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TORRANCE CITY COUNCIL – OCTOBER 5, 2010

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At 8:17 p.m., the meeting was adjourned to Tuesday, October 12, 2010 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

October 5, 2010

**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 5:33 p.m. on Tuesday, October 5, 2010 in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: Councilmember Numark.

Also Present: City Manager Jackson, Assistant City Attorney Sullivan, Deputy City Clerk Poirier, 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) Conference with Labor Negotiator and 18B) Conference with Legal Counsel – Existing Litigation, pursuant to California Government Code § 54957.6 and 54956.9(a).

The City Council reconvened at 7:17 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The flag salute was led by Assistant City Attorney Sullivan.

Councilmember Rhilinger gave the non-sectarian invocation.

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

Deputy City Clerk Poirier reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, September 30, 2010.

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 Barnett and passed by unanimous roll call vote (absent Councilmember Numark).

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Fire Chief Racowschi announced that ExxonMobil would be conducting their monthly siren alert testing Wednesday, October 6, at approximately 11:30 a.m.

Deputy City Clerk Poirier announced that voter registration for the November 2 general election can be done through October 18; that ballots will be mailed randomly beginning October 4; and that vote-by-mail ballots may be requested through October 26. She noted that the propositions booklet was mailed by the Secretary of State and copies are available online and at public libraries. She invited the public to check the City Clerk website for information links and voter education information and to visit www.SmartVoter.org for additional information on candidates.

Deputy City Clerk Poirier announced that reservations for the Commissioner Certification training class on Wednesday, October 27, can be made by calling 310.618.5880 or 310.618.2870 or online at www.TorranceCA.org/Commissionercert.htm.

Deputy City Clerk Poirier invited staff and the public to view the acrylics of Torrance Artist Guild member and former councilwoman Hope Witkowsky on display in the City Clerk's office as part of the continuing Art on View project.

6. COMMUNITY MATTERS

6A. PROCLAMATION RE "FIRE PREVENTION WEEK"

Mayor Scotto presented a proclamation declaring the week of October 3 through October 9 as **Fire Prevention Week** in the City of Torrance Tad Friedman, Torrance Fire Department Public Education Officer. Officer Friedman reported on special events at Torrance schools during Fire Prevention Week.

6B. PROCLAMATION RE "FAMILY HISTORY MONTH"

Mayor Scotto presented a proclamation declaring the month of October as **Family History Month** in the City of Torrance to Mary Haag, Society Librarian, on behalf of the South Bay Cities Genealogical Society. Ms. Haag thanked the City for providing space at the Katy Geissert Civic Center Library for genealogic materials and noted that a Genealogical Society volunteer is available to provide assistance two days a week and on the third Wednesday evening of each month.

6C. ACCEPTANCE/APPROPRIATION OF DONATION FROM FRIENDS OF MADRONA MARSH

Recommendation

Recommendation of the Community Services Director that City Council accept and appropriate a donation of \$3,000 from Friends of Madrona Marsh to pay for the acquisition and installation of security lighting at Madrona Marsh Nature Center.

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

Mayor Scotto thanked the Friends of Madrona Marsh for their generous donation.

Bill Arrowsmith, president of the Friends of Madrona Marsh, announced the "Moonlight Magic" fundraiser to be held on October 23.

7. ORAL COMMUNICATIONS #1

7A. Suzan Hubert, Friends of Madrona Marsh, invited the Council and the public to attend Moonlight Magic on Saturday, October 23, at 6:00 p.m. at Madrona Marsh featuring dinner by the Red Car Brewery and a silent auction, with additional information available at www.friendsofmadronamarsh.com.

7B. Debbie Hays, Torrance Historical Society, announced the Fall Historic Home Tour Saturday, October 9, and Sunday, October 10, from 11:00 a.m. to 4:00 p.m. starting at the Historical Museum, 1345 Post Avenue, with tickets available for an \$18 donation per person.

8. CONSENT CALENDAR

8A. AUGUST 2010 MONTHLY INVESTMENT REPORT

Recommendation

Recommendation of the City Treasurer that City Council accept and file the monthly investment report for the month of August 2010.

8B. COMMISSION ON AGING 2009-2010 ANNUAL REPORT

Recommendation

Recommendation of the Commission on Aging and the Community Services Director that City Council accept and file the 2009-2010 Commission on Aging Annual Report.

8C. AGREEMENT AMENDMENT FOR INSPECTION AND DESIGN SERVICES RE WILSON PARK PARKING LOT REHABILITATION

Recommendation

Recommendation of the Public Works Director that City Council approve an amendment to consulting services agreement with Bureau Veritas North America, Inc. (C2010-090) to increase the amount by \$10,704, for a revised not to exceed amount of \$31,428, to provide additional design and inspection services for the Wilson Park Parking Lot Rehabilitation, FEAP #741.

8D. PURCHASE ORDER FOR ASPHALT PLANT MIX

Recommendation

Recommendation of the Public Works Director that City Council authorize a purchase order with Vulcan Materials Company Inc. of Irwindale, CA, in an amount not to exceed \$550,000, for Asphalt Plant Mix (B2010-19), on an as requested basis for a one (1) year period from October 18, 2010 through October 17, 2011.

8E. PURCHASE ORDER FOR AUTOMATIC CURBSIDE REFUSE/ RECYCLING CONTAINERS

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Appropriate \$33,210.76 from the Sanitation Enterprise Fund for the purchase of automated refuse and recycling containers; and
- 2) Authorize a purchase order with Toter Incorporated of Statesville, NC in the amount of \$33,210.76 for the sole source purchase of 636 Toter automated curbside refuse and recycling containers.

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

12. ADMINISTRATIVE MATTERS

12A. CONTRACT AMENDMENT RE ADMINISTRATIVE INVESTIGATIONS

Recommendation

Recommendation of the Human Resources Director that City Council approve an amendment to the consulting services agreement with Norman A. Traub Associates (C2010-045) for administrative investigations, to increase the not to exceed amount to \$60,000 and extend the term of the agreement from February 28, 2011 to June 30, 2011.

Human Resources Manager Fuentes advised that the increase is necessary because there was a dramatic increase in the number of claims of harassment/discrimination in FY 2009-2010 and this trend is expected to continue.

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

12B. CONSULTING SERVICES AGREEMENT FOR CONSTRUCTION SUPPORT SERVICES RE DEL AMO BOULEVARD EXTENSION

Recommendation

Recommendation of the Public Works Director that City Council award a three year consulting services agreement in the amount of \$845,900, to AndersonPenna Partners, Inc. to perform construction support services for the Del Amo Blvd Extension, T-30, ESPLRSTP 5249-(021).

Project Manager Sablan reported on the selection process for the consulting services agreement and explained that these support services cannot be performed by in-house staff due to the complexity of the project and the time demand. She noted that funding will be provided by Prop C funds (\$258,000) and METRO grant funds (\$587,900).

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

12C. ADVOCACY COMMITTEE RECOMMENDATIONS RE NOVEMBER 2010 STATEWIDE BALLOT MEASURES

Recommendation

Recommendation of the Mayor's State Legislative Advocacy Ad Hoc Committee that City Council concurs with the November 2, 2010 ballot measure positions recommended by the Committee.

Mayor Scotto, chair of the Legislative Advocacy Ad Hoc Committee, reported that the Committee met on September 30, 2010 to review the nine State measures on the November 2, 2010 General Election ballot and five of the measures met the City's established criteria for taking a position. He reviewed the Committee's recommendations and invited public comment.

Proposition 19 – Legalization of Marijuana
Committee Recommendation: **Oppose**

Police Chief Neu stated that the Police Department strongly opposes Proposition 19 and believes it would have a devastating effect on public health and public safety should it be approved. He expressed concerns that the expanded availability of marijuana would lead to an increase in “drugged driving” and marijuana addiction among youths and that international drug cartels could resort to violence to protect their lucrative markets.

MOTION: Councilmember Rhilinger moved to concur with the Committee’s recommendation to oppose Proposition 19. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Numark).

Proposition 22 – Prohibits State from borrowing from local governments –
Committee Recommendation: **Support**

Finance Director Tsao advised that the Finance Department supports Proposition No 22 because it would prohibit the State from borrowing or taking local government funds used for transportation, redevelopment, and other local projects and services in order to balance its own budget.

MOTION: Councilmember Rhilinger moved to concur with the Committee’s recommendation to support Proposition 22. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Numark).

Proposition 23 – Suspends AB32 Air Pollution Control Law
Committee Recommendation: **Support**

Community Development Director Gibson provided an overview of Proposition 23, which would suspend the implementation of AB32 until unemployment drops to 5.5% or less for a full year. He reported that staff has taken a neutral position on this proposition because the fiscal impacts on the City are hard to discern and staff sees merits to both sides of this argument.

Councilmember Rhilinger, Advocacy Ad Hoc Committee member, reported that the Committee supports the goals of AB32, which is to reduce greenhouse gases, however, Committee members felt that now was not the time to burden businesses with the added costs associated with implementing AB32 given the fragile state of the economy.

Councilmember Furey voiced his opinion that the 5.5% unemployment threshold was an unrealistic benchmark not likely to be met for many years; related his understanding the AB32 already contains a provision which allows the governor to suspend implementation under certain economic situations; and pointed out that the financial backers of Proposition 23 are companies that have caused the pollution that led to the passage of AB32. He noted that the League of Women Voters and the South Bay Council of Governments oppose Proposition 23.

Councilmember Sutherland indicated that he was opposed to Proposition 23 due to the 5.5% unemployment threshold, which has not been achieved in over a decade.

Mayor Scotto reported that every business association he belongs to supports Proposition 23 due to the current economic climate. He explained that every business that transports goods via trucks will incur additional expenses, which will likely be passed on to consumers and further depress the economy. He conceded that the 5.5% threshold was low, but related his belief that it was imperative to take action to suspend AB32 at this time.

MOTION: Councilmember Rhilinger moved to concur with the Committee's recommendation to support Proposition 23. The motion was seconded by Councilmember Barnett and passed by a 4-2 roll call vote, with Councilmembers Furey and Sutherland dissenting (absent Councilmember Numark).

Proposition 25 – Changes vote requirement on State budget to majority
Committee Recommendation: **Oppose**

Finance Director Tsao stated that staff supports Proposition 25, which would change the vote required to approve the State budget from two-thirds to a simple majority, because it would allow the budget to be passed in a more timely manner and it would hold legislators accountable for missed budgetary deadlines.

Councilmember Rhilinger expressed concerns that if Proposition 25 passes, legislators might be inclined to rush the budget process in order to avoid financial penalties.

Councilmember Furey voiced support for Proposition 25, noting that California is one of only three states that require a super majority to pass the budget; related his belief that the political deal-making necessary to reach this majority is not in California's best interest; and pointed out that the two-thirds vote requirement for raising taxes would remain in place.

Mayor Scotto voiced his opinion that a super majority is necessary to ensure that the budget reflects the interests of the entire state and not just the political party in power and expressed concerns that Proposition 25 would make it easier for legislators to raise taxes by disguising them as fees.

MOTION: Councilmember Rhilinger moved to concur with the Committee's recommendation to oppose Proposition 25. The motion was seconded by Councilmember Barnett and passed by a 4-2 roll call vote, with Councilmembers Furey and Sutherland dissenting (absent Councilmember Numark).

Proposition 26 – Requires two-thirds vote on certain state and local fees
Committee Recommendation: **Oppose**

Finance Director Tsao stated that staff opposes Proposition 26 because it would broaden the definition of taxes to include certain regulatory fees and make it more difficult for the City to recoup the cost of providing services such as issuing building permits and performing building inspections.

In response to Councilmember Brewer's inquiry, Finance Director Tsao clarified that Proposition 26 would require that fees that meet the expanded definition of taxes be approved by two-thirds of voters.

MOTION: Councilmember Rhilinger moved to concur with the Committee's recommendation to oppose Proposition 26. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Numark).

16. SECOND READING ORDINANCES

16A. SECOND AND FINAL READING OF ORDINANCE NO. 3729

ORDINANCE NO. 3729

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING A NEW SECTION 2.1.7 TO ARTICLE 1, CHAPTER 2, DIVISION 1 CONCERNING EMPLOYEE INELIGIBILITY FOR APPOINTIVE OFFICE

MOTION: Councilmember Furey moved to adopt Ordinance No. 3729. The motion was seconded by Councilmember Rhilinger and passed by a 5-1 roll call vote, with Councilmember Sutherland dissenting (absent Councilmember Numark).

16B. SECOND AND FINAL READING OF ORDINANCE NO. 3730

ORDINANCE NO. 3730

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A ZONE CHANGE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO P-U (PUBLIC USE) FOR UNDEVELOPED LOMITA BOULEVARD RIGHT-OF-WAY PROPERTY BETWEEN KATHRYN AVENUE AND ANZA AVENUE (APN 7527-012-999 AND APN 7527-013-999) **ZON10-00003: CITY OF TORRANCE**

MOTION: Councilmember Furey moved to adopt Ordinance No. 3730. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote (absent Councilmember Numark).

16C. SECOND AND FINAL READING OF ORDINANCE NO. 3731

ORDINANCE NO. 3731

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A ZONE CHANGE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO P-U (PUBLIC USE) FOR PROPERTY LOCATED AT 2292 DEL AMO BOULEVARD (APN # 7352-006-906) **ZON10-00002: CITY OF TORRANCE**

MOTION: Councilmember Furey moved to adopt Ordinance No. 3731. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote (absent Councilmember Numark).

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The Council met as the Redevelopment Agency from 8:08 p.m. to 8:10 p.m.

17. ORAL COMMUNICATIONS

17A. Councilmember Furey announced that there will be a Salute to North American Aviation at the Western Museum of Flight, located at 3315 Airport Drive, on Saturday, October 9, from 10:00 a.m. to 4:00 p.m. He noted that Bob Hoover, a former air show pilot and U.S. Air Force test pilot, will be the Grand Marshal of the event, which will include a display of restored aircraft and classic cars.

17B. Councilmember Sutherland commented that the State initiative process would be unnecessary if State legislators would do their job.

17C. Councilmember Sutherland noted that the Council will be considering modifications to the budget at next week's Council meeting and encouraged residents to attend the meeting and let their views be known.

17D. Councilmember Barnett congratulated the Police Department and the Community Affairs Division for the excellent presentation on the Business Watch program last Thursday.

17E. Councilmember Barnett invited the public to attend the Torrance Theatre Company's performance of the Tony award winning play *Art* at the Torrance Art Museum on Friday, October 8, and Saturday, October 9, at 8:00 p.m., sponsored in part by the Friends of Torrance Theatre.

17F. Councilmember Brewer announced a meet the author event with Tom Ogden recounting his research in writing *Haunted Hollywood: Tinseltown Terrors, Filmdom Phantoms and Movieland Mayhem* on Saturday, October 9, at 2:00 p.m. at the Katy Geissert Civic Center Library.

17G. Mayor Scotto reported that he has been making the rounds of Torrance homeowner associations and has observed that the public is very concerned about the direction both the state and federal government are headed. He encouraged the public to stay involved in the legislative process, to thoroughly read the ballot measures, and to vote on November 2.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 8: 17 p.m., the meeting was adjourned to Tuesday, October 12, 2010 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers
City Clerk of the City of Torrance

Approved on November 16, 2010