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TORRANCE CITY COUNCIL – JANUARY 15, 2013

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At 9:52 p.m., the meeting was adjourned to Tuesday, February 5, 2013 at 7:00 p.m. to conduct regular business in the Council Chamber. **Tuesday, January 22, and Tuesday, January 29, will be Council dark nights.**

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

I. CALL TO ORDER

The Torrance City Council convened in a joint meeting with the Torrance Traffic Commission at 5:30 p.m. on Tuesday, January 15, 2013 in the West Annex Commission meeting room.

II. ROLL CALL

Present: Councilmembers Barnett, Brewer, Furey, Rhilinger, Sutherland and Mayor Scotto.

Absent: Councilmember Numark.

Also Present: Public Works Director Beste, Engineering Manager Semaan, City Manager Jackson, City Attorney Fellows, City Clerk Herbers and other staff representatives.

Topics of discussion included a summary and status of the Traffic Commission Work Plan.

The City Council recessed at 6:45 p.m.

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The City Council reconvened at 7:03 p.m. in the Council Chamber to conduct regular business.

1. ROLL CALL

Present: Councilmembers Barnett, Brewer, Furey, Rhilinger, Sutherland and Mayor Scotto.

Absent: Councilmember Numark.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers and other staff representatives.

2. FLAG SALUTE/ INVOCATION

The flag salute was led by Sister Mary Margaret, Principal - St. James Catholic School.

The non-sectarian invocation was given by Councilmember Rhilinger.

**3. REPORT OF CITY CLERK ON POSTING OF THE AGENDA/ MOTION TO
WAIVE FURTHER READING**

City Clerk Herbers reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, January 10, 2013.

MOTION: Councilmember Furey moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Sutherland and passed by unanimous vote (absent Councilmember Numark).

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

No items were withdrawn or deferred. Supplemental material was available for Agenda Item 12D.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Brewer announced that the City Council held a joint meeting with the Traffic Commission earlier to discuss their goals, including improving traffic flow in Torrance.

Councilmember Rhilinger announced that the City Council Transportation Committee will meet on Wednesday, January 16, at 4:30 p.m. in the City Manager Assembly room of City Hall to discuss a proposed “fly away” shuttle service from Torrance to LAX and an update on November 2012 Torrance Transit service changes.

Mayor Scotto and Councilmembers recognized and honored City Manager LeRoy Jackson on his 30-year anniversary as City Manager and presented him with an inscribed clock.

6. COMMUNITY MATTERS

6A. RECOGNITION OF ST. JAMES GIRLS SOFTBALL TEAM

Mayor Scotto recognized the St. James Girls Softball Team as 2012 Southern California CYO Girls Softball Champions and presented a certificate of recognition to Coaches Gary Berouty and Bill Touchberry and team.

6B. COMMISSION APPOINTMENTS

Recommendation

Recommendation of the City Clerk that City Council review applications and appoint members to fill vacancies on various commissions. The City Clerk will administer the oath of office to commissioners present.

The City Council made the following appointments, with all terms expiring on January 31, 2017.

Commission on Aging

Ghislaine Davis
Leilani Kimmel D’Agostino
Lynda Kraemer

Cable Television Advisory Board

John DeRago
G. Lee Kellogg

Cultural Arts Commission

Ed Candioly
Lynn Frangos

Library Commission

Eileen Haussmann
Georgia Perkins
Harry Ross

Planning Commission

Judy Gibson
Jamie Ruth Watson

Water Commission

Rick Marshall
Alex See

Airport Commission

Winton Boyce
Paul Jacobson

Civil Service Commission

Rosalee Wood
Melissa Wright

Environmental Quality & Energy

Conservation Commission

Charles Deemer
Geneva Martin

Parks & Recreation Commission

Laurie Love
Andrea Reilly
Ray Uchima

Traffic Commission

David Sargent

City Clerk Herbers administered the oath of office to newly appointed commissioners present at the meeting.

The City Council took a brief recess from 7:52 p.m. to 8:04 p.m.

7. ORAL COMMUNICATIONS

7A. Debbie Hays, Old Torrance Neighborhood Association, invited the public to attend a meeting on Wednesday, January 16, at 7:30 p.m. at the Bartlett Senior Center, with the topics of discussion to include an update on the renovation of the Southern Pacific railroad bridge and the stabilization of the 1922 patio addition at Torrance High, both of which are on the National Register of Historic Places.

7B. Marco Sandoval invited the public to attend an open house at St. Catherine Laboure School, 3846 Redondo Beach Boulevard, on Sunday, January 27, from 1:00 to 3:00 p.m.

7C. Mark Stephenson, Torrance, expressed concerns that on December 12, 2012, Moody's Investors Service downgraded the City's issuer rating by one level and downgraded the ratings of four lease supported obligations by two levels. He reported that Moody's cited increasing pension payments and public safety costs as rationale for the downgrade. He contended that Moody's non-biased financial analysis clearly reflects that Torrance is not the best financed nor the best managed city amongst its peers. He cited statistics on average pensions for firefighters and police officers and voiced his opinion that the current City Council approved employment packages are unfair and an inequitable use of resources.

Mayor Scotto related his belief that Mr. Stephenson was distorting Moody's report by selectively quoting from it.

Finance Director Tsao noted that a correction was issued clarifying that the lease obligations were downgraded one level, not two.

7D. Charles Deemer, Torrance, requested an update on the Torrance Transit Regional Park and Ride Terminal, which was provided by Transit Director Turner.

8. CONSENT CALENDAR

8A. PAYMENT FOR YEARLY MAINTENANCE OF PUBLIC SAFETY INFORMATION SYSTEM

Recommendation

Recommendation of the Police Chief, Fire Chief, and Information Technology Director that City Council authorize payment of \$111,417 to Spillman Technologies, Inc., for yearly maintenance of the Public Safety Information System, for the period from February 1, 2013 through January 31, 2014.

8B. CHANGE ORDER RE UNLEADED GASOLINE AND DIESEL FUEL

Recommendation

Recommendation of the General Services Director, Transit Director, and Fire Chief that City Council authorize a change order with Petro-Diamond, Inc. of Irvine, CA (Purchase Orders #2012-516, 2012-517, and 2012-518) in the amount of \$592,000, for a new annual not to exceed amount of \$3,296,000 for the purchase of California Air Resource Board (CARB) approved 87 octane unleaded gasoline and ultra-low sulfur diesel fuel on an as needed basis through February 28, 2014.

8C. AGREEMENT RE LEGAL SERVICES/ ACCEPT AND FILE REIMBURSEMENT AGREEMENT

Recommendation

Recommendation of the City Attorney that City Council approve a fee agreement with the law firm of Rutan & Tucker, LLP to defend the California Environmental Quality Act (CEQA) action, City of Redondo Beach v. City of Torrance et al., LASC Case No. BS140825, and accept and file a Reimbursement Agreement with Simon Property Group, Inc. and Del Amo Fashion Center Operating Company, LLC, to cover all expenses the City might incur in defense of the action. The total contract amount is estimated not to exceed \$200,000, but the actual amount is subject to full reimbursement from Simon, even if it exceeds \$200,000.

MOTION: Councilmember Sutherland moved to approved Consent Calendar Items 8A through 8C. The motion was seconded by Councilmember Brewer and passed by unanimous vote (absent Councilmember Numark).

10. PLANNING AND ECONOMIC DEVELOPMENT

10A. RESOLUTION APPROVING MIS12-00085: 209 VIA EL TORO – JIM DELURGIO

Recommendation

Recommendation of the Community Development Director that City Council adopt a Resolution to reflect their decision at the January 8, 2013 meeting to grant an appeal and approve a Minor Hillside Exemption to allow single-story additions under 14-feet in height to the front, sides, and rear of the residence on property located within the Hillside Overlay District in the R-1 zone at 209 Via el Toro.

RESOLUTION NO. 2013-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE GRANTING AN APPEAL APPROVING A MINOR HILLSIDE EXEMPTION AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW ONE-STORY ADDITIONS TO THE EXISTING ONE-STORY RESIDENCE ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 209 VIA EL TORO. **MIS12-00085 (Revised):** Jim Delurgio

MOTION: Councilmember Rhilinger moved for the adoption of Resolution No. 2013-06. The motion was seconded by Councilmember Barnett and passed by a 5-1 vote, with Councilmember Furey dissenting (absent Councilmember Numark).

12. ADMINISTRATIVE MATTERS

12A. LETTER OF AGREEMENT RE METRO CALL FOR PROJECTS FUNDING

Recommendation

Recommendation of the Transit Director that City Council approve a Letter of Agreement (LOA) with the Los Angeles County Metropolitan Transportation Authority (Metro) for 2009 Call for Projects funding. Expenditure: \$3,360,000.

Transit Administration Manager Mills reported that this action will allow the City to receive funding from Metro for the purchase of six alternate fuel buses. He noted that Metro will be providing 79% of the funds for the purchase and Torrance Transit will provide the remaining 21% from local discretionary funds.

MOTION: Councilmember Furey moved to concur with the staff recommendation. The motion was seconded by Councilmember Rhilinger and passed by unanimous vote (absent Councilmember Numark).

12B. AGREEMENT AMENDMENT RE RECORDKEEPING/COMMUNICATION SERVICES FOR DEFERRED COMPENSATION PROGRAM

Recommendation

Recommendation of the City Treasurer, as the Plan Administrator, that City Council:

- 1) Approve service agreement amendment No. 2, Agreement for recordkeeping and communication fees payable to Great-West Life and Annuity Insurance Company; and
- 2) Adopt a Resolution approving and adopting the amended Employees Deferred Compensation Plan B (for part-time participants).

City Treasurer Cortez reported that this agreement was approved in September 2012, but the recordkeeping and communication fees for Plan B were not defined at that time and this amendment sets the fees at \$15.00 per year.

MOTION: Councilmember Furey moved to concur with the staff recommendation. The motion was seconded by Councilmember Sutherland and passed by unanimous vote (absent Councilmember Numark).

RESOLUTION NO. 2013-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A SERVICE AGREEMENT AMENDMENT NO. 3, ANNUITY CONTRACTS AND LETTER AGREEMENT WITH GREAT WEST LIFE & ANNUITY INSURANCE COMPANY RELATED TO THE 457 (B) DEFERRED COMPENSATION PLAN (A) GROUP NO. 98215-01 AND 457 (B) DEFERRED COMPENSATION PLAN (B) GROUP NO. 98215-02 (A) DEFINED CONTRIBUTION PLANS FOR THE CITY OF TORRANCE EMPLOYEES

MOTION: Councilmember Rhilinger moved for the adoption of Resolution No. 2013-07. The motion was seconded by Councilmember Barnett and passed by unanimous vote (absent Councilmember Numark).

12C. AGREEMENT AMENDMENT RE CORE TRAINING SERVICES

Recommendation

Recommendation of the City Manager that City Council approve a third amendment to the agreement with El Camino College (C2009-070) to increase the hourly rate of instructors to \$200 per hour for CORE training services and extend the term to December 31, 2013.

Management Associate Hoang reported that staff was recommending that the agreement for CORE training services be extended to December 31, 2013 since approximately 25% of employees still need to complete the training and the extension will be covered by funds already allocated for the contract. He noted that the instructional rate at El Camino College has been increased from \$185 per hour to \$200 per hour.

Councilmember Sutherland expressed concerns that the price increase represents an 8.1% raise while at the same time TUSD teachers have received no raises. He questioned whether there has been any verification that the classes have improved the quality of service provided by employees.

Management Associate Hoang advised that the \$185 per hour rate was a discounted rate and the \$200 per hour fee compares favorably with the typical charge for this type of training. He explained that the City has established a method to measure customer satisfaction, but it was only implemented last year and this program has been in effect for three years. He noted that 80% of employees who have completed the training have rated the quality of the instruction good or excellent.

Mayor Scotto commented positively on the CORE training program, noting that it is part of the Torrance University Training and Development Program.

Mark Stephenson, Torrance, voiced objections to the proposal to pay instructors \$200 per hour, which equates to \$400,000 per year on a full-time basis. He related his experience that highly qualified engineers do not receive this type of lavish compensation when developing U.S. government national security systems. He contended that this training content was publically available and can be found at a source the City already pays for – the League of Cities. He called for the elimination of “move up assignment” premiums, allowances for tuition, and training reimbursement included in some employee contracts, since otherwise taxpayers will be paying for this type of training twice. He related his belief that this was a significant misuse of taxpayer resources.

City Manager Jackson clarified that while some employee contracts contain specific provisions for targeted training, the CORE training program is for all employees and focuses on customer service, ethics and communication. He explained that the \$200 hourly rate is for the service provided, including materials, preparation, coordination and follow-through, and El Camino College has been an excellent resource for this training.

Councilmember Brewer, echoed by Councilmember Furey, expressed support for the CORE training program, emphasizing the need to provide quality customer service for residents.

MOTION: Councilmember Furey moved to concur with the staff recommendation. The motion was seconded by Councilmember Sutherland and passed by unanimous vote (absent Councilmember Numark).

12D. COMMUNITY SERVICES DEPARTMENT SUBSIDY LEVELS

Recommendation

Recommendation of the City Council Committee on Citizen Development and Enrichment that City Council concur with the following recommendations:

- 1) Request an increase to the subsidy level for the Senior Citizen Excursions from 20% to 40% with a cost of \$7,000 subsidy for the remainder of FY 2012/13;
- 2) Maintain the current subsidy levels on all other programs;
- 3) Allow eligible Seniors to apply to the existing scholarship program;
- 4) Request that City Council include \$25,000 additional subsidy as part of next year's budget deliberation process.

Community Services Director Jones provided background information about the review process for the proposed subsidy levels, which included review by the Commission on Aging, the Youth Council, the Parks and Recreation Commission, and the Cultural Arts Commission. He briefly summarized the staff recommendation and noted supplemental material available at the meeting.

Referring to a letter from a resident (supplemental material) expressing concerns that higher fees for Parks and Recreation programs has led to declining participation, Mayor Scotto related his belief that some of the decline in enrollment can be attributed to the downturn in the economy.

Councilmember Brewer, chair of the Citizen Development and Enrichment Committee, reported on the committee meetings held on this subject. He stated that the \$7,000 subsidy proposed for the Senior Citizen Excursion program will be covered by excursions that were cancelled due to a lack of participation.

Councilmember Sutherland expressed support for the \$7,000 subsidy for the Senior Citizen Excursion Program, noting that he previously supported a reduction in the subsidy, but was not aware of the drastic impact it would have on seniors on a fixed income.

Councilmember Barnett requested that staff provide information during the budget process about the various factors that were affecting enrollment. He expressed the hope that the City might be able to absorb a percentage of the indirect costs associated with Parks and Recreation programs as was done in the past.

Mayor Scotto stated that the City provides \$3.2 million in subsidies for Community Services programs on an annual basis, which is not insignificant, however, he recognizes the need to provide subsidies for youths and seniors on a fixed income and hopes that more money can be allocated for this purpose when the economy improves.

Councilmember Barnett suggested that lowering the cost of programs could result in more revenue for the City due to increased participation.

Mayor Scotto recommended looking at cities that did not increase the cost of Parks and Recreation programs during the economic downturn to gain a better understanding of the impact on enrollment.

Councilmember Rhilinger expressed reservations about the proposed \$25,000 additional subsidy for senior excursions in next year's budget and suggested that consideration be given to restoring funding for other senior programs that may be more essential, such as the recently discontinued mobile home rental subsidy and the senior lunch program.

Councilmember Brewer recommended that the Council consider eliminating the Senior Citizen Excursion Program if the \$25,000 additional subsidy is not approved because there may not be enough participation to justify the time and expense to plan the trips.

Councilmember Furey noted that the matter of the \$25,000 subsidy will be fully explored during the budget process.

Mayor Scotto invited public comment.

Leilani Kimmel-Dagostino, Commission on Aging, reported that senior citizen excursions provide valuable opportunities for seniors on a limited income to socialize. She pointed out that the cost of living increase in Social Security benefits was very small this year, while at the same time there was a large increase in Medicare premiums.

Kathleen Davis, Commission on Aging, related her experience that the excursions are very important to local senior citizens.

Mark Stephenson, Torrance, voiced objections to the Senior Citizen Excursion Program, contending that it was not a core governmental function and there are other support services in the community that provide this type of assistance. He stated that if the Council approves the increased subsidy, funding should come from other sources, such as funds allocated for the Sister City program, the Council's upcoming trip to the Kashiwa, Japan, or the allowance provided to employees when they work for their unions. He expressed concerns that Torrance taxpayers were subsidizing non-residents for some of the youth classes.

MOTION: Councilmember Furey moved to concur with the staff recommendation. The motion was seconded by Councilmember Sutherland and passed by unanimous vote (absent Councilmember Numark).

12E. REVISED ALLOCATION/APPROPRIATION OF COMMUNITY BLOCK GRANT FUNDS

Recommendation

Recommendation of the Community Development Director that City Council:

- 1) Adopt a Resolution authorizing the revised allocation of 2012 Community Development Block Grant (CDBG) funds as follows: Sidewalk Repair for handicap accessibility \$794,778.28 and Downtown Sidewalk Repair for handicap accessibility \$100,000.00; and
- 2) Authorize an appropriation of the CDBG funds.

Deputy Community Development Director Cessna advised that there have been some adjustments to 2012 CDBG funds and staff was recommending that they be appropriated for Sidewalk Repair projects as previously approved by the City Council so construction can begin.

MOTION: Councilmember Furey moved to concur with the staff recommendation. The motion was seconded by Councilmember Sutherland and passed by unanimous vote (absent Councilmember Numark).

RESOLUTION NO. 2013-08

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
APPROVING THE CITY'S REVISED COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM FOR FISCAL YEAR 2012-2013**

MOTION: Councilmember Rhilinger moved for the adoption of Resolution No. 2013-08. The motion was seconded by Councilmember Barnett and passed by unanimous vote (absent Councilmember Numark).

17. ORAL COMMUNICATIONS #2

17A. Councilmember Barnett requested an excused absence for the February 5, 2013 City Council meeting.

17B. Councilmember Barnett congratulated Mr. Jackson on his 30 years as City Manager.

17C. Councilmember Brewer also offered his congratulations to City Manager Jackson.

17D. Councilmember Brewer announced that the Torrance Theatre Company is presenting, *Maggie's Getting Married* on weekends through February 9, with additional information available at 424.243.6882.

17E. Councilmember Furey echoed congratulations to City Manager Jackson.

17F. Councilmember Furey thanked his colleagues on the Council, City staff and employees, and residents for their care and concern after his father passed away. He offered an Irish blessing in his memory.

17G. Councilmember Rhilinger expressed appreciation for City Manager Jackson's dedicated service.

17H. Councilmember Rhilinger requested an excused absence for the February 5, 2013 City Council meeting.

17I. Councilmember Sutherland echoed congratulations to City Manager Jackson.

17J. Councilmember Sutherland offered a quote from Martin Luther King in honor of the holiday next Monday.

17K. City Manager Jackson commented on his enjoyment of serving with past and present City Councils, department heads and City Manager's office staff.

17L. Mayor Scotto thanked City Manager Jackson for all of his hard work.

18. EXECUTIVE SESSION

At 9:25 p.m., the City Council recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 18A) Conference with Legal Counsel – Existing Litigation, and 18B) Conference with Legal Counsel – Anticipated Litigation, pursuant to California Government Code §54956.9(a) and 54956.9(c).

The City Council reconvened at 9:52 p.m. No formal action was taken on any matter considered in closed session.

19. ADJOURNMENT

At 9:52 p.m., the meeting was adjourned to Tuesday, February 5, 2013 at 7:00 p.m. to conduct regular business in the Council Chamber. **Tuesday, January 22, and Tuesday, January 29, will be Council dark nights.**

Attest: /s/ Frank Scotto
Mayor of the City of Torrance

/s/ Sue Herbers
Sue Herbers, CMC
City Clerk of the City of Torrance

Approved on March 12, 2013