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TORRANCE CITY COUNCIL – AUGUST 16, 2011

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At 7:59 p.m., the meeting was adjourned to Tuesday, August 23, 2011 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

**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 5:31 p.m. on Tuesday, August 16, 2011 in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: None.

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

*

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) Real Property – Conference with Real Property Negotiator, pursuant to California Government Code § 54956.8.

The City Council reconvened at 7:06 p.m. No action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The flag salute was led by Dick Smisek.

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, August 11, 2011.

MOTION: Councilmember Brewer 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 Barnett and passed by unanimous vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

None.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Mayor Scotto reported that the Ad Hoc Federal Legislative Advocacy Committee met on Monday, August 15, to determine whether there was a continuing need for federal legislative advocacy services and ultimately decided to extend the contract with David Turch & Associates to December 31, 2012.

Councilmember Furey advised that mosquitos collected at the Madrona Marsh on August 3 tested positive for the West Nile virus and warning signs will be posted around the perimeter of the marsh. He encouraged residents to protect themselves by wearing insect repellent containing DEET when engaging in outdoor activities at dawn and dusk, making sure windows have tight-fitting screens, and eliminating any standing water on their property. He noted that those who have ornamental ponds can obtain free mosquito fish from the West Vector Control District by calling 310.915.7370 and that dead birds should be reported to 877.WNV-BIRD so they can be tested for the virus.

Councilwoman Rhilinger announced that the City Council Transportation Committee will meet on Monday, September 13, at 4:00 p.m. in the West Annex Meeting Room to discuss the South Bay Bicycle Master Plan.

Mayor Scotto asked that the meeting be adjourned in memory of Fred Petersen, former head coach at West High School and El Camino College, who passed away August 13.

6. **COMMUNITY MATTERS**

6A. **RESOLUTION NO. 2011-84 RE DANIEL MCDERMOTT CULLEN**

RESOLUTION NO. 2011-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING DANIEL MCDERMOTT CULLEN UPON HIS RETIREMENT FROM THE CITY OF TORRANCE AFTER THIRTY-ONE YEARS OF SERVICE

MOTION: Councilmember Brewer moved to adopt Resolution No. 2011-84. The motion was seconded by Councilmember Numark and passed by unanimous vote.

To be presented at a later date.

6B. **PROCLAMATION HONORING RICHARD SMISEK**

Mayor Scotto presented a proclamation to Richard Smisek honoring him for his dedicated service to the youth of the community, noting his involvement in the formation of the American Youth Soccer Association (AYSO).

6C. **APPOINTMENT OF 2011-2012 TORRANCE YOUTH COUNCIL MEMBERS**

Recommendation

Recommendation of the Community Services Director that City Council appoint 18 members to the 2011-2012 City of Torrance Youth Council and have them officially sworn in by the City Clerk.

MOTION: Councilmember Sutherland moved to concur with the staff recommendation. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

The following Torrance Youth Council members were appointed: Tiffany Tran, Gloria Kang, Anthony Xian, Candace Wu, Joo Hee Pak, Samuel Lee, Matthew Yu, Frank Masi, Serena Tsay, Diana Im, Christine Plascencia, Ryan Hirano, Grant Torre, Anna Spallino, Nicole Ludena, Sean Lee, Shiloh Schatzkamer, and Minji Kim, and sworn in by City Clerk Herbers.

7. ORAL COMMUNICATIONS #1

7A. Debbie Hays, Torrance Historical Society, announced that the historical museum located at 1345 Post Avenue, will have extended hours on Thursday from 4:00 to 8:00 p.m. as part of their Hot August Nights.

8. CONSENT CALENDAR

8A. PURCHASE ORDER FOR T-SHIRTS, SWEATSHIRTS, JERSEYS AND JACKETS

Recommendation

Recommendation of the Community Services Director that City Council authorize a third year renewal option and annual purchase order to Custom Embroidery & Screen Printing by Icon in Torrance, CA for the purchase of T-shirts, sweatshirts, collared shirts, jerseys, and jackets for an amount not to exceed \$100,000.

8B. AIRPORT COMMISSION 2010-2011 ANNUAL REPORT

Recommendation

Recommendation of the General Services Director and the Airport Commission that City Council accept and file the Airport Commission 2010-2011 Annual Report.

8C. CONSULTING SERVICES AGREEMENT RE FLUORIDATION PROJECT

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Approve a consulting services agreement with Williams-McCaron, Incorporated, Water Process Engineering, for technical services in the amount of \$15,180;
- 2) Approve an appropriation from the Water Enterprise fund of \$6,940 to cover additional costs for supplemental technical services;
- 3) Ratify the acceptance of additional reimbursable grant funding in the amount of \$51,005 from the First 5 LA Organization for the construction of fluoridation treatment facilities and appropriate said funds to FEAP #702; and
- 4) Authorize a new total project budget amount for FEAP #702 in the amount of \$214,475.

8D. FY2011-12 CITYWIDE SIDEWALK RAMPING/GRINDING PROGRAM

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Approve the FY2011-2012 Citywide Sidewalk Ramping/Grinding Program as a new project in the City's current Capital budget and appropriate a budget of \$420,000 of Measure R-Local Return funds to said project;
- 2) Approve a public works agreement with Hardy & Harper, Inc. in the amount of \$294,500 for construction of the FY2011-2012 Citywide Sidewalk Ramping/Grinding Program (B2011-30) and authorize a 5% contingency in the amount of \$14,725; and
- 3) Approve a consulting services agreement with Project Partners in the amount of \$80,000 to provide daily construction inspection services for the FY2011-2012 Citywide Sidewalk Ramping/Grinding Program.

8E. APPROVAL OF ANNUAL WORKSHOP AT THE ATTIC TEEN CENTER

Recommendation

Recommendation of the Community Services Director that City Council authorize the Torrance Youth Council to conduct their annual workshop on Wednesday, September 7, 2011, at the ATTiC Teen Center, 2320 West Carson Street.

8F. AGREEMENT RE DESIGN SERVICES FOR HAWTHORNE BOULEVARD REHABILITATION PROJECT, T-45

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Accept a check in the amount of \$9,900 from "3720 PCH LLC" and appropriate said funds to the Hawthorne Boulevard Rehabilitation, T-45 (Pacific Coast Highway to south city boundary); and
- 2) Award a consulting services agreement in the amount of \$259,798 to Psomas of Los Angeles, CA to perform design services for the Hawthorne Boulevard Rehabilitation, T-45 (Pacific Coast Highway to south city boundary).

MOTION: Councilmember Rhilinger moved to approve Consent Calendar Items 8A through 8F. The motion was seconded by Councilmember Furey and passed by unanimous vote.

13. HEARINGS

13A. INTERIM URGENCY ORDINANCE EXTENDING MORATORIUM ON PERMITS/ LICENSES FOR NEW MASSAGE AND ACUPUNCTURE ESTABLISHMENTS

Recommendation

Recommendation of the Community Development Director that City Council:

- 1) Conduct a public hearing and receive testimony from the audience regarding adoption of an Interim Urgency Ordinance extending a moratorium on the issuance of any permits or licenses for new massage and acupuncture establishments; and
- 2) Continue the item to August 23, 2011 for action.

Mayor Scotto announced that this was the time and place for a public hearing on this matter and noted supplemental material available at the meeting. City Clerk Herbers confirmed that the hearing was properly advertised.

Assistant City Attorney Sullivan reported that since the moratorium on the issuance of licenses or permits for new massage and acupuncture establishments was enacted on September 14, 2010, the Community Development Department and the City Attorney's Office have been evaluating ways to regulate these establishments through the Land Use and Zoning Code to lessen the impact on the community and suppress illicit activities. He noted that the City Attorney's office is also working with the California Massage Therapy Council on enforcement methodology to ensure compliance with State law. He explained that the proposed Interim Urgency Ordinance would extend the moratorium for one year and creates two additional classes of exemptions: 1) Massage establishments where the owner has a valid State Certificate; and 2) Acupuncture establishments where the owner has valid a State License from the California Medical Board. He advised that staff was recommending that the Council receive testimony on the Interim Urgency Ordinance this evening and then continue the item to August 23, 2011 for action in order to comply with California Government Code Section 6558(d), which requires 10 days between publication of the staff report and adoption of the ordinance.

In response to questions from the Council, Assistant City Attorney Sullivan clarified that the new exemptions would apply only to massage and acupuncture establishments where the owner has a valid State Certificate/State License and the owner is the sole operator of the business, with no employees.

Councilmember Numark expressed concerns that the language in the ordinance does not make it clear that exempted businesses would not be allowed to have employees, and Assistant City Attorney Sullivan agreed to revise the language for purposes of clarification.

In response to Councilmember Brewer's inquiry, Assistant City Attorney Sullivan confirmed that exempted businesses would be allowed to have clerical employees.

Mayor Scotto invited public comment.

Michael Chang, Alhambra, expressed concerns that he has been unable to sell the massage establishment he owns in Torrance due to the moratorium.

Assistant City Attorney Sullivan advised that the ordinance includes provisions that allow for the transfer of existing businesses as long as the Police Department confirms that there has been no criminal activity at the business and the License Review Board approves the transfer.

Mayor Scotto recommended that Mr. Chang meet with staff so they could outline the procedure.

MOTION: Councilmember Brewer moved to continue the item to August 23, 2011. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Sutherland commended the 750 youths who volunteered to assist with the Pediatric Therapy Network summer day camp.

17B. Councilmember Brewer reminded the public that the annual Aquacade will be presented on August 19 and 20 at the Benstead Plunge and this year's theme is "Welcome to the Jungle," with additional information available at 310.618.2930.

17C. Mayor Scotto, with the concurrence of Council, requested that staff return with an item to set aside \$3,000 to subsidize the rental fees for the use of City facilities for Centennial events scheduled between now and June 30, 2012.

17D. City Clerk Herbers encouraged the public to attend the Torrance Theatre Company's presentation of *Chicago* at the Armstrong Theatre this weekend, with additional information available on the event calendar on the City's website.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 7:59 p.m., the meeting was adjourned to Tuesday, August 23, 2011 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

***Adjourned in Memory of
Fred Petersen***

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 September 13, 2011