2, the proposed zone text amendment is exempt from further review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to permit operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the
maintenance, protection and enhancement of the environment. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 Cal. Code Regs. §§ 15301, 15305, and 15308.

SECTION 4: General Plan Findings. As required under Government Code § 65860 the ESMC amendments proposed by the Ordinance are consistent with the El Segundo General Plan as follows:

A. The proposed zone text amendment conforms with Land Use Element Goal LU4 in that the amendment will help provide a stable tax base for the City by providing a clear regulatory framework for massage uses and permit their operation in a manner similar to other personal service uses.

B. The proposed zone text amendment is also consistent with Economic Development Element Goal ED1 in that the amendment will help create in El Segundo a strong, healthy economic community in which all diverse stakeholders may benefit. The proposed amendment will provide a clear regulatory framework for massage uses and permit their operation in a manner similar to other personal service uses.

SECTION 5: Zone Text Amendment Findings. In accordance with ESMC § 15-26-4 and based on the findings set forth in Section 2, the proposed Zone Text Amendment is consistent with the goals, policies, and objectives of the General Plan as follows:

A. It is consistent with the purpose of the ESMC, which is to serve the public health, safety, and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources.

B. It is necessary to comply with Business and Professions Code §§ 4600, et seq., to provide a clear regulatory framework for massage uses and permit their operation in a manner similar to other personal service uses consistent with state regulations.

SECTION 6: Recommendations. The Planning Commission recommends that the City Council adopt the ordinance set forth in attached Exhibit "A," which is incorporated into this resolution by reference.

SECTION 7: Reliance On Record. Each and every one of the findings and determination in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8: Limitations. The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in
evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission’s lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the city’s ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: The Commission secretary is directed to mail a copy of this Resolution to any person requesting a copy.

PASSED AND ADOPTED this 13th day of December, 2012.

David Wagner, Chairperson
City of El Segundo Planning Commission

ATTEST:

Sam Lee, Secretary

Wagner -
Baldino -
Newman -
Nisley -
Nicol -

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

By:
Robert Smith, Assistant City Attorney
ORDINANCE NO. _____

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE
CHAPTER 4-10 AND SECTION 15-1-6 CONCERNING REGULATION
OF MASSAGES WITHIN THE CITY OF EL SEGUNDO.

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

SECTION 1: Findings. The City Council finds as follows:

A. The City currently regulates the practice of massage and the operation
   of massage establishments for the benefit of the public health, safety
   and welfare.

B. Business and Professions Code §§ 4600, et seq. (enacted by SB 731
   in 2008 and amended by AB 619 in 2011) created a statewide system
   for issuing massage worker permits, preempting local permitting
   systems and requirements. The statewide permitting system is
   administered by the California Massage Therapy Council.

C. The Business and Professions Code allows some local regulation of
   massage establishments as part of the local business license process.
   To enable the City to carry out the local regulation and review of
   massage establishments found in Business and Professions Code §§
   4600, et seq., the City still must maintain massage establishment
   regulations in the El Segundo Municipal Code ("ESMC").

SECTION 2: The definition of “Commercial” in ESMC Section 15-1-6 is amended in its
entirety to read as follows:

"COMMERCIAL:

Financial Institutions: Banks and trust companies, credit agencies, credit unions,
investment companies, lending and thrift institutions, securities/commodity
contract brokers and dealers, security and commodity exchanges, vehicle
finance (equity) leasing agencies. Financial institutions do not include check
cashing or payday loan facilities.

Retail Sales: Alcohol sales (off site), building material stores, convenience stores,
general retail stores, and warehouse retail showrooms.

General Retail Stores: General retail stores include sales, without limitation,
of appliances, art gallery, artists' supplies, bakeries (retail only), bicycles,
books and periodicals, cameras and photographic supplies, clothing and
accessories, computer and computer equipment, electronics, department
stores, drug and discount stores, collectible items sales, curio, gift and
souvenir shops, dry goods, fabric and sewing supplies, florists and
houseplant stores (indoor), furniture and home furnishings, grocery stores, hardware, hobby materials, household and kitchen goods, jewelry, luggage and leather goods, musical instruments, parts and accessories, newsstands, orthopedic supplies, pharmacies, religious goods, small wares, specialty shops, sporting goods and equipment, stationery, and toys and games.

Retail Services: Personal services and business and consumer support services.

Business And Consumer Support Services: Business and consumer support services include, without limitation, establishments primarily providing consumers and businesses with services, including maintenance, repair and service, testing, rental, as well as the following: business equipment repair services (except vehicle repair, see definition of Vehicle Sales And Services: Maintenance/Repair), computer related services (rental, repair), copying, quick printing, and blueprinting services, equipment rental businesses within buildings, film processing laboratories, heavy equipment repair services where repair occurs on the client site, household appliance and equipment repair services, janitorial and maid services, mail advertising services (reproduction and shipping), photocopying and photofinishing, protective services (other than office related), window cleaning.

Personal Services: Personal services include, without limitation, barbershops and beauty salons, clothing rental, dry cleaning pick up stores with limited equipment, hair, nail, facial, and personal care, laundromats (self-service laundries), massage establishments, photo development, shoe repair shops, tailors, tanning salons.

Personal services and business and consumer support services may also include accessory retail sales of products related to the services provided."

SECTION 3: ESMC Chapter 4-10 is amended in its entirety to read as follows:

"Chapter 10 MASSAGE ESTABLISHMENTS

4-10-1: PURPOSE:

A. This chapter establishes new permitting standards intended to comply with California law and establish health and safety guidelines for massage establishments.

B. This chapter is not intended to be exclusive and compliance will not excuse noncompliance with any state or local laws or regulations that are uniformly applied to other professional or personal services businesses including, without limitation, all zoning applications; business license regulations; building, fire, electrical, and plumbing codes; and health and safety code laws and regulations applicable to professional or personal services businesses.
C. This chapter establishes a local regulatory system that allows only state certified massage therapists and massage practitioners to operate within the City. This chapter is also intended to allow a transitional period for certain existing massage practitioners to continue practicing while they obtain state certification before December 31, 2014, and to coordinate the timing of the City’s business license renewals with the state massage certification process.

4-10-2: DEFINITIONS:

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meaning set forth elsewhere in this Code, the Business and Professions Code, or Government Code.

“California Massage Therapy Council (CAMTC)” means the California Massage Therapy Council created pursuant to Business and Professions Code § 4600.5(a).

“Certified Massage Practitioner” means a person who is currently certified as a massage practitioner by the CAMTC, and who administers massage for compensation.

“Certified Massage Therapist” means a person who is currently certified as a massage therapist by the CAMTC, and who administers massage for compensation.

“City” means the City of El Segundo.

“Director” means the planning manager or such other director designated by the city manager.

“Massage” means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparations.

“Massage Establishment” means and includes any massage establishment, parlor, or any room, place or institution where massage is given or administered by a massage technician as the primary service of the business establishment.
"Massage Technician" means any person, who gives, performs or administers to another person a massage for any form of consideration.

"Person" means and includes person(s), firms, corporations, partnerships, associations or other forms of business organization or group.

"Specified anatomical areas" means and includes any of the following human anatomical areas: genitals, pubic regions, anuses or female breasts below a point immediately above the top of the areola.

"Specified sexual activities" means and includes all of the following:

A. Fondling or other erotic touching of specified anatomical areas;
B. Sex acts including, without limitation, intercourse, oral copulation, or sodomy;
C. Masturbation; or
D. Excretory functions as part of or in connection with any specified sexual activity listed in this definition.

4-10-3: ADMINISTRATION:

The Director is authorized to administer this chapter and to promulgate administrative policies and procedures required to implement the regulations set forth in this chapter.

4-10-4: CERTIFICATIONS REQUIRED:

A. Massage Establishment. It is unlawful for any person to own, operate or maintain a massage establishment unless all massage technicians employed by the massage establishment hold a current, valid certification from the CAMTC as a massage practitioner or massage therapist.

B. Massage Technician. It is unlawful for any person to engage in, or carry on the business or activities of a massage technician without a certification from the CAMTC as a massage practitioner or massage therapist.

C. Off-premises massage service. It is unlawful for any person to own, operate, or maintain an off-premise massage service in the city unless all massage technicians employed by the off-premises massage service hold a current, valid certification from the CAMTC as a certified massage practitioner or certified massage therapist.
4-10-5: MASSAGE ESTABLISHMENT OWNER BACKGROUND CHECK REQUIRED:

A. Any person, association, partnership, or corporation desiring to operate a massage establishment, that will own five percent (5%) or more of the massage establishment, and that is not a certified massage practitioner or certified massage therapist, must make an application to the Director for an investigation of the applicant's background and history. A nonrefundable fee, in an amount set by resolution, must accompany the submission of each application to defray the cost of investigation, inspection and enforcement of this chapter. An annual nonrefundable renewal fee will also be charged to defray associated costs of investigation, inspection and enforcement.

B. Each applicant for a background check must submit the following information:

1. The full true name and any other names used by the applicant.

2. The present address and telephone number of the applicant.

3. Driver's license number and social security number.

4. The proposed address of the massage establishment.

5. Each residence and business address of the applicant for the three years immediately preceding the date of the application, and the inclusive dates for such address.

6. Written proof that the applicant is at least 18 years of age.

7. Applicant's height, weight, and color of eyes and hair.

8. Two photographs of the applicant at least two inches by two inches taken within four months preceding the date of the application.

9. Applicant's business, occupation and employment history for the ten years immediately preceding the date of application.

10. The business license or permit history of the applicant, including whether such applicant has ever had any license or permit issued by any agency or board, city, county or state revoked or suspended, or has had any professional or vocational license or permit revoked or suspended and the reason(s) for the revocation.
11. All criminal convictions for any of the offenses set forth in this chapter, and a statement of the dates and places of such convictions.

12. If the applicant is a corporation, the name of the corporation must be set forth exactly as shown in the articles of incorporation or charter, together with the state and date of incorporation and names and residence addresses of each of its current officers and directors, and each stockholder holding more than five percent of the stock of the corporation. If the applicant is a partnership, the application must set forth the names and residence addresses of each of the partners, including the limited partners. If the applicant is a limited partnership, it must furnish a copy of its certificate of limited partnership filed with the county clerk. If one or more partners is a corporation, the provisions of this section pertaining to corporate applicants will apply. The applicant corporation or partnership must designate one of its officers or general partners to act as its responsible managing officer. Such person must complete and sign all application forms required of any individual applicant under this chapter, but only one application fee will be charged.

13. The name and address of the owner and lessor of the real property upon or in which the massage establishment is to be operated, and a copy of the lease or rental agreement. If the applicant is not the legal owner of the property, a notarized acknowledgement from the owner of the property that a massage establishment will be located on his or her property is required for each massage establishment permit location.

14. The full true names and other names used, the present addresses and telephone numbers, driver’s license numbers, and social security numbers, and state certificates from the CAMTC or transitional licenses for all massage technicians who will be working as employees or independent contractors at each massage establishment permit location. The applicant must provide the Director with any changes in the massage technicians that work at the massage establishment during the permit period within 10 working days of each change.

15. The Director may require the applicant to furnish fingerprints when needed for the purpose of verifying identification.

16. Such other identification and information as may be required by the Director in order to verify the information to be included in
the application.

C. The city is allowed a reasonable time, not to exceed 60 days, in which to investigate the information on the application. During the investigation of the background information, a city representative including, without limitation, a member of the Police Department, Fire Department, Building and Safety Department, Planning Department, or any authorized representative thereof, may inspect, with or without notice during regular business hours, the proposed place of business to determine whether it conforms to the requirements of this chapter. Upon completion of the inspection, the city representative must inform the Director in writing of the findings of the inspection.

D. Background clearance will be issued, within 60 days of receipt of the application, to any applicant who has furnished all of the information required by this section in the application for such license, provided:

1. The applicant has not made a material false statement in the application and that all massage technicians who will be working as employees or independent contractors at each massage establishment permit location possesses certification from the CAMTC as a massage practitioner or massage therapist;

2. The applicant, if an individual, or in the case of an applicant which is a corporation or partnership, any of its officers, directors, holders or five percent or more of the corporation's stock, has not, within five years immediately preceding the date of the filing of the application been convicted in a court of competent jurisdiction of any of the following offenses: Penal Code §§ 243.4; 261; 266a through 266j; 267; 314 to 316; 318; or 647(a, b, d); any offense requiring registration under Penal Code § 290 or Health and Safety Code § 11590; or any felony offense involving the possession, possession for sale, sale, transportation, furnishing, or giving away of a controlled substance specified in Health and Safety Code §§ 11054 to 11058, as amended; or any offense in another state which, if committed in California, would have been punishable as one or more of the heretofore mentioned offenses; or any offense involving the use of force or violence upon the person of another; or any offense involving theft, embezzlement or moral turpitude;

3. The applicant is at least 18 years of age; and

4. The applicant has not had a massage technician, massage establishment, escort service, nude entertainment, nude photo
studio or similar type of license or permit suspended within one year or revoked within three years immediately preceding the date of the filing of the application, unless the applicant can show a material change in circumstances or that mitigating circumstances exist since the revocation or suspension.

4-10-6: ADDITIONAL REQUIREMENTS:

Before operating a massage establishment in the city, massage establishment owners must comply with all applicable codes adopted by the city, including, without limitation, the building, electrical, and plumbing codes.

4-10-7: DISPLAY OF PERMIT:

Any owner of a massage establishment or off-premise massage service must display the CAMTC certificates for all massage technicians prominently in a conspicuous place, capable of being viewed by customers or city representatives, at every location where massage is performed or conducted, and carry photo identification card while on the premises of the massage establishment and/or performing massage services. For off-premise massage services, massage workers must also carry a copy of their CAMTC certificate and photo identification card and display it to customers upon request. Any advertising for a massage technician must include the name under which he or she is certified and his or her certificate number.

4-10-8: MASSAGE TECHNICIAN CERTIFICATES REQUIRED:

It is unlawful for owners of massage establishments or off-site massage services to allow any person to perform massage that is not a certified massage therapist or certified massage practitioner.

4-10-9: PROHIBITED CONDUCT:

It is unlawful for owners of massage establishments or off-premise massage services, or massage technicians, to conduct or allow any of the following activities:

A. It is unlawful for any massage technician or any other employee working in a massage establishment or for an off-premise massage service, or customers, patrons, or guests of the establishment or service, to engage in any specified sexual activities upon the premises of the massage establishment or the off-premise massage location.

B. It is unlawful for any massage technician or other employee of a massage establishment to expose specified anatomical areas in the presence of any patron, customer, or guest.
C. In the course of administering the massage, it is unlawful for any massage technician or other massage establishment employee to make intentional physical contact with the specified anatomical areas of any customer, patron or guest.

4-10-10: FACILITIES AND OPERATIONS:

It is unlawful for any massage establishment to operate unless the massage establishment premises and operation comply with the following minimum requirements:

A. Signs. A readable sign must be posted at the main entrance identifying the establishment as a massage establishment, provided, however, that all such signs must otherwise comply with the sign requirements of this code.

B. Lighting. Minimum lighting must be provided in accordance with the California Building Code, as adopted by this code, and, in addition, at least one unobstructed 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.

C. Ventilation. Minimum ventilation must be provided in accordance with the California Building Code, as adopted by this Code.

D. Disinfection of Instruments. Instruments used for massage must be disinfected before each use. Where instruments for massage are employed, adequate quantities of supplies for disinfection must be available during all hours of operation.

E. Water. Hot and cold running water must be provided at all times.

F. Linen Storage. Closed cabinets must be utilized for the storage of clean towels and linen. After use, towels and linen must be removed and stored in a separate container until laundered.

G. Sanitary Conditions. All walls, ceilings, floors, steam and vapor rooms, and all other physical facilities for the massage establishment must be kept in good repair and be maintained in a clean and sanitary condition.

H. Clean Linen. Clean and sanitary towels and linens must be provided for patrons receiving massage services. No common use of towels or linens is permitted.
I. Compliance with Laws. The premises to be used must at all times comply with all applicable state and local laws and regulations.

J. Any room in which a massage establishment provides massage services may not be used for residential sleeping purposes.

K. A register of all individuals employed as massage technicians, and copies of their current CAMTC certifications and the massage establishment owner’s business license, must be maintained and available for inspection at all times during regular business hours.

L. Each person present in any area of the massage establishment outside the waiting area or other areas open to any member of the public must be a certified massage practitioner or certified massage therapist or the massage establishment owner.

M. The permits and certifications required by this chapter must be displayed in an open and conspicuous public place on the premises.

4-10-11: EXCEPTIONS:

This chapter does not apply to the following classes of individuals, and no CAMTC certification is required of such persons, while engaged in the performance of the duties of their respective professions:

A. Acupuncturists who are duly certified to practice their profession in the state of California.

B. Barbers, beauticians, and cosmetologists with respect to scalp, feet, hands, and face massages, who are duly permitted pursuant to Business and Professions Code §§ 7301, et seq., in accordance with the limitations of their permits.

C. Nurses who are registered as such under the laws of the state of California.

D. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly permitted to practice their respective professions in the state of California, or provide professional services in lawful compliance with Corporations Code § 13401(a).

4-10-12: PUBLIC NUISANCE ABATEMENT:

Any massage establishment operated, conducted or maintained contrary to the provisions of this chapter is unlawful and a public nuisance. The City Attorney is authorized, in addition to or in lieu of any other legal or criminal proceedings, to
commence an action or proceeding for abatement, removal or enjoinment of such massage establishment in the manner provided by law. The City Attorney may seek a court order to grant such relief to abate or remove such massage establishments and restrain and enjoin any person from operating, conducting or maintaining such an establishment contrary to the provisions of this chapter.

4-10-13: REVOCATION:

A. Grounds for Revocation. The Director or City Attorney may revoke approvals issued under this chapter for one or more of the following grounds:

1. Fraud or Deceit. That the applicant practiced fraud or deceit in obtaining an approval under this chapter;

2. Violation of Chapter. That the massage establishment owner, operator, massage technician, or its employee violated a provision or provisions of this chapter;

3. Criminal Conviction. That the massage establishment owner, operator, massage technician, or its employee has been convicted in a court of competent jurisdiction of any offense described in this chapter;

4. Improperly Maintained Facilities. That the facilities and operations of the massage establishment are not kept in compliance with this chapter, and that the owner or operator has failed to promptly remedy any deficiency of which they have been notified. For purposes of this subsection, “notice” means notice given personally or by leaving notice at the massage establishment premises, or by first class mail, postage prepaid, to the address designated by the massage technician or establishment in accordance with this chapter;

5. Employment of Uncertified Technicians. That the massage establishment has employed, allowed or permitted an uncertified person to perform massage in the massage establishment;

6. Error. That the approval was issued in error;

7. Civil Penalties. Assessment of three or more civil penalties as provided by this chapter during any six month period; or

8. Prohibited Conduct. A massage establishment owner, operator, massage technician, or its employee or agent has been found to
have engaged in prohibited conduct in violation of this chapter or Business and Professions Code Section 4600 et seq.

B. Notice of Revocation. Upon a determination on the grounds to revoke an approval under this chapter, the Director or City Attorney must cause a notice of revocation to be mailed by first class, postage prepaid mail, to the address designated by the massage technician or establishment pursuant to this chapter.

4-10-14: CIVIL LIABILITY AND PENALTIES:

A. Any person violating any provision of this chapter is liable in a civil action brought by the City Attorney for an amount up to $500 per violation. Such person is also liable for reasonable attorneys' fees and costs incurred by the City Attorney in any civil proceeding filed to enforce this chapter.

B. Enforcing this chapter through civil action may be filed as an alternative to criminal enforcement. Civil enforcement does not require the violation to be knowing or willful. A civil action cannot be filed if the person is being criminally prosecuted.

C. Each violation of this chapter is a separate offense subject to the civil penalty.

D. The City Attorney may settle any civil enforcement before or after to the filing of a civil action by imposing a civil penalty in an amount not exceeding the potential civil liability, including attorneys' fees, set forth in this section. If such civil penalty is paid in full, the City Attorney can agree not to file civil or criminal actions or, if action has already been filed, may dismiss such action. Imposition of all civil penalties is public record.

E. All civil fines must be deposited into the general fund.

4-10-15 APPEAL:

Any person denied an approval under this chapter or a massage establishment owner or operator whose approval has been revoked may appeal the denial or revocation in writing pursuant to the appeal procedures provided in by section 1-2A-15 et seq. of this code. Such appeal must be in writing and must be filed with the City Clerk not more than fifteen (15) days following the Director's deposit into the mail of the notice of denial or revocation sent to the applicant or massage establishment owner or operator to the address listed by the applicant or massage establishment owner or operator pursuant to this chapter. Any
A successful appeal will result in approval or reinstatement of an approval and refund of any fines collected by the City.”

SECTION 4: This ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to permit operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 Cal. Code Regs. §§ 15301, 15305, and 15308.

SECTION 5: Construction. This Ordinance must be broadly construed in order 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 6: Enforceability. Repeal of any provision of the ESMC 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: Validity of Previous Code Sections. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the ESMC or other city ordinance by this Ordinance will be rendered void and cause such previous ESMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 8: 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 provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10: This Ordinance will take effect on the 31st day following its final passage and adoption.
PASSED, APPROVED, AND ADOPTED this ____ day of January, 2013.

________________________________________
Carl Jacobson,
Mayor

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

By: __________________________
Karl H. Berger,
Assistant City Attorney

ATTEST:
TRACY SHERRILL WEAVER, City Clerk

By: __________________________

STATE OF CALIFORNIA )
COUNTY OF LOS ANGELES ) ss.
CITY OF EL SEGUNDO )

I, TRACY SHERRILL WEAVER, City Clerk of the City of El Segundo, California, do hereby certify that the foregoing Ordinance No.____ was introduced, and placed upon its first reading at a meeting of the City Council of the City of El Segundo, held on the ____ day of December, 2012. That thereafter on the ____ day of January, 2013, said Ordinance was duly passed, approved and adopted by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Dated this ____ day of January, 2013

______________________________
Tracy Sherrill Weaver, City Clerk
City of El Segundo, California
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
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<td>105</td>
<td>STATE GAS TAX FUND</td>
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<tr>
<td>109</td>
<td>ASSOCIATED RECREATION ACTIVITIES FUND</td>
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<td>ASSET FORFEITURE FUND</td>
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<td>PROP &quot;C&quot; TRANSPORTATION</td>
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<td>115</td>
<td>AIR QUALITY INVESTMENT PROGRAM</td>
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<td>116</td>
<td>HOME SOUND INSTALLATION FUND</td>
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<td>HYDROBIOS MITIGATION FUND</td>
<td>23,99</td>
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<td>TDA ARTICLE 5 - SB 821 BIKeway FUND</td>
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<td>119</td>
<td>MTA GRANT</td>
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<tr>
<td>121</td>
<td>FEMA</td>
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<td>120</td>
<td>C.O.P.S. FUND</td>
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<td>122</td>
<td>L.A.W.A. FUND</td>
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**TOTAL WARRANTS**

$683,582.90

---

**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:**

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

A = Payroll and Employee Benefit checks

B - F = Computer generated Early Release disbursements and/or adjustments approved by the City Manager. Such as: payments for utility services, petty cash and employee travel expenses, 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.

FINANCE DIRECTOR: [Signature]  CITY MANAGER: [Signature]

DATE: 12/20/12  DATE: 12 - 26 - 12
CITY OF EL SEGUNDO  
PAYMENTS BY WIRE TRANSFER  
12/07/12 THROUGH 12/20/12

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<thead>
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<th>Date</th>
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<th>Description</th>
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<td>3,630.01</td>
<td>Prior memo corr EFT Child sup pmt</td>
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<tr>
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<td>Prior memo corr PARS pmt</td>
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<td>12/7/2012</td>
<td>State of CA EFT</td>
<td>3,630.01</td>
<td>EFT Child support payment</td>
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<tr>
<td>12/7/2012</td>
<td>Nationwide NRS EFT</td>
<td>2,145.66</td>
<td>EFT 401a payment</td>
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<tr>
<td>12/7/2012</td>
<td>Nationwide NRS EFT</td>
<td>57,505.32</td>
<td>EFT 457 payment</td>
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**DATE OF RATIFICATION: 01/01/13**  
**TOTAL PAYMENTS BY WIRE:**  
2,922,899.23

Certified as to the accuracy of the wire transfers by:

**Deputy City Treasurer**  
Maryn Kobrin  
Date: 12/20/12

**Director of Finance**  
David counsel  
Date: 1/20/12

**City Manager**  
Date: 2/24/12

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.
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<thead>
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<td>119</td>
<td>MTA Grant</td>
<td>-</td>
</tr>
<tr>
<td>121</td>
<td>FEMA</td>
<td>-</td>
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<tr>
<td>122</td>
<td>O.C.P.S. Fund</td>
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<td></td>
<td><strong>TOTAL WARRANTS</strong></td>
<td><strong>$1,229,440.17</strong></td>
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**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 funds for payment thereof.

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

**CODES:**

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

For Ratification,

A = Payroll and Employee Benefit checks

B-F = Computer generated Early Release disbursements and/or adjustments approved by the City Manager. Such as: payments for utility services, petty cash and employee travel expense reimbursements, various refunds, contract employees 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.

**FINANCE DIRECTOR:**

**CITY MANAGER:**

**DATE:**

4-7-13
CITY OF EL SEGUNDO  
PAYMENTS BY WIRE TRANSFER  
12/20/12 THROUGH 1/03/13  

<table>
<thead>
<tr>
<th>Date</th>
<th>Payee</th>
<th>Amount</th>
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<tbody>
<tr>
<td>12/20/2012</td>
<td>State of CA EFT</td>
<td>3,630.01</td>
<td>EFT Child support payment</td>
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<tr>
<td>12/20/2012</td>
<td>Health Comp</td>
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<td>Weekly claims</td>
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<td>12/21/2012</td>
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<td>EFT 401a payment</td>
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**DATE OF RATIFICATION: 01/15/13**  
**TOTAL PAYMENTS BY WIRE:**  
766,604.02

Certified as to the accuracy of the wire transfers by:

**Deputy City Treasurer**

Mary Kobs

Date: 1/3/13

**Director of Finance**

David Fuller

Date: 1/7/13

**City Manager**

Date: 1/8/13

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, December 18, 2012 – 5:00 PM

5:00 P.M. SESSION

CALL TO ORDER – Mayor Jacobson at 5:00 PM

ROLL CALL

Mayor Jacobson - Present
Mayor Pro Tem Fuentes - Present
Council Member Fisher - Present
Council Member Atkinson - Present
Council Member Fellhauer - Present

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.

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

SPECIAL ORDER OF BUSINESS:

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) -5- matter

City of El Segundo vs. City of Los Angeles, et. al. LASC Case No. BS094279
City of Los Angeles vs. Pacific Bell Telephone Company, et al., LASC Case No. BC414272
Willmore vs. City of El Segundo, et al., LASC Case No. BC485025
Garton vs. City of El Segundo, et al., LASC Case No. YC066586
Garcia vs. City of El Segundo, et al., WCAB Case No. ADJ8116925 (Anaheim)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

APPOINTMENT OF PUBLIC EMPLOYEE (Gov't. Code § 54957) –0- matter

CONFERENCE WITH CITY’S LABOR NEGOTIATOR (Gov't Code §54957.6): -0- matters

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

Council recessed at 6:50 PM
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, December 18, 2012 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER – Mayor Jacobson at 7:00 PM

INVOCATION – Lee Carlile, Pastor, United Methodist Church

PLEDGE OF ALLEGIANCE – Council Member Fisher

PRESENTATIONS

ROLL CALL

Mayor Jacobson - Present
Mayor Pro Tem Fuentes - Present
Council Member Fisher - Present
Council Member Atkinson - Present
Council Member Fellhauer - Present

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.

Anthony Rotolo, High School Varsity Water Polo, spoke concerning building a new pool facility.
Joe Harding, resident, gave praise and thanks for the City and Chevron on the Alternative Tax Agreement.
Liz Garnholz, resident, spoke regarding Agenda Items #9 and #17A.
Doug Poffinbarger, Sustainable El Segundo, gave an update on the program.
Dr. Tony Mendez, resident, spoke regarding Chevron Corporation and the negotiating of taxes.
Sandy Jacobs, resident, stated the citizens should be proud and satisfied with the City Council and Chevron for the Alternative Tax Agreement.
Frank Semancik, General Manager of Chevron El Segundo, supports the Agreement between Chevron and the City of El Segundo.
Marcia Hansen, CEO and Executive Director for the El Segundo Chamber of Commerce, spoke in support of the Chevron Agreement and congratulated both parties on coming to terms with the agreement.
Mike Robbins, resident, spoke regarding the Chevron Alternative Tax Agreement, asking was an analysis done properly concerning Chevron’s use of the cities resources. Spoke on a mailer sent to residents regarding a Police Union Fundraiser and was concerned about the use of using the El Segundo Police Departments badge as an image on the mailer.

A. PROCEDURAL MOTIONS

Consideration of a motion to read all ordinances and resolutions on the Agenda by title only. MOTION by Mayor Pro Tem Fuentes, SECONDED by Council Member Fellhauer 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)

1. Consideration and possible action to amend El Segundo Municipal Code ("ESMC") § 4-8-8 to allow fees relating to entertainment permits to be adopted by City Council resolution and adopting a resolution establishing an entertainment permit fee. Applicant: City of El Segundo. (Fiscal Impact: $3,505.00)

Sam Lee, Planning and Building Safety Director, gave a report.

Mayor Jacobson stated that this was the time and place to conduct a public hearing and receive testimony, introduce and waive first reading of an ordinance amending ESMC § 4-8-8 to allow fees required for an entertainment permit, adopt a Resolution establishing a new fee to recover costs associated with issuing entertainment permits and schedule second reading and adoption of the ordinance amendment for January 15, 2013.

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

Mike Rotolo, resident, Past President of Chamber of Commerce and current Chair of Downtown El Segundo Committee, commended the council and staff for the effort put forth into making the change on the entertainment permit fees.

MOTION by Council Member Fellhauer, SECONDED Mayor Pro Tem Fuentes by Council Member to close public hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.

Mark Hensley, City Attorney, read by title only.
ORDINANCE NO. 1475

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE (ESMC) §4-8-8 REGARDING RECOVERING ADMINISTRATIVE COSTS ASSOCIATED WITH ISSUING ENTERTAINMENT PERMITS.

Council Member Atkinson introduced Ordinance No. 1475


Mark Hensley, City Attorney, read by title only.

RESOLUTION NO. 4801

A RESOLUTION ADOPTING A NEW FEE IN ACCORDANCE WITH EL SEGUNDO MUNICIPAL CODE §4-8-8 FOR RECOVERING ADMINISTRATIVE COSTS RESULTING FROM ISSUING ENTERTAINMENT PERMITS.

MOTION by Council Member Atkinson, SECONDED by Council Member Fisher to adopt Resolution No. 4801 establishing a new fee to recover costs associated with issuing entertainment permits. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

2. Consideration and possible action regarding the adoption of a temporary plan check and permit surcharge to design and construct the City's One-Stop Permit Center for residential and non-residential permits. 
(Fiscal Impact: None)

Sam Lee, Planning and Building Safety Director, gave a report.

Mayor Jacobson stated that this was the time and place to conduct a public hearing and receive testimony regarding the new temporary permit surcharge, close public hearing and adopt a Resolution establishing the proposed temporary plan/check permit surcharge.

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

Liz Garnholz, resident, asked if the center would be in the vacant Communications Center.
Mike Robbins, resident, commended the City Council and staff in reducing government bureaucracy at City Hall and helping businesses and developers push their projects through in a timely manner. Mr. Robbins asked how many permits the center would handle and if the center is idle, would it be set up to support other City Hall functions? Mr. Robbins stated that possibly the funds coming from the new Chevron agreement could be used for the center, but does not want to see the funds used for pay raises and unsustainable pensions.
MOTION by Mayor Pro Tem Fuentes, SECONDED by Council Member Fellhauer to close public hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.

Greg Carpenter, City Manager, answered Liz Garnholz’s question regarding the Communications Center. The Communications Center was built with funds that are for law enforcement purposes only, therefore the Permit Center can't be housed in this facility. Mr. Carpenter stated that Chief Tavera is in negotiations with another law enforcement agency and should bring to council early next year an agreement. Mr. Carpenter also addressed the need for the Permit Center. He stated that two areas in City Hall have not been renovated, one being the Council Chamber and the other a permit center. Mr. Carpenter stated that the center will better serve our customers and will be busy everyday. He also stated the facility could be used by others in City Hall if the center is idle.

Sam Lee, Director of Building and Safety, stated he did not have the current numbers on how many customers are served daily, but did say that the Center would be a creative office setting for customers to conduct business.

Mayor Pro Tem Fuentes stated the Center could be used for other permit processes as well.

Council Member Fisher thanked Council Member Atkinson for coming forward with the idea to borrow from the Equipment Replacement Fund and have the surcharge to replace the funds. Council Member Fisher asked if the there has been feedback on the 4% surcharge?

Sam Lee stated that the idea has been received positively. Mr. Lee also stated that the fees would generate approximately $100,000.00 per year, thus in 5 years the Center will be paid back to the Equipment Replacement Fund.

Council Member Atkinson stated the Center would help with efficiency for both the City and our customers.

Mark Hensley, City Attorney, read by title only.

RESOLUTION NO. 4802

A RESOLUTION ADOPTING A TEMPORARY SURCHARGE OF FOUR PERCENT (4%) ON ALL BUILDING SAFETY PLAN CHECK AND PERMIT FEES TO CONSTRUCT PERMIT CENTER.

MOTION by Council Member Fellhauer, SECONDED by Council Member Atkinson to adopt Resolution No. 4802 establishing the proposed temporary plan/check permit surcharge. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.

3. Consideration and possible action regarding (Public Hearing) the proposed project and budget for the FY 2013/14 Community Development Block Grant (CDBG) Program Year. Estimated CDBG budget allocation for Program Year 2013-2014 is approximately $53,767.00. (Fiscal Impact: $53,767.00)
Tina Gall, CDBG Consultant, gave a report.

Mayor Jacobson stated that this was the time and place to conduct a public hearing and receive testimony, close the public hearing, adopt the new 2013-2014 CDBG project and budget, and authorize the City Manager to execute the contracts, in a form approved by the City Attorney, with the Los Angeles County Community Development Commission (CDC).

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

MOTION by Council Member Fellhauer, SECONDED by Mayor Pro Tem Fuentes to close public hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.

MOTION by Mayor Pro Tem Fuentes, SECONDED by Council Member Fellhauer to adopt the new 2013-2014 CDBG project and budget and authorize the City Manager to execute the contracts, in a form approved by the City Attorney, with the Los Angeles County Community Development Commission (CDC). MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

C. UNFINISHED BUSINESS

4. Presentation: Update on efforts to recruit for the vacant office of the City Treasurer and potential action by City Council regarding appointing a person or calling a special election to fill the vacancy.
(Fiscal Impact: N/A)

Received and filed presentation

Consensus by Council to close the application acceptance period on Thursday, Dec. 27, 2012 and schedule a Special Meeting for the first and/or second week in January 2013 to interview the applicants.

(Fiscal Impact: N/A)

Chief Mitch Tavera introduced Captain Bob Turnbull, who gave the presentation on the City of El Segundo Mass Emergency Notification Systems.

Received and filed oral presentation.
5A. Update on the status of negotiations with Chevron Corporation and consideration of terms for an Alternative Tax Agreement (ATA).  
(Fiscal Impact: Estimated – 134 million net new revenue over the next 15 fiscal years)

Greg Carpenter, City Manager, gave an overview of the past year leading up to the Chevron Alternative Tax Agreement and gave an overview of the proposed agreement.

Received and filed report.

MOTION by Council Member Fellhauer, SECONDED by Council Member Fisher to direct staff to prepare an Alternative Tax Agreement with Chevron Corporation for the Council’s consideration. MOTION PASSED BY FOLLOWING VOICE VOTE; AYES – MAYOR JACOBSON, MAYOR PRO TEM FUENTES, COUNCIL MEMBERS FISHER AND FELLHAUER; NOS – COUNCIL MEMBER ATKINSON. VOTE 4/1.

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

6. Consideration and possible action to open the recruitment process for the positions on the Committee, Commissions and Boards (“CCBs”) that will expire in the year 2013.  
(Fiscal Impact: None)

Council directed staff to open the recruitment process for the positions on the CCBs, as listed.

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.

7. Approved warrant Numbers 2590472 - 2590627 on Register No. 5 in the total amount of $585,890.44 and Wire Transfers from 11/23/2012 through 12/06/2012 in the total amount of $1,231,085.36. Authorized Staff to Release. Ratified Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.


9. PULLED FOR DISCUSSION BY MAYOR JACOBSON
10. Approved an Amendment to the Joint Powers Agreement between the City of El Segundo and the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force (LA IMPACT) and authorized the City Manager to execute the Joint Powers Agreement (JPA) Amendment No. 4135A in a form approved by the City Attorney.
   (Fiscal Impact: None)

11. Waived the bidding process per El Segundo Municipal Code § 1-7-10, as there was only one bidder that could meet the product specifications, and authorized the purchase of emergency food and water for employees, disaster service workers, and mutual aid responders in the event of a disaster.
   (Fiscal Impact: Additional $36,874.23)

12. Authorized the City Manager to sign and enter into Agreement No. 4371, reviewed by the City Attorney, with the Regents of the University of California to allow the City of El Segundo to provide Paramedic Internship for students of the University of California, Los Angeles (UCLA) Emergency Medical Technician Paramedic Program.
   (Fiscal Impact: None)

13. Awarded Professional Services Agreement No. 4372 to Zest Enterprise for custodial/janitorial services for several City of El Segundo Facilities.
   (Fiscal Impact: $119,870.67)

14. Authorized the City Manager to execute Agreement No. 4373 between the City of El Segundo and NRG in a form approved by the City Attorney for the promotion of the Sustainable El Segundo program.
   (Fiscal Impact: None)

15. Adopted Resolution No. 4803 pursuant to Public Contracts Code § 20168 finding that an emergency existed within the City and authorized the City Manager to execute a contract in a form approved by the City Attorney with Best Contracting Services to repair the Police Department roof without the need for bidding in accordance with Public Contracts Code § 22050.
   (Fiscal Impact: $7,950.00)

MOTION by Council Member Fisher, SECONDED by Mayor Pro Tem Fuentes to approve Consent Agenda items 7, 8, 10, 11, 12, 13, 14. and 15. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.
CALL ITEMS FROM CONSENT AGENDA

9. Consideration and possible action to approve and adopted South Bay Workforce Investment Board’s (SBWIB) proposed Amendment No. 5 to the Joint Powers Agreement No. 83-100 transferring the duties of administrative entity from the City of Hawthorne to the City of Inglewood and authorized the mayor to sign the Amendment No. 1754E the Joint Powers Agreement No. 83-100 as amended. (Fiscal Impact: None)

John Parsons, City of Redondo Beach, gave a report on the South Bay Workforce Investment Board.

MOTION by Council Member Fellhauer, SECONDED by Mayor Pro Tem Fuentes to approve and adopt the South Bay Workforce Investment Board’s (SBWIB) proposed Amendment No. 5 to the Joint Powers Agreement No. 83-100 and authorize the Mayor to sign the Amendment No. 1754E the Joint Powers Agreement No. 83-100 as amended. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

F. NEW BUSINESS

16. Consideration and possible action regarding approval of a revised Residential Sound Insulation (RSI) Program map and a status report on the City’s RSI Program. (Fiscal Impact: None)

James O’Neil, RSI Manager, gave a report concerning the revised map.

MOTION by Council Member Atkinson, SECONDED by Council Member Fisher to approve a revised Residential Sound Insulation (RSI) Program map, received and filed a status report on the City’s RSI Program. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

G. REPORTS – CITY MANAGER – Stated that Council Member Fisher is pulling item No. 17 for revisions. He also wished all city employees and the council a Merry Christmas.

H. REPORTS – CITY ATTORNEY - None

I. REPORTS – CITY CLERK – Reminded everyone that the January 2, 2013 City Council meeting is cancelled.

J. REPORTS – CITY TREASURER - None

K. REPORTS – CITY COUNCIL MEMBERS
Council Member Fellhauer – Remembering Newtown, CT and how important public safety is and our first responders. Wished a Merry Christmas and Happy New Year to all.
Council Member Atkinson – Thanking our city for all we have and wished everyone a Merry Christmas and Happy New Year.

Council Member Fisher – Wished everyone a great Holiday season.

17. Consideration and possible action to adopt a resolution supporting the Earned Income Tax Credit EITC and the Volunteer Income Tax Assistance program. (Fiscal Impact: None)

PULLED FOR REVISIONS

Mayor Pro Tem Fuentes –

17A. Report on the Los Angeles County Clean Water, Clean Beaches Tax/Fee Measure that would provide revenues to the County Flood Control District to offset the costs associated with storm water runoff. Consideration and possible action by Council regarding whether the City wants to protest the proposed tax/fee. (Fiscal Impact: None)

Both Council Member Atkinson and City Attorney, Mark Hensley spoke concerning the tax/fee measure.

MOTION by Council Member Atkinson, SECONDED by Mayor Pro Tem Fuentes to protest the proposed tax/fee for the city's parcels. MOTION PASSED BY THE FOLLOWING VOICE VOTE; AYES – MAYOR JACOBSON, MAYOR PRO TEM FUENTES AND COUNCIL MEMBER ATKINSON; NOS – NONE; ABSTAINED – COUNCIL MEMBERS FISHER AND FELLHAUER. VOTE 3/0/2.

Mayor Jacobson –

18. Consideration and possible action regarding the annual request of Mr. S. Claus for variances from the Municipal Code. (Fiscal Impact: None)

MOTION by Council Member Fisher, SECONDED by Council Member Fellhauer to approve the requests by Mr. S Claus. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0
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.

Liz Garnholz – let everyone know that the Automobile Driving Museum will have 2 cars in the Rose Parade.

Mike Robbins – spoke regarding the Newtown, CT tragedy and how the politicians are exploiting the gun control issue. Mr. Robbins also stated his concern with unsustainable pensions for our Police and Fire departments.

MEMORIALS – John F. “Jack” Schott

CLOSED SESSION - NONE

ADJOURNMENT at 9:20 PM

Tracy Weaver, City Clerk
AGENDA DESCRIPTION:
Consideration and possible action regarding adoption of Plans and Specifications for Installation of Sub-meters on the City's main electricity meter for City Hall, the Police Department and the Fire Station. Project No. PW 13-02 (Fiscal Impact: $0; $15,000.00 grant reimbursement)

RECOMMENDED COUNCIL ACTION:
1. Adopt the plans and specifications
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Resolution

FISCAL IMPACT: None
Amount Budgeted: $15,000.00
Additional Appropriation: N/A
Account Number(s): 301-400-8203-8910

ORIGINATED BY: Stephanie Katsouleas, Public Works Director
REVIEWS BY: Stephanie Katsouleas, Public Works Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
In May, 2010 the City was awarded a $486,500 grant from Southern California Edison to implement a series of energy conversation and efficiency programs. One task called for in the scope of work is to utilize a utility management software program to track and analyze electricity consumption among qualifying City buildings (those which have high usage, such as City Hall).

The City Hall electrical meter records collective usage for three buildings - the Police Department, Fire Department and City Hall, and must be “separated” in order to track usage of the individual facilities. To do this, staff will need to install three sub-meters off the main meter’s branch lines, which constitutes a capital improvement project. Staff recommends that City Council adopt the plans and specifications and attached resolution, and authorize the project for receipt of construction bids.
RESOLUTION NO. __

A RESOLUTION APPROVING THE DESIGN AND PLANS FOR THE CONSTRUCTION OF SUBMETERS FOR THE CITY HALL MASTER ELECTRICAL METER. PURSUANT TO GOVERNMENT CODE SECTION 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 specifications and plans installing submeters on the City Hall master electrical meter (the "Project"). These plans are complete. Construction of 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 ______________, 20__.

____________________________
Carl Jacobson, Mayor

ATTEST:

____________________________
Tracy Weaver, City Clerk

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

By: __________________________
    Karl H. Berger, Assistant City Attorney
AGENDA DESCRIPTION:

Consideration and possible action to approve change orders with Premier Developing Services, Inc. for Construction of the Masonry Building for the Water Department's Telemetry System (2161 E. El Segundo Blvd.) Project No. PW 12-04 (Fiscal Impact $11,136)

RECOMMENDED COUNCIL ACTION:

1. Authorize the City Manager to approve payments in the amount of $11,136 with Premier Developing Services, Inc. for Construction of the Masonry Building for the Water Department’s Telemetry System.
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Location Map

FISCAL IMPACT: Budget Adjustment Required

Amount Budgeted: $101,800
Additional Appropriation: Yes $11,136
Account Number(s): 401-400-0000-8228 (Economic Uncertainty Fund)

ORIGINATED BY: Floriza Rivera, Principal Engineer
REVIEWED BY: Stephanie Katsouleas, Public Works Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

On July 17, 2012, the City Council awarded a contract to Premier Developing Service, Inc. for the construction of a masonry building for the Water Department’s telemetry system at 2161 E. El Segundo Boulevard. The project is currently ongoing.

Unforeseen conditions in the field have required construction plan modifications, which include additional excavation and relocation of electrical and telephone utilities, additional removal and replacement of sidewalks and asphalt, vent duct modifications, installation of a telemetry water pressure line, the installation of a telemetry cabinet housekeeping pad, and the installation of roof flashing. The original budget included $9,300 in contingencies, which has now been exhausted. Additional contingency funds are now needed in the amount of $11,136 to cover increased construction costs. Staff is requesting that City Council authorize the additional funds, to be transferred from the Economic Uncertainty Fund.
AGENDA DESCRIPTION:
Consideration and possible action regarding approval of a change order for $855.76 for United Paving Co. for Maryland Street Improvements between Palm Ave. and Mariposa Ave. Project No. PW 11-02 (Fiscal Impact $855.76)

RECOMMENDED COUNCIL ACTION:
1. Approve a change order for United Paving Co. in the amount of $855.76.
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

FISCAL IMPACT: Budget Adjustment Required
Amount Budgeted: $155,325.00
Additional Appropriation: Yes $855.76
Account Number(s): 106-400-8203-8986 (Capital Projects: Gas Tax Fund)

ORIGINATED BY: Floriza Rivera, Principal Engineer
REVIEWED BY: Stephanie Katsouleas, Public Works Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
This past summer, Public Works successfully completed a street rehabilitation project on Maryland Ave, between Mariposa and Palm Ave., which included installing new sidewalks, curbs, and gutters as well as full street reconstruction. City Council accepted the project as complete on September 16, 2012 and authorized total payments of $155,325.00. However, staff made a mathematical error in calculating the final approved quantities after all change orders were submitted, which results in an additional $855.76 due the contractor. Staff recommends that City Council approve the additional amount due and authorize a transfer from the State Gas Tax Fund to cover the extra cost for the work completed.
AGENDA DESCRIPTION:
Consideration and possible action regarding Adoption of Plans and Specifications for Construction of the Mariposa Avenue Storm Drain from Maryland Street to Center Street. Project No. PW 12-06 (Fiscal Impact $90,000)

RECOMMENDED COUNCIL ACTION:
1. Adopt Plans and Specifications.
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Location Map
Resolution

FISCAL IMPACT: $90,000
Amount Budgeted: $90,000
Additional Appropriation: No
Account Number(s): 110-400-8203-8374 (Measure R, Mariposa Storm Drain)

ORIGINATED BY: Floriza Rivera, Principal Engineer
REVIEWED BY: Stephanie Katsouleas, Public Works Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

This past summer, Public Works successfully completed a street rehabilitation project on Maryland Ave, between Mariposa and Palm Ave., which included installing new sidewalks, curbs, and gutters as well as full street reconstruction. However, during construction of Maryland Ave., field conditions confirmed that the southern segment of Maryland Ave. (near Mariposa Ave.) was too flat, making it technically infeasible to install the street, sidewalks and driveway approaches to meet existing driveways and property line elevations while also allowing proper flow of runoff and storm water. The temporary solution to this problem included installing a percolation [French] drain just north of Mariposa while drafting designs for 1) the permanent installation of two new catch basins on Maryland Ave. and 2) a storm drain line between Maryland St./Mariposa Ave. and Center St./Mariposa Ave. Those designs are now complete and ready for City Council adoption. Staff therefore recommends that City Council adopt the attached resolution and plans and specifications for the new storm drain line and authorize staff to advertise the project for receipt of construction bids. Staff estimates that the work will cost approximately $90,000 and has identified Measure R funds as available for this project.
RESOLUTION NO. __

A RESOLUTION APPROVING THE DESIGN AND PLANS FOR THE CONSTRUCTION OF STORM DRAIN IMPROVEMENTS FOR MARIPOSA AVE. PURSUANT TO GOVERNMENT CODE SECTION 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 specifications and plans for storm drain improvements on Mariposa Ave. between Maryland Ave. and Center Street (the "Project"). These plans are complete. Construction of 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 _____________, 20__.

__________________________________________
Carl Jacobson, Mayor

ATTEST:

__________________________________________
Tracy Weaver, City Clerk

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

By: _______________________________
Karl H. Berger, Assistant City Attorney
AGENDA DESCRIPTION:

Consideration and possible action regarding 1) adoption of Plans and Specifications for Construction of the Pressure Reducing Station Waterline Improvements at 2161 E. El Segundo Blvd and 2) authorizing the City Manager to enter into a Reimbursement Agreement with the property owner to cover 50% of the cost for these improvements. Project No. PW 13-01 (Fiscal Impact $35,000.00)

RECOMMENDED COUNCIL ACTION:

1. Adopt Plans and Specifications.
2. Authorize the City Manager to enter into a 50% Reimbursement Agreement with the property owner of 2161 E. El Segundo Blvd. in a form approved by the City Attorney for the Pressure Reducing Station Waterline Improvement Project.
3. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Location Map
Resolution

FISCAL IMPACT: Budget Adjustment Required

Amount Budgeted: $0
Additional Appropriation: Yes $35,000.00
Account Number(s): 401-400-0000-8228 (Economic Uncertainty Fund)

ORIGINATED BY: Floriza Rivera, Principal Engineer
REVIEWED BY: Stephanie Katsoulas, Public Works Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

On March 16, 2010, El Segundo City Council declared old Fire Station 2, located at 2161 E. El Segundo Blvd., as surplus property and authorized its sale. Because the City has significant water infrastructure at the site, the purchase agreement included granting the City a public utility easement on the property. As part of the purchase agreement conditions, the City is constructing a new, smaller building within the easement area where the existing telemetry equipment will be relocated. That project is expected to be completed near the end of January.

In the meantime, the new property owner, Brian Sweeney, began his own design plans for construction of a new building where the old telemetry building now sits. Mr. Sweeney discovered that an abandoned (but charged) water line exists outside the easement area and is still part of the City’s active water infrastructure. The water line, which extends beyond the
pressure reducing station, was originally installed to operate a turbine but abandoned more than a decade ago. The water line extension is no longer needed for the City’s water operations purposes but it infringes on the subsurface area Mr. Sweeney needs for the foundation of his new building. In the interest of an expeditious resolution, Mr. Sweeney and the City have agreed to equally share the cost of removing the 24-in steel water pipeline and capping it at the last pressure reducing station valve. The estimated cost for the work is $35,000.00; the City’s portion would be covered by the proceeds from the sale of Fire Station 2, which is currently undesignated and held in the Economic Uncertainty Fund. Once completed, Mr. Sweeney will reimburse the City for 50% of the total cost of the construction project.

Plans and specifications are now complete and staff is ready to bid the project for construction. Staff therefore recommends that City Council adopt the attached resolution and plans and specifications for the new water line capping project and authorize staff to advertise the project for receipt of construction bids.
RESOLUTION NO. __

A RESOLUTION APPROVING THE DESIGN AND PLANS FOR THE CONSTRUCTION OF WATER LINE CAPPING FOR THE CITY’S PRESSURE REDUCING STATION. PURSUANT TO GOVERNMENT CODE SECTION 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 specifications and plans for capping a water line at the City’s pressure reducing station (the "Project"). These plans are complete. Construction of 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 _____________, 20__.

__________________________
Carl Jacobson, Mayor

ATTEST:

__________________________
Tracy Weaver, City Clerk

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

By: _______________________
Karl H. Berger, Assistant City Attorney
AGENDA DESCRIPTION:

Consideration and possible action to adopt Ordinance No. 1475 to amend El Segundo Municipal Code ("ESMC") § 4-8-8 to allow fees relating to entertainment permits to be adopted by City Council resolution. Applicant: City Initiated (Fiscal Impact: $3,505)

RECOMMENDED COUNCIL ACTION:

1.Waive second reading and adopt Ordinance No. 1475 for Environmental Assessment No. EA-990; and/or

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

ATTACHED SUPPORTING DOCUMENTS:

1. Ordinance No. 1475

FISCAL IMPACT: $3,505

<table>
<thead>
<tr>
<th>Amount Budgeted:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Appropriation:</td>
<td>N/A</td>
</tr>
<tr>
<td>Account Number(s):</td>
<td>N/A</td>
</tr>
</tbody>
</table>

ORIGINATED BY: Kimberly Christensen, AICP, Planning Manager

REVIEWED BY: Sam Lee, Director of Planning and Building Safety

APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

On December 18, 2012, the City Council introduced an Ordinance to amend El Segundo Municipal Code ("ESMC") § 4-8-8 to allow fees relating to entertainment permits to be adopted by City Council resolution and adopted a resolution establishing entertainment permit fees. The Council adopted Resolution No. 4801 that established an Entertainment Permit fee schedule of $778.00 for new Entertainment Permits and $302.00 for renewal of Entertainment Permits with annual increases in the Entertainment Permit fee schedule based on the BLS CPI-U index. If Council adopts the proposed Ordinance, Resolution No. 4801 will become effective on February 16, 2013.

RECOMMENDATION AND CONCLUSION:

Staff recommends that Council adopt Ordinance No. 1475 as introduced to amend ESMC § 4-8-4 to allow the City Council to adopt new Entertainment Permit fees by Resolution. The City Council may waive the second reading and adopt the Ordinance. If adopted without changes, Ordinance No.1475 will become effective in 30 days.
ORDINANCE NO. 1475

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE (ESMC) § 4-8-8 REGARDING RECOVERING ADMINISTRATIVE COSTS ASSOCIATED WITH ISSUING ENTERTAINMENT PERMITS.

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

SECTION 1: ESMC § 4-8-4 is amended to read as follows:

“4-8-4: WRITTEN APPLICATIONS REQUIRED; FEES:

A. Filing Of Application; Payment Of Fee: An application for an entertainment permit or renewal of such permit must be filed in writing, filed with the City, on forms provided by the City and be accompanied by an application fee established by city council resolution.

B. Fee Nonrefundable; Verification Of Application: The application fee required by this Section is established to cover part of the cost of the investigation and processing of applications and is not refundable.”

SECTION 2: This Ordinance is exempt from review under the California Environmental Quality Act (Pub. Res. Code §§ 21000, et seq.; “CEQA”) and CEQA regulations (Cal. Code Regs. tit. 14 §§ 15000, et seq.) because it establishes, modifies, structures, restructures, and approves rates and charges for meeting operating expenses; purchasing supplies, equipment, and materials; meeting financial requirements; and obtaining funds for capital projects needed to maintain service within existing service areas. This Ordinance, therefore, is categorically exempt from further CEQA review under Cal. Code Regs. tit. 14, § 15273.

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

SECTION 4: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.
SECTION 5: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this ___ day of __________, 2013.

Carl Jacobson, Mayor

ATTEST:

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

I, Tracy Sherrill Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 1475 was duly introduced by said City Council at a regular meeting held on the 15th day of December, 2012, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 15th day of January, 2013, and the same was so passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Tracy Sherrill Weaver, City Clerk

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

By: ____________________________
Karl H. Berger, Assistant City Attorney
AGENDA DESCRIPTION:

Consideration and possible action to waive bid requirements per El Segundo Municipal Code ("ESMC") § 1-7-10 and authorize the City Manager, or designee, to purchase an NEC "TileMatrix" video wall system and associated hardware from Whitlock. The total cost for this purchase will be $60,000 using COPS grant and equipment replacement funds. (Fiscal Impact: $60,000)

RECOMMENDED COUNCIL ACTION:

(1) Pursuant to El Segundo Municipal Code Section 1-7-10, waive the formal bidding process and purchase an NEC "TileMatrix" video wall system and associated hardware from Whitlock using equipment replacement and COPS grant funds.

(2) Authorize the City Manager to execute an agreement, in a form approved by the City Attorney, to purchase an NEC "TileMatrix" video wall system and associated hardware from Whitlock using equipment replacement and COPS grant funds.

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

ATTACHED SUPPORTING DOCUMENTS:

Quote from Whitlock
Photograph of a 4-Monitor video wall system

FISCAL IMPACT: Included in Adopted Budget

Amount Budgeted: $59,151.15
Additional Appropriation: N/A
Account Number(s): 120-400-0000-3207-COPS Grant Fund–Equipment
Purchases - $45,151.15
001-400-3101-8104-Equipment Replacement-Equipment
Purchases - $14,000

ORIGINATED BY: Scott Doukakis, Lieutenant
REVIEWED BY: Mitch Tavera, Chief of Police
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

On February 7, 2012, the City Council adopted a resolution approving the use of COPS grant funds to purchase equipment to supplement front line law enforcement.

On December 14, 2011, the police department’s video surveillance system became operational. To fully integrate this video system into a command and control center for police personnel to
observe, track, and record critical incidents, a video wall monitoring system and associated hardware is required.

Staff researched several competing video monitor solutions, including Planar, Samsung, Orion, Christie, and NEC. Based on this review, Staff believes that the NEC “TileMatrix” system provides the best quality at the lowest price with a proven track record.

The NEC “TileMatrix” video monitoring system will provide an integrated, user friendly and fully configurable solution that is ideal for combining video surveillance cameras with our recently acquired vehicle fleet tracking software. In addition, the NEC “TileMatrix” system will allow the integration of separate disparate video feeds from critical infrastructure sites within the city and allow for future expansion of the video surveillance system.

In an effort to obtain the lowest competitive price from vendors who utilize the NEC “TileMatrix” system in their platform, Staff obtained the following quotes:

1) DSI Entertainment Systems - $57,705.96
2) Whitlock - $59,151.15
3) Leverage Information Systems - $63,336.19

Staff discussed the extent of the project with each of the vendors and determined Whitlock to be the only vendor that has completed a project of similar scope at Gardena Police Department. Further, Whitlock’s configuration platform will allow seamless integration with our current video management software and allow for further expansion of our video system.

Based on the aforementioned quotes and presentations from all three vendors, Staff recommends purchasing the NEC “TileMatrix” system and associated hardware from Whitlock.

City Staff will complete all physical installation and mounting needs.
## display systems

<table>
<thead>
<tr>
<th>Qty</th>
<th>Manufacturer</th>
<th>Model</th>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>NEC</td>
<td>X463UN-TM4XPF</td>
<td>Four X463UN bundled with four OnSite360-46, four DVI cables, three null modem cables, Peerless 2 x 2 pull-out fully adjustable mounting system, two Tripp Lite ISOBAR6 Surge Suppressors, Overframe Bezel Kit, IR/Remote Kit, Power Standard Ground Freight, with free NEC content management software (CMS)</td>
<td>16,429.07</td>
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</tbody>
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**display systems total**: 16,429.07

## routing & switching systems

<table>
<thead>
<tr>
<th>Qty</th>
<th>Manufacturer</th>
<th>Model</th>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>RGB Spectrum</td>
<td>LX-77 9/8</td>
<td>Linx 1700 Cross Format Switcher with 8 RGB/DCI inputs &amp; 8 DVI outputs (4U)</td>
<td>14,207.00</td>
</tr>
<tr>
<td>1</td>
<td>AMX</td>
<td>FG9P7430B-00P</td>
<td>Press DSP 8x5, 8x5 Audio with Rca and Digital Signal Processing including 10-Band Graphic Eqalizer, Volume, Tone, and Balance Control on each Output QuickShip</td>
<td>1,029.17</td>
</tr>
<tr>
<td>2</td>
<td>Aiphone</td>
<td>AT-10D610</td>
<td>Audio converter</td>
<td>183.32</td>
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**routing & switching systems total**: 15,620.81

## sources

<table>
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</thead>
<tbody>
<tr>
<td>2</td>
<td>Tannoy</td>
<td>CV62</td>
<td>Speakers</td>
<td>113.75</td>
</tr>
<tr>
<td>1</td>
<td>Extron</td>
<td>92-848-01</td>
<td>MPA-401, amp</td>
<td>281.25</td>
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**sources total**: 508.76

## remote control systems

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<th>Model</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>AMX</td>
<td>FG6958-27</td>
<td>NO COMM 7&quot; Modero X Series widescreen tabletop Touch Panel with capacitive multi-touch screen, LED backlight &amp; 1024x600 resolution. Does not include camera, mic or NFC antenna, is designed for facilities that do now allow these features</td>
<td>2,710.98</td>
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<tr>
<td>1</td>
<td>AMX</td>
<td>FG6223-17</td>
<td>2.8 power supply</td>
<td>76.00</td>
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**remote control systems total**: 3,764.92

## miscellaneous

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<tr>
<td>1</td>
<td>Middle Atlantic</td>
<td>Stack w/ PD515R power supply</td>
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<td>714.22</td>
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<th>Item</th>
<th>Qty</th>
<th>Manufacturer</th>
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<td><strong>Miscellaneous Total</strong></td>
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<td></td>
<td></td>
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<td></td>
<td><strong>1,700.00</strong></td>
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<td></td>
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<td><strong>Connectors, materials, &amp; miscellaneous hardware</strong></td>
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<td><strong>Integration Labor Services</strong></td>
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<td></td>
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<td><strong>-</strong></td>
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<tr>
<td><strong>Project Travel, Transportation, &amp; Freight Charges</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>2,666.65</strong></td>
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<td><strong>-</strong></td>
</tr>
<tr>
<td><strong>Sub Total</strong></td>
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<td></td>
<td><strong>41,366.49</strong></td>
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<tr>
<td><strong>Qty of rooms</strong></td>
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<td><strong>1</strong></td>
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<td><strong>Total Integrated System (Pre-Tax)</strong></td>
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<td></td>
<td></td>
<td><strong>41,366.49</strong></td>
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<td><strong>Estimated Sales Taxes (if Applicable)</strong></td>
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<td></td>
<td></td>
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<td><strong>3,387.99</strong></td>
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<tr>
<td><strong>Sales Tax Per Room (6.75%)</strong></td>
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<td></td>
<td></td>
<td></td>
<td><strong>3,387.99</strong></td>
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<tr>
<td><strong>Total Integrated System (Inclusive of Taxes)</strong></td>
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<td></td>
<td></td>
<td></td>
<td><strong>44,774.48</strong></td>
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<td><strong>Install fees</strong></td>
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<td></td>
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<td><strong>14,376.67</strong></td>
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<tr>
<td><strong>Grand Total</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>59,151.15</strong></td>
</tr>
</tbody>
</table>
EL SEGUNDO CITY COUNCIL                              MEETING DATE: January 15, 2013
AGENDA STATEMENT                                      AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:

Consideration and possible action to authorize the City Manager to execute a professional
services agreement with Willdan Homeland Solutions to provide professional, technical,
and consulting support for the City’s Emergency Management program. (Fiscal Impact:
$60,000)

RECOMMENDED COUNCIL ACTION:

(1) Authorize the City Manager to execute a professional services agreement with
Willdan Homeland Solutions in the amount not to exceed $60,000.

(2) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Willdan Homeland Solutions proposal

FISCAL IMPACT: Included in Adopted Budget

<table>
<thead>
<tr>
<th>Amount Budgeted:</th>
<th>$10,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Appropriation:</td>
<td>N/A; $43,500 in salary savings from currently vacant positions will be used.</td>
</tr>
<tr>
<td>Account Number(s):</td>
<td>001-400-2101-6214 (Professional/Technical Services)</td>
</tr>
</tbody>
</table>

ORIGINATED BY: Brian Evanski, Captain
REVIEWED BY: Mitch Tavera, Chief of Police
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

In January 2012, the City’s Emergency Management Coordinator accepted a position with the
County of Los Angeles as the Disaster Management Area Coordinator for Area G. Since that
time, the Police Department has assumed responsibility for the management of the City’s
emergency preparedness needs on an interim basis. Staff recognizes that technical and
specialized expertise is essential to an effective emergency management program and therefore
obtained a quote from Willdan Homeland Solutions to provide program management services
and resources on a part-time but consistent basis.

Staff recommends Willdan Homeland Solutions to provide this contracted service as they have
proven to be a qualified professional consulting firm. Willdan Homeland Solutions is currently
providing similar emergency management services to the cities of Anaheim, Santa Ana and
Tustin.
Willdan recently facilitated the completion of the City’s Continuity of Operations Plan (COOP) and they are currently working with Staff to update the City’s Emergency Operations Plan (EOP). Through these two projects, Willdan has gained valuable insight and knowledge about the City and its operational practices.

On November 27, 2012, the Disaster Council directed Staff to request City Council’s approval for Willdan Homeland Solutions to provide part time (20 hours per week) emergency management services to the City. The Disaster Council further recommended that these professional services be administered out of the City Manager’s Office.

The annual cost for these services is approximately $60,000, of which $43,500 pertains to FY 2012/2013. Staff recommends reallocating the needed $43,500 from salary savings related to currently vacant positions.
November 1, 2012

Lt. Scott Doukakis
El Segundo Police Department
348 Main Street
El Segundo, CA 90245

Dear Lt. Doukakis,

Willdan Homeland Solutions is pleased to provide the City of El Segundo with emergency management planning, training, and exercise support. The costs associated with providing emergency management support for one (10 hours) day and two (20 hours) days per week are provide below. Moreover, our yearly cost assumes 1 – 2 day per week support for 50 weeks during the first contract year. Should the City desire to continue the contract beyond the first year, we request a 4% cost of living allowance be granted for future pricing. The costs associated with providing an emergency services coordinator are as follows:

- One day (10 hours) per week for one year: $30,091.00
- Two days (20 hours) per week for one year: $58,181.00

Again, we appreciate the opportunity to assist the City of El Segundo and look forward to working with you in the future. Please do not hesitate to contact me at 760-521-5087 with any questions.

Sincerely,

James E. Bailey
President and CEO
Willdan Homeland Solutions
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

MEETING DATE: January 15, 2013
AGENDA HEADING: New Business

AGENDA DESCRIPTION:
Consideration and possible action regarding acceptance of the 2013-2018 Pavement Management Program Report prepared by Bucknam Infrastructure Group (Fiscal Impact: $0.00)

RECOMMENDED COUNCIL ACTION:
1. Accept the Pavement Management Program report as complete.
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Pavement Management Index Executive Summary
Map of El Segundo Street Rankings

FISCAL IMPACT: None
Amount Budgeted: $18,615.00
Additional Appropriation: N/A
Account Number(s): 001-400-4101-6206 (Engineering: Consultant Services)

ORIGINATED BY: Stephanie Katsouleas
REVIEWED BY: Stephanie Katsouleas, Public Works Director
APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
Earlier this year, the City retained Bucknam Infrastructure Group, Inc. to assess the pavement condition of El Segundo’s 30 miles of major and minor arterial streets. This assessment is required every three years in order to remain eligible to receive Proposition C funding for street improvements. A pavement condition survey provides a numeric assessment (pavement condition index or PCI) of the actual condition of city streets on a scale from 0-100, with 100 being best. Cities strive to maintain streets with a PCI of 73 or higher. The report completed by Bucknam Infrastructure Group report meets that requirement.

Staff also noted at the time this project commenced that the City’s neighborhood streets had never been evaluated, but that such data would be extremely useful in setting citywide street maintenance, repair and rehabilitation priorities. On September 18, 2012 City Council approved additional funding to include evaluation of local streets based on their pavement management indexes. The findings included in the report show that the City’s local streets are now in greater need of attention given the amount of resources already expended on arterial and collector streets over the last five years. A summary of the report’s major findings is included below.
Summary of Major Findings:

- The City has approximately 32.1 miles of arterial streets (53%) and 28.2 miles of local streets (47%).
- The weighted average Pavement Condition Index (PCI) considering all City Streets is 64.2. The breakdown includes:
  - Arterial/Collector Streets (PCI = 65.6)
  - Local Streets (PCI = 61.9)

<table>
<thead>
<tr>
<th>PCI Rating</th>
<th>Arterial/Collector Miles</th>
<th>Local Miles</th>
<th>% of Network</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good or Very Good (75-100)</td>
<td>11.4</td>
<td>4.8</td>
<td>26%</td>
</tr>
<tr>
<td>Fair (60-74)</td>
<td>6.7</td>
<td>11.4</td>
<td>30%</td>
</tr>
<tr>
<td>Poor or Very Poor (0-59)</td>
<td>14.0</td>
<td>12.0</td>
<td>43%</td>
</tr>
<tr>
<td>Total (miles)</td>
<td>32.1</td>
<td>28.2</td>
<td></td>
</tr>
</tbody>
</table>

"With approximately 44% of the City’s arterial pavement sections within the condition levels of “Poor to Very Poor” (approximately 14 miles) a proactive overlay maintenance program needs to be implemented and funded. This will maintain the citywide weighted PCI at its current conditions and will gradually increase the PCI to a higher condition level while reducing maintenance costs in fiscal years 2015 and beyond."

"Local conditions show that approximately 83% of the pavement network is within the condition levels of Fair to Very Poor” (approximately 23.4 miles). These sections should be considered for slurry seal and overlay maintenance."

- 43% of local streets are in need of overlay or reconstruction.
- Pavement segments currently rated at 65 or greater are recommended for preventative maintenance to extend the life cycles of those streets, while those less than 65 will require additional rehabilitation work, up to and including full street reconstruction.
- The city will need to spend approximately $3.5 million over the next five years (or $700,000 annually) to reach a citywide average PCI of 73.
- The top ten local and arterial streets in need of repair include:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>PCI Rating</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Aviation</td>
<td>Douglas</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Aviation (5 segments from 116th to Rosecrans, less intersection areas)</td>
<td>Aviation</td>
<td>Alaska</td>
<td>12-31 for various segments</td>
<td>Aviation is currently being resurfaced and should be completed by February</td>
</tr>
<tr>
<td>Hawaii St.</td>
<td>Aviation</td>
<td>Alaska</td>
<td>15</td>
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</tr>
<tr>
<td>El Segundo Blvd. EB</td>
<td>Sepulveda</td>
<td>Nash</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>Maple</td>
<td>Sepulveda</td>
<td>Nash</td>
<td>26</td>
<td>Planned for Summer 2013</td>
</tr>
<tr>
<td>Sheldon St.</td>
<td>Grand</td>
<td>El Segundo</td>
<td>33</td>
<td></td>
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<tr>
<td>Street Name</td>
<td>From</td>
<td>To</td>
<td>PCI Rating</td>
<td>Comments</td>
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<td>------------------</td>
<td>-----------</td>
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<td>------------</td>
<td>----------</td>
</tr>
<tr>
<td>Coral Circle</td>
<td>Douglas</td>
<td>Douglas</td>
<td>26</td>
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<td>Allied Way</td>
<td>Hughes Wy</td>
<td>Park Place</td>
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<td>California St.</td>
<td>Mariposa</td>
<td>Holly</td>
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<td>Washington</td>
<td>37</td>
<td></td>
</tr>
<tr>
<td>Imperial Ave.</td>
<td>West End</td>
<td>Hillcrest</td>
<td>38</td>
<td></td>
</tr>
<tr>
<td>Arena St.</td>
<td>Mariposa</td>
<td>Pine</td>
<td>38</td>
<td></td>
</tr>
<tr>
<td>Indiana Ct.</td>
<td>Maple</td>
<td>End</td>
<td>39</td>
<td></td>
</tr>
<tr>
<td>California St.</td>
<td>End</td>
<td>Walnut</td>
<td>42</td>
<td></td>
</tr>
</tbody>
</table>

The information contained in the report will be used to 1) set local and arterial street repair and/or replacement priorities for the next five years and 2) estimate what funds will be needed to accomplish those repairs.

It is worth noting that the City spends an average of $500,000 annually on street maintenance, all of which comes from grant funds. Specifically, Public Works allocates 1) $120,000 annually from Prop C, which must be spent on major corridors or collectors that support transit services; 2) up to $140,000 from Measure R local return for local, arterial and collector streets and 3) up to $400,000 from Gas Tax returns, also for local, collector and arterial streets. In recent years, the City has used Measure R and Gas Tax funds for its annual slurry seal, sidewalk, curb and gutter programs (approximately $350,000 – $400,000/yr) leaving very little reserves for street resurfacing projects. The City also defers Prop C expenditures until enough reserve funds are built up to do one large street project, such as the Aviation Blvd. corridor now undergoing restoration ($460,000 Prop C funding which represents four funding cycles). In summary, while the City continues to have funds available for its basic annual street rehabilitation programs, the available funding is not sufficient to improve the overall, citywide street PCI rating, in particular for local streets.
SECTION I
EXECUTIVE SUMMARY

2012 UPDATE OF PAVEMENT MANAGEMENT SYSTEM

As the City of El Segundo continues to show growth with its population, demographics, infrastructure and maintenance needs, the street network has been running parallel as the system matures and capital street projects widen and lengthen streets. The City of El Segundo developed its Pavement Management System (PMS) in the late 1990's with the use of an automated database program. Today, the City is currently using the Army Corps of Engineers software, MicroPAVER, to manage the street network. This system is essential to the City in that it assists Public Works staff in capturing funding for its arterial highway system this in turn allows staff to cost-effectively manage the network through proactive maintenance and scheduling.

The El Segundo PMS has been developed to assist City personnel by providing current data on the City's street network and to develop cost-effective maintenance strategies to maintain a desirable level of pavement performance on a network scale, while optimizing the expenditure of limited fiscal resources. City staff also provided key information pertaining to the ongoing maintenance that has occurred throughout the City since 2009. In doing this, we were tasked to generate an updated Capital Improvement Program report that identified recommendations and deficiencies in the current operating and maintenance efforts put forth by the City.

For the 2012 project, our staff surveyed all arterial and collector routes to assist the City in complying with Los Angeles County MTA (METRO) PMP requirements as well as surveyed all local streets and analyzed historical maintenance operations.

Specifically, the program provides administrators and maintenance personnel with:

- The present condition status of the pavement network (arterial, collector, and local streets), as a whole and of any grouping or individual component within the City;
- A ranked list of all streets, or segments of streets, by condition within the network;
- Rehabilitation/maintenance needs of each street segment by year;
- An optimized priority maintenance and rehabilitation program based on cost/benefit analysis and various levels of funding;
- Optimum annual budget levels for pavement maintenance for the current and the following five (5) years and alternative seven (7) years;
- Prediction of the future performance of the City's pavement network and each individual street section;
- Updated PMS data to assist the City with GASB 34 compliance; and
- Pavement condition data and analysis presented in ArcGIS that is compatible with City's existing GIS.
Pavement is a dynamic structure where deterioration is constantly occurring; thus the pavement management system needs to be updated on a regular basis to reflect these changes in pavement conditions, pavement maintenance histories, and maintenance strategies based upon budgetary constraints. This report reflects the current state of the City’s pavement network and recommended maintenance strategies for the next five (5) years.

CITY’S PAVEMENT NETWORK

Within the El Segundo pavement management network there are approximately 32.1 miles of Arterial/Collector streets. The Arterial and Collector network consists of approximately 7,209,738 SF of pavement which consists of 130 pavement sections. The Local network consists of approx. 4,697,209 SF of pavement which consists of 163 pavement sections totaling in 28.2 centerline miles. Combined, the entire network consists of 60.3 miles of streets.

![Pavement Area (SF) by Rank](image)

The City’s pavement network is broken down into manageable groups that have similar characteristics, such as pavement rank, surface type and logical segmentation. Pavement segments are identified by their branch and section numbers. Pavement “branches” that have a common usage, such as Mariposa Avenue, defines a “branch” within MicroPAVER. Pavement “sections” are pavement segments within the defined branch that have consistent pavement rankings, construction/maintenance histories and use. Representative inspection samples are then selected and visually surveyed to locate distress data. This data is used to calculate the pavement sections Pavement Condition Index (PCI) which includes distress type, extent of the distress and its severity.

The PCI is a condition rating that ranges from 100 (a new pavement section or recently overlaid or reconstructed) to 0 for a section that has structurally failed and deteriorated dramatically. Weighted average PCI of a given area/zone = pavement section PCI * its own area divided by the total square footage of the given area/zone. Table 1 summarizes the section conditions found within the City of El Segundo pavement network by rank.

- **The weighted average PCI for the City of El Segundo Arterial / Collector network is 65.6**
- **The weighted average PCI for the City of El Segundo Local network is 61.9**
The weighted PCI value associated with the Arterial and Local routes shown through our survey analysis is timely in that it is showing that a large amount of preventative, slurry seal, and overlay work will be needed over the next several years to increase the level of condition (PCI) to a “preventative maintenance” state.

CURRENT CITYWIDE CONDITIONS (ARTERIALS AND LOCALS)

The overall condition of the City’s pavement network is “Fair” with a weighted average PCI of 64.2 based on the surface area of each segment. The distribution of the City’s overall pavement network is shown in Section III of this report (Condition Distribution).

For comparison, Bucknam performed pavement management studies for several other Los Angeles County agencies and have included their weighted PCI values; Hermosa Beach (72.7), Culver City (62.9), and Huntington Park (60.1).

<table>
<thead>
<tr>
<th>Condition</th>
<th>PCI Range</th>
<th>Arterial</th>
<th>Local</th>
<th>Total</th>
<th>% of Network</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Good</td>
<td>86-100</td>
<td>9.2</td>
<td>2.5</td>
<td>11.7</td>
<td>19%</td>
</tr>
<tr>
<td>Good</td>
<td>75-85</td>
<td>2.2</td>
<td>2.3</td>
<td>4.5</td>
<td>7%</td>
</tr>
<tr>
<td>Fair</td>
<td>60-74</td>
<td>6.7</td>
<td>11.4</td>
<td>18.1</td>
<td>30%</td>
</tr>
<tr>
<td>Poor</td>
<td>41-59</td>
<td>9.6</td>
<td>10.3</td>
<td>19.9</td>
<td>33%</td>
</tr>
<tr>
<td>Very Poor</td>
<td>0-40</td>
<td>4.4</td>
<td>1.7</td>
<td>6.1</td>
<td>10%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>32.1</strong></td>
<td><strong>28.2</strong></td>
<td><strong>60.3</strong></td>
<td></td>
</tr>
</tbody>
</table>

Table 1 – Condition Distribution by Mileage for All Streets

As shown above, a large majority of segments are distributed through Good to Poor condition categories (70%, approximately 42.5 miles). These findings indicate that large amount of overlay maintenance is still needed to be performed on the pavement network. These condition ranges are defined by the Army Corps of Engineers.

With 44% of the City’s Arterial pavement sections within the condition levels of “Poor to Very Poor” (approximately 14.0 miles), a proactive overlay maintenance program needs to be implemented and funded; this will maintain the citywide weighted PCI at its current conditions and will gradually increase the PCI to a higher condition level while reducing maintenance costs in fiscal years 2015 and beyond.

Local conditions show that 83% of the pavement network is within the condition levels of “Fair to Very Poor” (approximately 23.4 miles). These sections should be considered for slurry seal and overlay maintenance. The City should consider implementing a zone maintenance approach that will focus maintenance efforts, on an annual basis, within a small geographic area thus improving specific areas of the City over the next five years.

In general, the Arterial network is showing higher condition levels compared to the Local network; there are only a handful of key overlay projects that should be proactively managed in the next few years of the Arterial & Local Streets CIP.
These findings are positive in that the amount of revenue to maintain the network is not overbearing or detrimental to the system as a whole. In fact, in the budgetary reports that follow, we have found that the historical expenditure levels that the City has been applying to pavement maintenance will “maintain” the conditions found today for the next five years.

Therefore, cost efficient preventative maintenance should be the focus of the Arterial PMP for the next several years. The Local network needs to receive additional proactive slurry seal and overlay maintenance in the short-term (FY 2013 thru 2016).

Furthermore, as large overlay and rehabilitation projects are considered for funding, the City should also consider using sub-grade R-Values, structural design, distress severities and extents as parameters for determining whether a pavement section that lies within the Fair to Poor condition range should be overlaid or reconstructed.

PCI conditions reflect “surface” conditions; additional sub-surface data such as coring data, R-Values and asphalt depths will provide City to with a better approach to the maintenance that should be applied.

![PCI Distribution - All Streets](image)

**Figure 2 – PCI Condition Distribution by Miles for All Streets**
MAINTENANCE STRATEGY DEVELOPMENT

Based on the results of the condition survey and input from the City, pavement maintenance/rehabilitation strategies were developed. At the outset, the City and Bucknam staff identified a distribution of City maintenance funds that would be applied to the network over the next five years. This was based upon the desire to prevent the decrease in street conditions and not allow an increase in the maintenance backlog funds over the five/seven-year program.

With this approach, Bucknam has recommended a “minimal level of service” which creates a major dividing line in determining pavement maintenance. Generally within pavement management programs, a PCI range between 55 to 70 determines the threshold of when preventative or major overlay maintenance is activated. Based on the City’s weighted average PCI, condition distribution, maintenance practices, our team has identified a PCI of “65” as the minimum level of service. This means that any pavement section with a PCI greater than 65 will be recommended for preventative maintenance. This recommendation is indicated in Table 5, Section II.

Bucknam developed a multi-year Capital Improvement Program for the City based on the pavement records, yearly capital expenditures and the most recent 2012 inspections. These recommendations and results are shown in Section II of this report where we have demonstrated what level of funding is necessary to improve the current weighted condition level of 64 to a level of 73 by FY 2018.

As shown in Figure 2, 27% of the City’s streets are in Very Good to Good condition. These sections will be targeted for “preventive” maintenance within our Capital Improvement Program (CIP) recommendations. The reasoning in doing this is to extend the life cycles of those “good” pavement sections which accrues capital saving to aggressively rehabilitate those pavement sections that are below the “minimal level of service”.

In order to achieve the most effective and optimum program for the City, certain strategies have been selected and/or analyzed. Below is a listing of the maintenance activities utilized in strategy development. Each activity is representative of the types of work that have been programmed as part of the long-term maintenance requirements of the City’s street network.

General Repairs-Stop Gap (Localized Maintenance*)

For this maintenance type, small localized surface treatments are utilized as “holding action” solutions (stop gaps) to delay the need for pavement structural strengthening. They typically include activities such as crack sealing, deep patching, skin patching, grinding and leveling.

Slurry Seals (Global Maintenance*)

Surface treatments applied to pavements with minimal surface distress to provide new wearing surfaces and extend pavement life. Generally consists of a mixture of conventional or latex-modified emulsified asphalt, well-graded fine aggregate, mineral filler and water placed over an existing AC surface.
Overlays (Major Maintenance*)

AC Overlay – Placement of a layer of hot-mixed asphalt concrete over the existing pavement surface (may include pavement fabric). Grinding (milling) is performed prior to the overlay to reduce the total height of asphalt and assure alignment with existing gutter lines. This also includes “dig-outs” and crack sealing prior to the application of an overlay. This treatment provides a new wearing surface and increased structural strength to the pavement section. A conventional overlay should be designed for a ten-year life.

Asphalt Rubber Hot-Mix Overlay - The ASTM definition is: Asphalt-Rubber is a blend of asphalt cement, reclaimed tire rubber and certain additives in which the rubber component is at least 15% by weight of the total blend and has reacted in the hot asphalt cement sufficiently to cause swelling of the rubber particles. Specifically, using crumb rubber modified binders in pavement application benefit local agencies in that cities find:

- Pavement resists cracking by being more flexible;
- Cost savings come from a longer life cycle (from Bucknam’s experience typically 20% longer), decreased maintenance and the use of less material
- Improvement in skid resistance;
- Decreased noise; and
- It provides long-lasting color contrast for marking and striping

Reconstruction (Major Maintenance*)

Removal of the existing pavement section to a prescribed depth followed by the placement of a conventional flexible pavement section using a structural AC Hot Mix or AR Hot Mix or a full depth asphalt. Each classification of road has a typical design cross-section upon anticipation traffic loading.

*Localized, Global and Major maintenance activities are default terms used within the MicroPAVER pavement software. Specific pavement repair applications are placed within each maintenance activity in order to develop multi-year maintenance forecast recommendations.
ANNUAL BUDGET PROJECTIONS

The budgeting process was approached with the following in mind; generate two unique work programs for the next five (5) years based upon actual road pavement conditions in order to:

1. Demonstrate how the City’s current “Actual” budget allocation for pavement maintenance performs against the conditions found through our surveys

2. Identify the required citywide budget to reach a PCI level of 73 within five years

Based on current and future pavement maintenance needs, two annual work programs have been prepared and summarized below. Table 2 demonstrates the citywide five-year, $500,000 per year work program. Table 3 demonstrates the required budget that is needed to improve the citywide weighted average PCI to a level of 73 within five years (each scenario addresses arterial and local streets).

<table>
<thead>
<tr>
<th>Plan Yr</th>
<th>PCI Before</th>
<th>PCI After</th>
<th>Slurry Seal</th>
<th>Overlay/Recon</th>
<th>Total</th>
<th>Deferred Maint.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013-14</td>
<td>64.0</td>
<td>64.8</td>
<td>$105,515</td>
<td>$272,111</td>
<td>$377,626</td>
<td>$7,393,112</td>
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<td>2014-15</td>
<td>63.6</td>
<td>66.0</td>
<td>$45,980</td>
<td>$501,242</td>
<td>$547,222</td>
<td>$7,604,762</td>
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<tr>
<td>2015-16</td>
<td>64.1</td>
<td>67.0</td>
<td>$48,451</td>
<td>$498,348</td>
<td>$546,799</td>
<td>$7,797,696</td>
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<tr>
<td>2016-17</td>
<td>67.1</td>
<td>69.1</td>
<td>$32,584</td>
<td>$499,794</td>
<td>$532,378</td>
<td>$7,932,558</td>
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<tr>
<td>2017-18</td>
<td>67.3</td>
<td>71.0</td>
<td>$5,150</td>
<td>$496,784</td>
<td>$501,934</td>
<td>$8,090,096</td>
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<td></td>
<td></td>
<td></td>
<td>$237,680</td>
<td>$2,268,278</td>
<td>$2,505,958</td>
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</table>

Table 2 – Citywide Projection Utilizing “Actual” Budget ($500k/yr)

<table>
<thead>
<tr>
<th>Plan Yr</th>
<th>PCI Before</th>
<th>PCI After</th>
<th>Slurry Seal</th>
<th>Overlay/Recon</th>
<th>Total</th>
<th>Deferred Maint.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013-14</td>
<td>64.0</td>
<td>65.1</td>
<td>$185,256</td>
<td>$369,054</td>
<td>$552,310</td>
<td>$7,242,513</td>
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<td>2014-15</td>
<td>63.9</td>
<td>66.3</td>
<td>$204,084</td>
<td>$496,152</td>
<td>$700,236</td>
<td>$7,294,229</td>
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<tr>
<td>2015-16</td>
<td>64.8</td>
<td>69.1</td>
<td>$272,318</td>
<td>$478,188</td>
<td>$750,506</td>
<td>$7,235,860</td>
</tr>
<tr>
<td>2016-17</td>
<td>67.4</td>
<td>71.9</td>
<td>$197,886</td>
<td>$520,707</td>
<td>$718,593</td>
<td>$7,258,979</td>
</tr>
<tr>
<td>2017-18</td>
<td>70.0</td>
<td>74.3</td>
<td>$150,136</td>
<td>$634,891</td>
<td>$785,027</td>
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<td>$1,007,680</td>
<td>$2,498,992</td>
<td>$3,506,672</td>
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</tbody>
</table>

Table 3 – Five-Year Projection Demonstrating Required Budget to Reach PCI of 73

Additional detail and breakdown of budget projections are demonstrated in Section IV of this report. All work program budgets generated are presented in terms of current 2012 dollars. All repair activities were based on distresses observed at the time of the field survey. These are recommendations and are to be used as “the best case scenario” for improving the City of El Segundo street network.
QUALITY CONTROL EFFORTS

As indicated in our scope of work, Bucknam performed numerous quality control checks in the field during survey efforts as well as specific site investigations requested by the City. Field check efforts were performed at the end of each week of survey.

This project included the survey of Local streets; previously Local streets were not in the City’s MicroPAVER database. Bucknam added the pavement segmentation and metrics for all Local streets.
FINDINGS AND RECOMMENDATIONS

Arterials

The actual workload requirements identified indicate that the Arterial street network is currently in “Good” condition. To maintain this condition, it is critical that preventive maintenance and overlay activities are funded at the levels identified in Table 2 and the reports in Section IV to maintain a very good network weighted average PCI value.

Our arterial/collector findings for conditional data and recommendations for revenue expenditures are shown below:

- The Arterial/Collector network has a weighted PCI of 65.6;
- Currently, 44% of the arterial network (approx. 14.0 miles) qualify for overlay/reconstruction maintenance;
- Arterial maintenance projects should focus on maintaining the current weighted PCI of 65.6 over the next five years;
- Develop a proactive fiscal and planned approach to identify arterial overlay projects based on the deterioration modeling within MicroPAVER;
- Maintain arterial revenues at the levels shown within the Section IV Forecasted Maintenance Report for a minimum of five years to generate the results identified within this report.
- Reassess/re-evaluate the arterial rehabilitation budget programs every two years to improve on CIP forecasts for 2013-14 and beyond to ensure the results shown in Table 2 or 3;
- Perform pavement inspections on the arterial network every two years to build a solid planning model within MicroPAVER to track PCI deterioration.
- Demonstrated budget shown in Table 2 is ample to maintain the arterial weighted PCI of 65.6 through five years, however, the citywide deferred backlog increases from a level of $7,400,000 to $8,100,000 after five years
- Bucknam recommends that the City proactively budget pavement maintenance at the levels shown in Table 3 in order to improve upon the conditions found today as well as decrease the amount of deferred maintenance
Locals

Our Local findings for conditional data and recommendations for revenue expenditures are shown below:

- The Local network has a weighted PCI of 61.9;

- Currently, 43% of the Local network (approx. 12.0 miles) qualify for overlay/reconstruction maintenance; 49% qualify for slurry seal maintenance

- Local maintenance projects should focus on increasing the current weighted PCI of 61.9 to a level of 71 over the next five years;

- Current Local Master Plan for maintenance should be followed as shown in Section IV reporting;

- Develop a proactive fiscal and planned approach to identify Local overlay projects based on the deterioration modeling within MicroPAVER;

- Increase Local revenues at the levels shown within the Section IV Forecasted Maintenance Report for a minimum of five years to generate the results identified within this report.

- Reassess/re-evaluate the Local rehabilitation budget programs every two years to improve on budget forecasts for 2013-14 and beyond to ensure the results shown in Table 3;

- Perform pavement inspections on the Local network every three years to build a solid planning model within MicroPAVER to track PCI deterioration (1/3 of the City each year);

- Demonstrated budget shown in Tables 2 is ample enough to increase the Local weighted PCI; proactive funding needs to be implemented to see these results. However, the citywide deferred backlog increases from a level of $7,400,000 to $8,100,000 after five years
AGENDA DESCRIPTION:

Consideration and possible action regarding the administering of the Oath of Office to the appointed City Treasurer. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Clerk presents Certificate of Appointment and administers oath of office.
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

None

FISCAL IMPACT: None

Amount Budgeted: $0
Additional Appropriation: No $0
Account Number(s):

ORIGINATED BY: Tracy Weaver, City Clerk
REVIEWED BY: Greg Carpenter, City Manager
APPROVED BY: Tracy Weaver, City Clerk

BACKGROUND AND DISCUSSION:

As required by Election Code 1026 the Elections Official (City Clerk) shall administer the oath of office to the City Treasurer as prescribed in the California Constitution.
AGENDA DESCRIPTION:
Consideration and possible action to nominate, select and approve the travel of a former Council member to travel to Guaymas in February of 2013. (Fiscal Impact: $1,000.00)

RECOMMENDED COUNCIL ACTION:
1. Authorize the City Manager to approve the travel costs for a former Council member to travel to Guaymas;
2. Alternatively, discuss and take other action related to this item

ATTACHED SUPPORTING DOCUMENTS:
none

FISCAL IMPACT: $1,000
Amount Budgeted: $1,000.00
Additional Appropriation: $n/a
Account Number(s): 001-400-2901-6403

ORIGINATED BY: Deborah Cullen, Director of Finance/Human Resources
REVIEWED BY: Greg Carpenter, City Manager
APPROVED BY: Carl Jacobson, Mayor

BACKGROUND AND DISCUSSION:
A sister city, county or state relationship is a broad-based, officially approved, long-term partnership between two communities, counties or states in two countries. Sister city partnerships have the potential to carry out the widest possible diversity of activities of any international program, including every type of municipal, business, professional, educational and cultural exchange or project. Sister city programs are also unique in that they inherently involve the three main sectors in a community: local government, businesses, and a wide variety of citizen volunteers.

For years, the City of El Segundo has maintained a Sister-City relationship with the City of Guaymas, Mexico. Former City of El Segundo Mayors have made countless visits to Guaymas to participate in cultural exchange and information sharing.

In the FY 2012-2013 Adopted Budget, $1,000.00 was appropriated for the Sister City Program. In accordance with the City’s Administrative Policy, all Council members were polled to determine if any current Council Member was interested in traveling to Guaymas in 2013 and based on that polling none were interested. Therefore, Council may nominate, select and approve the travel of a former Council Member to Guaymas with reimbursement of this travel by the City.