

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

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 5:35 p.m. on Tuesday, April 28, 2009 in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: Councilmember Rhilinger.

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

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Agenda Item 18 was considered out of order at this time.

18. EXECUTIVE SESSION

The City Council immediately recessed to closed session to confer with the City Manager and City Attorney on agenda matters listed under 18A) Conference with Labor Negotiator and 18B) Conference with Legal Council – Existing Litigation, pursuant to California Government Code § 54957.6 and 54956.9(a).

The City Council reconvened at 7:04 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The flag salute was led by Transit Administration Manager Mills.

Councilmember Barnett gave the non-sectarian invocation.

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, April 23, 2009.

MOTION: Councilmember Barnett 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 Brewer and passed by unanimous roll call vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

No items were withdrawn or deferred; supplemental material available for Agenda Items 8F and 15A.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Police Chief Neu advised that while there have been reported cases of the swine flu in California, there have been no identified cases in Torrance or L.A. County as of April 28, and assured the community that the City was working closely with State and County officials in actively monitoring the swine flu outbreak. He encouraged residents to take this opportunity to prepare themselves and their families for emergency situations and directed the public to www.tornet.com/disasterpreparedness for links to additional information and resources.

Councilmember Furey reminded everyone to take precautions to avoid becoming infected with the West Nile virus as warm weather approaches. He recommended that residents eliminate any standing water, stay indoors during early morning and evening hours, wear protective clothing and use insect repellent containing DEET during outdoor activities. He noted that residents may contact the West Vector Control District at 310.915.7370 if they observe localized mosquito problems and dead birds should be reported to 877.WNV-BIRD so the virus can be tracked.

Councilmember Sutherland announced that budget workshop/public hearings would be held on June 2 and June 9 no earlier than 7:00 p.m. in the Council Chambers as part of regularly scheduled City Council meetings.

City Clerk Herbers announced that sample ballots for the May 19, 2009 Statewide Special Election were being mailed; that people may register to vote until midnight Monday, May 4; and that voters may request Vote By Mail ballots now through Tuesday, May 12 by using the back of the Sample Ballot pamphlet or applying online at www.LAVote.net. She noted that the L.A. County Registrar was seeking poll workers, with information available at www.LAVote.net.

City Clerk Herbers announced that there is a vacancy on the Water Commission and that the public will be notified once a date has been selected for the Council to fill this vacancy.

Mayor Scotto announced that May 5 would be Students and Government Day, with the students conducting the first portion of the City Council meeting.

Mayor Scotto and Councilmembers wished Councilmember Numark a happy 40th birthday.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2009-32 HONORING FIREFIGHTER ROBERT PETERSON

RESOLUTION NO. 2009-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
HONORING AND COMMENDING FIREFIGHTER ROBERT K. PETERSON AS
THE RECIPIENT OF A SUSTAINED SUPERIORITY AWARD

MOTION: Councilmember Brewer moved to adopt Resolution No. 2009-32. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Rhilinger).

Mayor Scotto commended Firefighter Peterson, noting that the Resolution would be presented at a later date.

6B. RECOGNITION OF SOUTH TORRANCE HIGH SCHOOL GIRLS SURF TEAM

Mayor Scotto congratulated the South Torrance High School Girls Surf Team on winning third place in the Interscholastic Surfing Federation League State Championship and winning second place in the South Bay Surf League's State meet. Certificates of recognition were presented to team members Erin Hamilton, Lisa Tuttle and Coach Leigh McArthur. Natalie Anzivino was unable to attend.

6C. ACCEPTANCE/APPROPRIATION OF DONATION FOR 2009 GREEN TEAM

Recommendation

Recommendation of the City Manager that City Council:

- 1) Accept a \$100,000 donation from ExxonMobil Corporation;
- 2) Appropriate the \$100,000 donation to the 2009 Green Team program;
- 3) Transfer the remaining appropriation of \$3,404.12 from the 2008 Green Team (FEAP # 667) to the 2009 Green Team program; and
- 4) Authorize payment to Torrance Unified School District (TUSD) for 2009 Green Team in an amount not to exceed \$30,000.

Mayor Scotto noted that ExxonMobil has been supporting the Green Team Program, a six-week summer youth employment program that includes classroom and on-the-job training, since 1990 in partnership with the City of Torrance and the Torrance Unified School District.

Ken Hancock, Mechanical Manager of ExxonMobil Torrance Refinery, presented the \$100,000 check to Mayor Scotto.

Chris Sheck, Green Team Program Coordinator for Torrance Unified School District, expressed appreciation to ExxonMobil and the City of Torrance for sponsoring this program.

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

6D. APPROVAL OF 2010 ROSE PARADE FLOAT DESIGN

Recommendation

Recommendation of the City Council Citizen Development and Enrichment Committee that City Council:

- 1) Approve the design tentatively entitled "Springtime Garden" for the City of Torrance float entry in the Pasadena Tournament of Roses Parade on January 1, 2010;
- 2) Approve an agreement between the City of Torrance and Fiesta Parade Floats for the design, construction, entry, display and operation of the Torrance Float in the 2010 Pasadena Tournament of Roses Parade; and
- 3) Approve the expenditure of \$142,000 for costs related to the float, with \$10,000 to be reimbursed to the City by the Torrance Rose Float Association (TRFA).

Mary Hoffman, president of Torrance Rose Float Association, noted that millions of people in over 200 countries watch the parade every year and the television coverage the City received during last year's parade was valued at over \$323,000.

Tim Estes, president of Fiesta Parade Floats, and Raul Rodriguez of Raul Rodriguez Designs, unveiled the design for the City's 2010 Rose Float tentatively entitled "Springtime Garden."

Councilmember Brewer, chair of the Citizen Development and Enrichment Committee, noted that this will be the City's 55th entry in the Tournament of Roses Parade and commended the Torrance Rose Float Association for their efforts.

Councilmember Sutherland, chair of the Finance and Governmental Operations Committee, commented that a few people have suggested that the City should not spend money on the Rose Parade float, however, he felt the value to the City was immeasurable because it promotes community involvement, engenders pride and goodwill, and sets Torrance apart from other cities.

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

7. ORAL COMMUNICATIONS #1

7A. Debbie Hays invited the public to attend a presentation and book signing by Steve Goldstein, a South Bay resident and author of *Where the V.I.P.'s R.I.P.* -- a guide to a dozen Los Angeles cemeteries which are now home to 400 of the "most interesting" gravesites in Southern California, on Sunday, May 3, at 2:00 p.m. at the Torrance Historical Society Museum, 1345 Post Avenue.

7B. Robert Thompson, president of Madrona Homeowners Association, related his understanding that the City recently purchased property in downtown Torrance for the purpose of building a high-density residential development and expressed concerns about the additional demand this would place on the City's water supply.

8. CONSENT CALENDAR

8A. ACCEPTANCE/APPROPRIATION OF GRANTS FOR SUMMER INTERNS

Recommendation

Recommendation of the Community Services Director that City Council accept and appropriate two grants of \$4,000 each from the Los Angeles County Arts Commission and the Getty Foundation to pay for summer interns in the Cultural Services Division.

8B. CONTRACT RE 4TH OF JULY FIREWORKS SHOW

Recommendation

Recommendation of the Community Services Director that City Council approve a contract with Pyro Spectaculars, Inc., in the amount of \$29,000 for the annual 4th of July fireworks show at Wilson Park.

8C. MEMORANDUM OF UNDERSTANDING RE EZ TRANSIT PASS PROGRAM

Recommendation

Recommendation of the Transit Director that City Council approve a Memorandum of Understanding (MOU) with the Los Angeles County Metropolitan Transportation Authority (Metro) for the continued participation in the EZ Transit Pass Program.

8D. MEMORANDUM OF UNDERSTANDING RE FY 2007-2008 PROPOSITION 1B BRIDGE FUNDS

Recommendation

Recommendation of the Transit Director that City Council approve a Memorandum of Understanding (MOU) with the Los Angeles County Metropolitan Transportation Authority (Metro) for Fiscal Year 2007-2008 Proposition 1B Bridge Funds.

8E. TORRANCE ROSE FLOAT ASSOCIATION 2008-2009 ANNUAL REPORT

Recommendation

Recommendation of the Community Services Director that City Council accept and file the Torrance Rose Float Association 2008-2009 Annual Report for the Association's efforts toward Torrance's 2009 Tournament of Roses Parade float.

8F. PURCHASE ORDER RE AUTOMATED CURBSIDE CONTAINERS

Considered separately, see below.

MOTION: Councilmember Furey moved to approve Consent Calendar Items 8A through 8E. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Rhilinger).

Consent Calendar Item 8F was considered separately at this time.

8F. PURCHASE ORDER RE AUTOMATED CURBSIDE CONTAINERS

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Appropriate \$204,057.57 from the Sanitation Enterprise Fund for the purchase of automated green waste containers; and
- 2) Authorize a purchase order with Toter Incorporated of Statesville, NC in the amount of \$204,057.57 for the sole source purchase of 3,816 Toter automated curbside green waste containers.

Sanitation Services Manager Knapp reported that this proposal would allow for the expansion of the green waste pilot program to an additional 4,000 residences with no increase in staff due to operational efficiencies.

Newt Young, Hickory Avenue, noted that most of his refuse is green waste, therefore he will not need the large 96-gallon (black) container provided by the City for regular trash; Mayor Scotto advised that the City will offer smaller black containers as more residents become involved in the program.

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

12. ADMINISTRATIVE MATTERS

12A. RESOLUTION APPOINTING REPRESENTATIVE RE SCHIP EXTENSION ACT OF 2007, SECTION 111

Recommendation

Recommendation of the Human Resources Director that City Council adopt a Resolution appointing the Risk Manager as the authorized representative of the City of Torrance for the purpose of complying with the Medicare, Medicaid and SCHIP Extension Act of 2007, Section 111.

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

RESOLUTION NO. 2009-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
APPOINTING THE CITY'S RISK MANAGER AS THE AUTHORIZED
REPRESENTATIVE OF THE CITY OF TORRANCE FOR THE PURPOSE OF
COMPLYING WITH THE MEDICARE, MEDICAID AND SCHIP EXTENSION ACT
OF 2007 SECTION 111

MOTION: Councilmember Brewer moved to adopt Resolution No. 2009-31. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Rhilinger).

12B. METRO 2009 CALL FOR PROJECTS GRANT APPLICATION

Recommendation

Recommendation of the Transit Director that City Council authorize the City Manager to submit on behalf of the Transit Department the Los Angeles Metropolitan Transportation Authority (Metro) 2009 Call For Projects Grant Application.

Transit Administration Manager Mills reported that the grant would fund the "Blue and Gold Express," a two-year demonstration project, which would be a subscription-based service originating in Torrance with stops at UCLA and Century City.

Councilmember Brewer noted that he has been employed by UCLA for 32 years and welcomes this service.

Responding to questions from the Council, Transit Administration Manager Mills reported that approximately 1200 UCLA employees live in Torrance and the cost for the service is projected to be \$52-64 per month.

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

15. OTHER

15A. URGENCY ORDINANCE RE MORATORIUM ON BUSINESS LICENSES FOR MASSAGE THERAPY BUSINESSES AND MASSAGE TECHNICIANS

Recommendation

Recommendation of the Chief of Police and the Finance Director that City Council

- 1) Adopt an interim urgency Ordinance establishing a moratorium on new massage therapy businesses and the issuance of new licenses for massage technicians; and
- 2) Approve a summary of the Ordinance for publication.

Police Lieutenant Devin Chase, Vice and Narcotics Division Commander, explained that the moratorium would provide an opportunity for staff to study the impact of new State legislation (SB 731), which goes into effect on September 1, 2009, along with existing Torrance Municipal Codes related to the massage industry, and arrive at a more comprehensive approach for regulating this type of business with the goal of preventing illicit businesses from operating in Torrance while allowing legitimate massage businesses to flourish. He reported that since 2002 there has been a dramatic increase in the number of massage therapy businesses operating in Torrance and this trend has heightened public safety concerns based on criminal activity that can be associated with this type of business. He noted that the Police Department has conducted 44 undercover operations since 2005, which resulted in 23 arrests for prostitution and lewd conduct.

Deputy City Attorney Sullivan advised that the proposed moratorium would be in effect for 45 days and the City Council could hold a public hearing during this period and extend the moratorium for an additional 10 months and 15 days if necessary.

Councilmember Sutherland asked about revoking the license of a massage business if an employee is cited for engaging in illegal activity.

Deputy City Attorney Sullivan explained that there is a revocation process, which includes a hearing before the License Review Board, with the right to appeal the decision to the City Council.

Assistant Finance Director Flewellyn reported that this process has been used in the past but not recently.

Janet Payne, Torrance, indicated that she supports the Police Department's efforts to curtail illicit activity at massage parlors, but stressed the need to make sure that legitimate massage therapy businesses, like day spas and sports medicine facilities, are still able to operate in Torrance.

Julie Wasti, representing Burke Williams Day Spa, 2733 Pacific Coast Highway, stated that the company supports this action, however, they are concerned that it will impact their ability to provide quality service due to the moratorium on the licensing of massage therapists because at least 10 massage therapists are needed at this location and there is a high rate of attrition.

Newt Young, representing Southwood-Sunray Homeowners Association, voiced support the proposed urgency Ordinance. He noted that there are two massage businesses a short distance from his home and both operate with blacked out windows and locked doors and urged that the City require more transparency.

Robert Thompson, representing Madrona Homeowners Association, expressed concerns about signs advertising hourly rates for massages in his neighborhood and suggested that this was not the image that Torrance should be projecting.

The owner of a massage therapy business in Torrance (name inaudible/no speaker card) related her understanding the health spas and chiropractor's offices are required to have only one bathroom, while she is required to have two and called for all businesses offering massages to be subject to the same requirements.

Micki Schneider, owner of DuBunne Day Spa and Massage Center, 23725 Arlington Avenue, noted that her day spa was one of the first massage establishments in Torrance; expressed concerns about the number of massage parlors that have been springing up; and related her belief that more oversight is needed. She urged that action be taken expeditiously so legitimate massage establishments, as well as colleges that offer instruction in massage, are not harmed.

Brad Stellman, Torrance, noted that he had expressed concerns about the proliferation of massage parlors in Torrance at a City Council meeting last August and suggested that there has been an influx of massage parlors in Torrance because other cities have already taken action to restrict them. He reported that there is at least one massage parlor within a quarter of a mile of every school in his North Torrance neighborhood.

Councilmember Numark asked about the rationale for not allowing existing massage establishments to hire new massage technicians during the moratorium.

Lieutenant Chase explained that some illicit massage establishments engage in human trafficking and staff was concerned that allowing the licensing of new massage technicians would make it possible for these businesses to continue to flourish. He stated that staff hopes to conclude this process as soon as possible to minimize the impact on legitimate massage businesses.

In response to Councilmember Numark's inquiry, Deputy City Attorney Sullivan reported that not every city that has established a moratorium on the licensing of massage establishments has included massage technicians in the ban.

At Councilmember Furey's request, Assistant Finance Director Flewellyn reviewed the procedure for licensing massage technicians.

Mayor Scotto asked about enforcement if an unlicensed massage technician is found to be working during the moratorium.

Deputy City Attorney Sullivan reported that an unlicensed technician could be cited under several sections of the Torrance Municipal Code and these offenses are misdemeanors with a punishment of up to six months in jail or \$1,000 fine.

Councilmember Numark asked about the possibility of allowing massage businesses that have not been cited for any violations for the past year to continue to license new massage technicians.

Deputy City Attorney Sullivan explained that an argument could be made that a business has not been cited because it has not been the target of an investigation so staff recommends that the moratorium on the licensing of technicians apply to all massage businesses or none of them.

MOTION: Councilmember Barnett moved to concur with the staff recommendation and approve an ordinance summary for publication. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Rhilinger).

URGENCY ORDINANCE NO. 3718

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING A TEMPORARY MORATORIUM ON MASSAGE OR ACUPRESSURE ESTABLISHMENTS AND MASSAGE OR ACUPRESSURE TECHNICIANS PURSUANT TO GOVERNMENT CODE SECTION 65858 AND SECTION 7 OF ARTICLE XI OF THE CALIFORNIA CONSTITUTION

MOTION: Councilmember Brewer moved to adopt Urgency Ordinance No. 3718. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Rhilinger).

17. ORAL COMMUNICATIONS #2

17A. Councilmember Furey, with the concurrence of Council, requested that the City consider extending free use of the Torrance Transit system to uniformed personnel during the Armed Forces Day celebration May 15-17.

17B. Councilmember Furey announced that Saturday, May 9, was Fire Service Day with open houses at all Torrance Fire stations and demonstrations at the SCROC south parking lot between 10:00 a.m. and 4:00 p.m.

17C. Councilmember Numark invited the public to attend a performance of Gilbert & Sullivan's Mikado at the Armstrong Theatre on Friday, May 1, and Saturday, May 2, with ticket information available at 310.781.7171.

17D. Councilmember Numark invited the public to go to the website www.sharefestinc.org to learn how to volunteer in the community on Saturday, May 2.

17E. Councilmember Numark, with the concurrence of Council, requested that staff investigate the Los Angeles County Business Technology Center incubator and the feasibility of having one in Torrance.

17F. Councilmember Numark noted that he had been appointed to the Executive Committee of the L.A. County League of California Cities as a representative of South Bay Council of Governments.

17G. Councilmember Sutherland encouraged everyone to attend the Armed Forces Day Observance and Celebration the weekend of May 15 through May 17.

17H. Councilmember Barnett announced that the Torrance Community Services Department will be hosting an all-city track and field meet for students K through 8th grade at West High School on Saturday, May 2, beginning at 9:00 a.m.

17I. Councilmember Barnett noted that he and Councilmember Sutherland attended the Earth Day event at the Madrona Marsh last Saturday.

17J. Councilmember Barnett commended everyone who participated in the Torrance Relay for Life last weekend at Wilson Park.

17K. Councilmember Brewer reminded the public of the Certified Farmers Market held at Wilson Park on Tuesdays and Saturdays from 8:00 a.m. - 1:00 p.m.

17L. Councilmember Brewer invited everyone to attend a free travel fair on Saturday, May 2, from 1:00 – 4:00 p.m. in the Katy Geissert Civic Center Library, with vendors and travel specialists to help people plan their next vacation.

17M. Mayor Scotto echoed comments regarding the Relay for Life event and thanked everyone involved.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 8:46 p.m., the meeting was adjourned to Tuesday, May 5, 2009 at 7:00 p.m. for regular business in the Council Chambers. ***May 5, 2009 is Students and Government Day.***

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

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

Approved on July 7, 2009