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TORRANCE CITY COUNCIL – SEPTEMBER 25, 2012

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At 8:58 p.m., the meeting was adjourned to Tuesday, October 2, 2012 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

September 25, 2012

**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, September 25, 2012 in the Council Chamber at Torrance City Hall.

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.

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

18. EXECUTIVE SESSION

The City Council immediately recessed to close session to confer with the City Manager and the City Attorney on agenda matters listed under 18A) Conference with Labor Negotiator, and 18B) Real Property – Conference with Real Property Negotiator, pursuant to California Government Code §54957.6 and §54956.8.

The City Council reconvened at 7:01 p.m. with all members present except Councilmember Numark. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/ INVOCATION

The flag salute was led by Torrance Youth Council member Justin Kim.

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, September 20, 2012.

MOTION: Councilmember Rhilinger 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 Furey and passed by unanimous vote (absent Councilmember Numark).

4. WITHDRAWN, DEFERRED OR SUPPLMENTAL ITEMS

Agenda Item 15.1.B was withdrawn and deferred to a later date.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Mayor Scotto announced that the City Council Ad Hoc State Legislative Advocacy Committee will meet on Wednesday, October 3, at 4:00 p.m. in the City Manager assembly room to discuss the November ballot measures.

City Clerk Herbers announced that residents may register for the free Commissioner Certification Training class on Tuesday, October 30, by contacting the City Manager's office at 310.618.5880 or online at www.TorranceCA.gov/CommissionerCert.htm. The class is required for Torrance residents to be eligible to submit applications for Commission appointments in January 2013 and the certification is valid for two years.

City Clerk Herbers announced that the Torrance Artists Guild Gallery of Fine Art 2012 will be held Saturday, September 29, and Sunday, September 30, from 11:00 a.m. to 4:00 p.m. at the Toyota Auto Museum located at 19600 Van Ness Avenue.

Councilmember Sutherland announced that the next City Council Community Outreach meeting will be held on Tuesday, December 11, at 7:00 p.m. in the Dee Hardison Sports Center at Wilson Park located at 2400 Jefferson Street.

Mayor Scotto asked that the meeting be adjourned in memory of Mineo Hoshi who passed away on September 12 at the age of 62.

6. COMMUNITY MATTERS

6A. PROCLAMATION RE "NATIONAL VOTER REGISTATION DAY"

Mayor Scotto presented a proclamation declaring Tuesday, September 25, as **National Voter Registration Day** in the City of Torrance to City Clerk Sue Herbers.

City Clerk Herbers announced that the last day to register for the November 6, 2012 election is October 22 and forms are available in libraries and the City Clerks office or online at www.LAVote.net. She reported that Sample Ballots will be mailed to registered voters beginning September 27 through October 16; that Vote by Mail applications may be filed between October 8 through October 30; and that people may sign up to receive the sample ballot electronically online at www.LAVote.net. She offered a reminder that all voted ballots must be received either at the polls or at the LA County Registrar's office no later than 8:00 p.m. on Election Day November 6.

7. ORAL COMMUNICATIONS #2

7A. Suzan Hubert, Bobbie Snyder and Mary Garrity, Friends of Madrona Marsh, announced that the annual Moonlight Magic fundraising celebration will be held on Saturday, September 29, at 5:00 p.m. at the Madrona Marsh Preserve located at 3201 Plaza Del Amo.

7B. David Wells, 1221 El Prado, expressed concerns about a rent increase at his building, noting that he is disabled and has lived in the building for 15 years.

7C. Antonie Churg, Torrance, expressed concerns about the burden school bond measures place on taxpayers; noted that bond funding can only be used for construction and not for operational expenses; and urged the Councilmembers to reconsider their support of Measure E.

7D. Martha Madison, Torrance, voiced her opposition to Measure E.

7E. Brian Rosario, Torrance Area Chamber of Commerce, announced that the chamber will be hosting an event to discuss business survival following a disaster on Friday, October 5, at 11:00 a.m. at Torrance Memorial Medical Center.

7F. Marco Sandoval announced that St. Catherine Laboure, located at 3846 Redondo Beach Boulevard, will be holding its annual fiesta on Friday, September 28, through Sunday, September 30, which will include food, music, carnival rides and a raffle with a top prize of \$5,000.

7G. Toni Sargent, chair of the Library Commission, reported on the Torrance Library summer reading program, noting that there was an increase in participation. She thanked City staff, teen volunteers and organizations that provided financial support, including the Friends of Torrance Library, Torrance Teachers Association, and ExxonMobil Foundation.

7H. Janet Payne and Debbie Hayes, Torrance Historical Society, unveiled the new THS postcard and announced the upcoming Fall Historical Home Tour on October 13 and 14.

8. CONSENT CALENDAR

8A. RATES FOR 2013 GROUP DENTAL INSURANCE

Considered separately, see page 5.

8B. COMMISSION ON AGING 2011-2012 ANNUAL REPORT

Considered separately, see page 5.

8C. CULTURAL ARTS COMMISSION 2011-2012 ANNUAL REPORT

Recommendation

Recommendation of the Cultural Arts Commission and the Community Services Director that City Council accept and file the Cultural Arts Commission annual report for July 2011 through June 2012.

8D. TORRANCE YOUTH COUNCIL 2011-2012 ANNUAL REPORT

Recommendation

Recommendation of the Torrance Youth Council and the Community Services Director that City Council accept and file the 2011-2012 Youth Council annual report.

8E. LIBRARY COMMISSION 2011-2012 ANNUAL REPORT

Recommendation

Recommendation of the Library Commission and the Community Services Director that City Council accept and file the Library Commission 2011-2012 annual report.

8F. APPROPRIATION/ALLOCATION OF FY 2012 SOLVING COLD CASES WITH DNA GRANT

Recommendation

Recommendation of the Chief of Police that City Council:

- 1) Appropriate the Fiscal Year 2012 Solving Cold Cases with DNA grant from the National Institute of Justice in the amount of \$93,175;
- 2) Establish a trust fund for the deposit of grant monies; and
- 3) Allocate the grant award to cold case investigations.

8G. AGREEMENT RE ENHANCED WATER CONSERVATION PROGRAMS

Recommendation

Recommendation of the Public Works Director that City Council approve a consulting services agreement with the West Basin Municipal Water District (WBMWD) to provide for implementation and support services for various commercial, industrial, institutional, and residential enhanced water conservation programs for a term through September 30, 2013. The program will be implemented and funded from a \$100,000 appropriation from existing FEAP #629.

8H. FIRST AMENDMENT TO FEE AGREEMENT FOR LEGAL SERVICES

Recommendation

Recommendation of the City Attorney that City Council approve a first amendment to the fee agreement with Liebert Cassidy Whitmore (C2011-139) to provide legal services relating to Personnel Matter #010066 for an additional \$16,000, for a total not to exceed \$53,000.

8I. CONTRACT FOR REPLACEMENT OF AIR CONDITIONING UNITS AND ROOF AT STANLEY REMELMEYER CABLE BUILDING

Recommendation

Recommendation of the General Services Director that City Council:

- 1) Award a contract for replacement of air conditioning units and roof at the Stanley Remelmeyer cable building with Bon Air Inc. for \$260,000 with a 5% contingency of \$13,000 (B2012-21) (FEAP #751 and #600); and
- 2) Approve a 10% project management fee of \$26,000.

8J. AGREEMENT AMENDMENT RE 2009 STATE HOMELAND SECURITY GRANT FUNDS

Recommendation

Recommendation of the Chief of Police that City Council:

- 1) Approve an amendment to the sub-recipient agreement with the County of Los Angeles (C2010-175) for 2009 SHSGP to increase the award by \$37,302, for a revised total award of \$62,105;
- 2) Appropriate and allocate funds from the 2009 State Homeland Security Grant Program (SHSGP) for tactical entry vests in the amount of \$37,302; and
- 3) Authorize the City Manager to execute the amended agreement.

8K. PURCHASE ORDER FOR POLICE MOTORCYCLES

Recommendation

Recommendation of the Chief of Police and the General Services Director that City Council authorize a purchase order to American Honda Motor Co. Inc., of Torrance, CA, for sixteen (16) model year 2011 Police motorcycles, in the amount of \$247,596.20.

MOTION: Councilmember Furey moved to approve Consent Calendar Items 8C through 8K. The motion was seconded by Councilmember Barnett and passed by unanimous vote (absent Councilmember Numark).

Consent Calendar Items 8A and 8B were considered separately at this time.

8A. RATES FOR 2013 GROUP DENTAL INSURANCE

Recommendation

Recommendation of the City Manager that City Council approve the selection of Delta Dental as City of Torrance group dental insurance carrier and rates for 2013 at \$38.22 for single coverage; \$76.44 two-party and \$131.87 family coverage for the Dental Preferred Option (DPO) program; and \$17.47 for single coverage; \$31.54 two-party and \$46.64 family coverage for the Dental Health Maintenance (DHMO) program beginning January 1, 2013 until December 31, 2014, for a total expenditure of \$1,130,723.

Human Resources Manager Fuentes reported that Delta Dental is the current provider for group dental insurance for employees and the company has offered to continue the same coverage with no increase in premiums and to expand the eligibility to include dependent children up to age 26.

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).

8B. COMMISSION ON AGING 2011-2012 ANNUAL REPORT

Recommendation

Recommendation of the Commission on Aging and the Community Services Director that City Council accept and file the 2011-2012 Commission on Aging annual report.

Martha Madison, resident, requested information about the mission of the Commission on Aging, which was provided by Community Services Director Jones.

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).

13. HEARINGS

13A. ORDINANCE AMENDING THE TORRANCE MUNICIPAL CODE RELATED TO SALES OPERATIONS AT CHRISTMAS TREE LOTS

Recommendation

Recommendation of the Community Development Director that City Council

- 1) Adopt an Ordinance amending Section 92.2.9 subsection d) 5) of the Torrance Municipal Code related to the sales operations to the public for Christmas tree lots; and
- 2) Approve an ordinance summary for publication.

Mayor Scotto announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

Planning Manager Lodan reported that currently Christmas tree lot operators may not begin selling Christmas trees until December 1; that a number of them have requested that the start date be changed to the day after Thanksgiving so they can compete with sales lots in other nearby cities; and that staff was recommending that the Ordinance regulating Christmas tree lots be amended to allow this change.

As no one from the public came forward to speak, the public hearing was closed.

MOTION: Councilmember Rhilinger moved to close the public hearing. The motion was seconded by Councilmember Furey and passed by unanimous vote.

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

ORDINANCE NO. 3760

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 92.2.9 OF THE TORRANCE MUNICIPAL CODE RELATED TO THE SALES OPERATIONS TO THE PUBLIC FOR CHRISTMAS TREE LOTS

MOTION: Councilmember Barnett moved for the adoption of Ordinance No. 3760. The motion was seconded by Councilmember Brewer and passed by unanimous vote (absent Councilmember Numark).

13B. CUP12-00013: 444 ALASKA AVENUE – RICHARD PARR/CLARIFY HOLDINGS LLC

Recommendation

Recommendation of the Planning Commission and Community Development Director that City Council deny the appeal and adopt a Resolution approving a Conditional Use Permit to allow the operation of an indoor sport and training facility within an existing industrial warehouse building on property located in the M-2 Zone at 444 Alaska Avenue.

Mayor Scotto announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

Councilmember Sutherland disclosed that he had met with the appellant and had coached one of the applicants as a child, but this would not influence his decision this evening.

Councilmember Rhilinger disclosed that she drove by the site but did not speak with anyone.

Councilmember Barnett disclosed that he had a brief meeting with the appellant and had driven by the site.

Councilmember Brewer disclosed that he also had a brief meeting with the appellant and had driven by the site.

Councilmember Furey disclosed that as is his practice, he did not meet with the appellant or the proponent and will make his decision based on the written material submitted and the testimony this evening. He noted that his grandchildren played baseball in the South Bay Surf league and he purchased rock from the appellant (De Lorenzo Marble and Tile), but this would not influence his decision.

Mayor Scotto disclosed that he met with the appellant.

With the aid of slides, Planning Manager Lodan briefly described the proposed indoor baseball training facility and shared photographs of the site and surrounding area. He reported that the Planning Commission voted unanimously to approve the project

Responding to questions from the Council, Planning Manager Lodan provided clarification regarding the cross access easement the subject property shares with 450 Alaska Avenue (De Lorenzo Marble).

Richard Parr, South Bay Surf LLC, applicant, provided an overview of the proposed facility, which includes 15 batting cages and a workout area for strength training and conditioning. He explained that the company has 10 baseball teams and 3 fast-pitch softball teams and these teams will be using the facility, along with the general public. He noted that he will be the managing partner and will be at the facility every afternoon to oversee the operation until he retires in 2½ years and starts working there full-time. He reported that the hours of operation will be 6:00 a.m. to 10:00 p.m., with most of the activity taking place in the late afternoon during the school year, and during the summer, the facility will offer youth camps for 50-100 participants.

Mr. Parr disputed the appellant's claim that he and other partners in this venture were close friends of members of the Planning Commission and also disputed the appellant's contention that the approval of this project would violate the recorded cross access easement. He related his understanding that the City plans to rezone the site for light industrial use in conformance with its General Plan Designation, which is contrary to the appellant's claim that it is designated for heavy industrial use only. He voiced his opinion that the project does not pose any greater liability for De Lorenzo Marble than the current use on this site. He maintained that the appeal has no merit and urged approval of the project.

Mayor Scotto expressed concerns that the door to the facility the applicant is proposing to make the main entrance is adjacent to the easement area, which means that children could be in the path of large trucks going in and out of De Lorenzo Marble.

Mr. Parr explained that during the school year, the peak hours of business will be when De Lorenzo Marble is closed; that parents will be expected to park and accompany their children in and out of the facility; and that there is a waiting area inside the building so children will not be congregating in the parking lot.

Joe De Lorenzo, De Lorenzo Marble, 450 Alaska Avenue, noted that he is a lifelong resident and the family business has been located in Torrance for 32 years. He reported that the company was forced out of their previous location in west Torrance 8 years ago when the property was rezoned from M-1 to R-2; that they subsequently built the existing building in accordance with City regulations; and that the shared access easement has been no problem up until this point.

Mr. De Lorenzo expressed concerns that the large trucks that use the shared driveway would pose a definite safety hazard for children visiting the facility and this would expose his company to greater liability. He noted that while the company's office hours are 8:00 a.m. – 4:30 p.m., there are after-hour deliveries and overtime. He pointed out that his parking lot is more convenient to the main entrance of the proposed facility than its own parking lot and requested if the project is approved, that the applicants be required to install a gate that will enable him to close off his property.

In response to Councilmember Brewer's inquiry, Planning Manager Lodan clarified that recreational uses are allowed in the M-2 Zone with approval of a Conditional Use Permit, therefore this project does not involve a request for rezoning.

Councilmember Sutherland asked about the secondary access to Mr. De Lorenzo's property across the railroad easement. Mr. De Lorenzo responded that some drivers use this access, but he discourages them from doing so because it is not a legal access and it was not meant for this purpose.

Councilmember Sutherland suggested that a gate would be inconvenient for Mr. De Lorenzo because he would have to let people in and out. Mr. De Lorenzo explained that the gate was intended keep customers of the proposed facility from parking in his lot after hours and on weekends and it would also prevent children from using the existing wall on his property as a bench.

City Attorney Fellows advised that while he had not reviewed the documentation for this easement, it was unlikely that a gate could be installed because cross access easements are typically reciprocal.

Mr. De Lorenzo noted that he provided a copy of the easement document, which was included in the staff report, and after reviewing it, City Attorney Fellows determined that the easement was not reciprocal so a gate could be installed.

Greg Young, representing the owner of the Celestron building, expressed concerns that parents may double park and impede access to the property.

Returning to the podium, Mr. Parr contended that the parking was more than adequate, noting that there are 67 parking spaces, which is more than 4 spaces per batting cage. He expressed concerns that if a gate is installed, trucks would have to stop in the easement blocking the driveway and wait until the gate is opened. He related his understanding that Mr. De Lorenzo only wants the gate to prevent teenagers from going onto his property on

weekends and he did not believe this was sufficient reason to require the applicants to pay for a gate.

Mayor Scotto stated that he thought it was unrealistic to expect parents to park and walk their children to and from the building.

Councilmember Sutherland suggested that concerns about children congregating in the parking lot near the easement could be alleviated by making the door at the rear of the building (northeast corner) the only entrance.

A brief discussion ensued, and Mr. Parr indicated that the applicants were willing to reconfigure the project so that the door at the northeast corner of the building would be the only entrance, except for the ADA accessible entrance, which would remain at the front of the building on Alaska Avenue because there is existing ramping and lifts. The door at the side of the building near the easement and the other door at the rear would be emergency exits only. The applicants also offered to paint directional arrows on the parking lot to aid the flow of traffic.

Councilmember Furey recommended that the three parking spaces near the rear entrance be eliminated to provide a drop-off area.

Mayor Scotto stated that he would prefer not to eliminate any parking if possible and suggested creating a loop in the parking lot so the passenger door would be next to the entrance for drop-off.

MOTION: Councilmember Rhilinger moved to close the public hearing. The motion was seconded by Councilmember Barnett and passed by unanimous vote (absent Councilmember Numark).

MOTION: Councilmember Rhilinger moved to deny the appeal and approve the project, adding a condition requiring that the door at the northeast corner of the building be the main entrance/exit; that the ADA access remain at the front of the building; and that the door on the east side of the building and the door next to the loading dock shall be for emergency exit only. The motion was seconded by Councilmember Sutherland and passed by unanimous vote (absent Councilmember Numark).

RESOLUTION NO. 2012-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A CONDITIONAL USE PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 3 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE OPERATION OF AN INDOOR SPORT AND TRAINING FACILITY WITHIN AN EXISTING INDUSTRIAL WAREHOUSE BUILDING ON PROPERTY LOCATED IN THE M-2 ZONE AT 444 ALASKA AVENUE. CUP12-00012: RICHARD L. PARR (CLARIFY HOLDINGS, LLC)

MOTION: Councilmember Barnett moved for the adoption of Resolution No. 2012-73, as amended. The motion was seconded by Councilmember Brewer and passed by unanimous vote (absent Councilmember Numark).

15.1. OTHER – SUCCESSOR AGENCY to the former Redevelopment Agency of the City of Torrance

Councilmember Rhilinger announced that due to her appointment on the Oversight Board to the City of Torrance Successor Agency she would recuse herself from consideration of item 15.1A and exited the Council Chamber.

15.1A. REPORT ON AGREED-UPON PROCEDURES AUDIT

Recommendation

Recommendation of the Community Development Director that City Council, acting as the Successor Agency to the former Redevelopment Agency of the City of Torrance, accept and file the report on the agreed-upon procedures audit pursuant to ABX1-26 and AB 1484 of the former Redevelopment Agency of the City of Torrance.

MOTION: Councilmember Furey moved to accept and file the report. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmembers Numark and Rhilinger).

Councilmember Rhilinger returned to the dais.

15.1B. REPORT ON DUE DILIGENCE REVIEW

Recommendation

Recommendation of the Community Development Director that City Council, acting as the Successor Agency to the former Redevelopment Agency of the City of Torrance, approve the report on the Due Diligence Review to be forwarded to the Oversight Board for review and public comment on September 28, 2012 as required by ABX1-26 and AB 1484.

Item was withdrawn and deferred to a later date.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Brewer reported that the Torrance Theatre Company begins its season this weekend and encouraged residents to look up this and other events on the City's Events Calendar.

17B. Councilmember Brewer announced that the Torrance Education Foundation will be holding a fundraiser benefitting the Gene Drevno Scholarship on Thursday, October 11, at the Comedy and Magic Club.

17C. Councilmember Furey noted that tickets for the Comedy and Magic Club event must be purchased in advance, with additional information available at 310.972.6418.

17D. Councilmember Furey announced that residents may safely dispose of unwanted prescription drugs by bringing them to the Ralph's Market located at 1770 Carson Street on Saturday, September 29, from 10:00 a.m. to 2:00 p.m.

17E. Mayor Scotto noted that prescription drugs left in cupboards in homes are a big problem because they can get into the hands of children, either intentionally or accidentally, and encouraged everyone to go through their medicine cabinets and bring what they do not need to the event on Saturday.

17F. Councilmember Rhilinger reported that the Sheriff's Department in Lomita has a mailbox-like container in front of the building where people can drop off unwanted prescription drugs any time, noting that the drugs should be kept in their original container and the person's name should be blacked out.

17G. Councilmember Barnett announced that the Torrance Theatre Company will be presenting *The Complete History of America (abridged)* every weekend beginning Friday, September 28, through Saturday, October 27, with additional information available at 424.243.6882.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 8:58 p.m., the meeting was adjourned to Tuesday, October 2, 2012 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

***Adjourned in Memory of
Mineo Hoshi***

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 October 16, 2012