

**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, October 20, 2009 in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Also Present: City Manager Jackson, Deputy City Attorney Sullivan, 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) Real Property - Conference with Real Property Negotiator pursuant to California Government Code §54956.8.

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 Youth Council member Jasmine Park.

Councilmember Rhilinger 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, October 15, 2009, with an addendum posted on Friday, October 16.

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 roll call vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

Agenda Items 12B and 12C were withdrawn.

Mayor Scotto announced that subsequent to the posting of the agenda, the City received a notice from the City of Redondo Beach that the Department of Fish and Game's Marine Life Protection Act Blue Ribbon Task Force would be meeting on October 21, 2009 to take public comment on establishing the South Coast Marine Protection Area from Point Vicente on the Palos Verdes Peninsula through Santa Monica and the City Attorney has requested that the City Council consider adding this item to the agenda because action needs to be taken before the next City Council meeting on October 27 so that comments can be submitted prior to the task force meeting. In order to take action on a matter that is not on the agenda, California Government Code requires a determination by a two-thirds vote of the Council that immediate action is necessary and that the need to take action arose subsequent to the posting of the agenda.

MOTION: Councilmember Sutherland moved to add the item to the agenda. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote.

Mayor Scotto announced that the item would be added to the agenda as Item 12H and considered pursuant to California Government Code §54954.2(b)(2).

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Sutherland announced that the Planning Commission would hold a public hearing regarding the draft General Plan on Wednesday, October 28, at 6:00 p.m. in the Council Chambers.

Councilmember Sutherland announced that the City Council would hold a joint meeting with the Torrance Unified School District Board of Trustees on Monday, November 9, at 7:00 p.m. at the Toyota Meeting Hall.

Councilmember Barnett announced the next Centennial Committee meeting would be held on Monday, November 23, at 6:00 p.m. in the Katy Geissert Civic Center Library meeting room.

Councilmember Barnett announced that public hearings would be held at Anza Elementary, 21400 Ellinwood Drive, on the Ocean Avenue sump on Wednesday, November 4, at 7:00 p.m. and the Bishop Montgomery sump on Wednesday, November 18, at 7:00 p.m.

City Clerk Herbers announced that precinct locations for the November 3 election can be found on the Los Angeles County Registrar website at www.LAVote.net. She also announced that a candidate forum hosted by the North Torrance Homeowners Association would be held on Thursday, October 22 at 7:00 p.m. at the North High School Library, 3620 West 182nd Street; that repeats of the candidate forum held last evening by the League of Women Voters and the Torrance Council of PTAs will be replayed beginning Wednesday October 21 at 8:00 p.m. on Time Warner Channel 28 and Verizon Channel 30; and that the Television Advisory Board is sponsoring an Open Mic opportunity for all candidates and segments will be broadcast with a schedule to be posted as soon as known.

City Clerk Herbers announced that a Commissioner Certification class is scheduled for Monday, November 2, and anyone interested in applying for a commission appointment must be certified. She noted that the two-hour class is free but registration is required in order to provide the materials and the registration form available online at <http://www.torranceca.gov/CommissionerCert.htm>.

Mayor Scotto reported that the resignation of Kay White on September 28 has created a vacancy on the Ethics and Integrity Committee, and with the concurrence of the Council, requested that the vacancy be filled at the November 10 City Council meeting. He asked that all residents currently certified for commissioner service be notified of the vacancy and noted that those who complete the commissioner certification class on November 2 would also be eligible to apply.

Mayor Scotto asked that the meeting be adjourned in memory of Betty Schroeder, retired City employee, who passed away October 17 at the age of 88, and Senator Robert G. Beverly who passed away on October 14 at the age of 84.

Councilmember Brewer announced that the City Council would hold a joint meeting with the Youth Council on Tuesday, November 17, at 5:30 p.m. in the West Annex Commission room with the regular City Council meeting to follow at 7:00 p.m. in the Council Chambers.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2009-89 RE EXXONMOBIL TORRANCE REFINERY

RESOLUTION NO. 2009-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE EXPRESSING APPRECIATION TO **EXXONMOBIL TORRANCE REFINERY** FOR 80 YEARS OF OUTSTANDING AND DEDICATED SERVICE TO THE COMMUNITY

MOTION: Councilmember Barnett moved for the adoption of Resolution No. 2009-89. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

Mayor Scotto presented the Resolution to Max Ocansey, ExxonMobil Torrance Refinery Manager and Carolin A. Keith Wade, ExxonMobil Public Affairs Manager.

6B. ACCEPTANCE/APPROPRIATION OF DONATION FROM EXXONMOBIL

Recommendation

Recommendation of the Community Services Director that City Council accept and appropriate a donation in the amount of \$80,000 from ExxonMobil for the renovation of and enhancements to the North Torrance Library.

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

ExxonMobil Torrance Refinery Manager Max Ocansey presented check to Mayor Scotto, who expressed appreciation for the generous donation.

City Librarian Weiner also thanked ExxonMobil, noting that this donation will greatly enhance the North Torrance Library.

6C. PROCLAMATION RE WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA

Mayor Scotto presented a proclamation commending and expressing appreciation to the **Water Replenishment District of Southern California** as it celebrates its 50th Anniversary to Rob Katherman, Director of the Water Replenishment District of Southern California.

6D. RESOLUTION NO. 2009-90 RE DEBRA SUE MASON

RESOLUTION NO. 2009-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING **DEBRA SUE MASON** UPON HER RETIREMENT FROM THE CITY AFTER TWENTY-NINE YEARS OF SERVICE

MOTION: Councilmember Barnett moved for the adoption of Resolution No. 2009-90. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

To be presented at a later date.

6E. RESOLUTION NO. 2009-91 RE DANNY ROMERO

RESOLUTION NO. 2009-91

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING **DANNY ROMERO** UPON HIS RETIREMENT FROM THE CITY AFTER TWENTY-SIX YEARS OF SERVICE

MOTION: Councilmember Barnett moved for the adoption of Resolution No. 2009-91. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

To be presented at a later date.

6F. PRESENTATION OF ARMED FORCES DAY PARADE PAINTING

Ken Drylie, artist and retired Army Sergeant First Class, presented a painting of the City of Torrance Armed Forces Day Parade in appreciation for the City's 50 years of hosting this parade to Mayor Scotto, who accepted on behalf of the City.

6G. PROCLAMATION RE "MAKE A DIFFERENCE DAY"

Mayor Scotto presented a proclamation declaring October 24, 2009 as **Make a Difference Day** in the City of Torrance to Tracy Drake, Madrona Marsh Nature Center Manager. Ms. Drake invited everyone to participate in Make a Difference Day by assisting with the planting of over 400 plants at the Madrona Marsh Preserve.

6H. PROCLAMATION RE "INTERNATIONAL CLIMATE ACTION DAY"

Mayor Scotto presented a proclamation declaring October 24, 2009 as **International Climate Action Day** in the City of Torrance to Joe Galliani, Chairman of the South Bay 350 Climate Action Group. Mr. Galliani encouraged participation in a Climate Action Day event at Manhattan Beach Pier on October 24.

7. ORAL COMMUNICATIONS #1

7A. Tim Cummings, TFFA Vice-President, stated that the Torrance Fire Fighters Association does not solicit donations from residents by phone, mail, or door-to-door and the only donations accepted are through the annual spaghetti dinner to benefit the Alisa Ann Ruch Burn Foundation. He asked that residents receiving solicitations from anyone on behalf of Torrance Fire Fighters Association contact the Torrance Police Department.

7B. Debbie Hays, Torrance Historical Society, invited everyone to attend a walking tour of Old Torrance on Sunday, October 25, at 1:30 p.m. beginning at 1345 Post Avenue.

7C. Susan Hubert and Bobbie Snyder, Friends of Madrona Marsh, invited staff and public to the 1st Annual Madrona Marsh Artist Reception and Art Auction on Saturday, November 14, from 1:00 to 4:00 p.m. at the Torrance Marriott, noting that admission is a \$20 donation to the Madrona Marsh.

8. CONSENT CALENDAR

8A. AGREEMENT RE EXCHANGE OF PROPOSITION A LOCAL RETURN FUNDS

Recommendation

Recommendation of the Finance Director that City Council approve an agreement with the City of Malibu for an exchange of \$245,000 in City of Torrance General Funds for \$350,000 of Proposition A Local Return Funds from the City of Malibu and appropriate \$245,000 from the General Fund Proposition A Exchange Reserve.

8B. PURCHASE ORDER FOR CUSTODIAL PAPER GOODS

Recommendation

Recommendation of the General Services Director that City Council authorize an annual purchase order to Unisource Worldwide Inc. of La Palma, CA in an amount not to exceed \$115,000 to furnish various custodial paper goods (B2009-36) on an as needed basis, effective November 6, 2009 through November 5, 2010.

8C. AGREEMENT RE EXCHANGE OF PROPOSITION A LOCAL RETURN FUNDS

Recommendation

Recommendation of the Finance Director that City Council approve an agreement with the City of La Puente for an exchange of \$140,000 in City of Torrance General Funds for \$200,000 of Proposition A Local Return Funds from the City of La Puente and appropriate \$140,000 from the General Fund Proposition A Exchange Reserve.

8D. REVISED CLASS SPECIFICATION FOR RELIEF BUS OPERATOR

Recommendation

Recommendation of the Human Resources Director and the Civil Service Commission that City Council approve the revised class specification for Relief Bus Operator.

8E. AGREEMENT FOR ANIMAL CARE AND CONTROL SERVICES

Considered separately, see page 7.

8F. CULTURAL ARTS COMMISSION 2008-2009 ANNUAL REPORT

Recommendation

Recommendation of the Community Services Director and the Cultural Arts Commission that City Council accept and file the Cultural Arts Commission 2008-2009 Annual Report.

8G. AGREEMENT RE LIMITED SOIL REMEDIAL EXCAVATION SERVICES FOR DEL AMO BOULEVARD EXTENSION

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Approve Change Order Number 1 to Purchase Order Number 2009-903 with EDAW, Inc. an AECOM Company in the amount of \$5,120 for the additional soil sampling conducted on the City of Torrance utility easement located at the Dow Chemical facility at 305 Crenshaw Boulevard; and
- 2) Award a two month contract services agreement in an amount not to exceed \$23,400 to EDAW, Inc. an AECOM Company to perform limited soil remedial excavation services within the City of Torrance utility easement located at the Dow Chemical facility located at 305 Crenshaw Boulevard for the Del Amo Boulevard Extension, T-30.

8H. PURCHASE ORDER FOR BRUSH CHIPPERS

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Appropriate and transfer \$6,163.50 from the General Fund, Public Works operating budget, to FEAP #712-Brush Chippers project; and
- 2) Award a purchase order to Vermeer Pacific of Rancho Dominguez, CA, in the amount of \$105,163.50, including sales tax, to furnish three (3) BC 1000XL 12" brush chippers as a cooperative purchase with the National Joint Powers Alliance (Ref: NJPA IFB# 081209 Contract #081209-VRM).

8I. PURCHASE ORDER FOR FORD BRAND REPAIR PARTS

Recommendation

Recommendation of the General Services Director that City Council authorize an annual purchase order with South Bay Ford of Hawthorne, CA in an amount not to exceed \$65,000, to purchase Ford brand repair parts for passenger vehicles, light trucks, and emergency vehicles on an as needed basis, effective October 28, 2009 through October 27, 2010.

MOTION: Councilmember Numark moved for the approval of Consent Calendar Items 8A through 8D and 8F through 8I. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

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

8E. AGREEMENT FOR ANIMAL CARE AND CONTROL SERVICES

Recommendation

Recommendation of the Chief of Police that City Council approve an agreement with the County of Los Angeles, through the Director of Animal Care and Control, for animal care and control services for the period from July 1, 2009 to June 30, 2014, in an amount not to exceed \$450,000.

Councilmember Furey reported that he is employed by the County of Los Angeles as a Senior Deputy County Counsel and questioned whether he should abstain from consideration of this item. Deputy City Attorney Sullivan confirmed that he could vote on this matter as there was no conflict of interest.

Councilmember Numark noted that L.A. County's fees for housing animals have increased substantially and asked if other options were being explored for the future.

Police Lieutenant Megeff explained that in addition to the increase in County fees for sheltering, there has been a significant increase in the number of animals being housed, including a 20% increase in animals being turned in by their owners, therefore staff has estimated on the high side to account for this increase. He stated that while there are other agencies offer the same services, including the City of Los Angeles, the City of Long Beach and private organizations, staff believes costs would be considerably higher with these service providers.

Responding to questions from the Council, Lieutenant Megeff advised that the City may cancel the contract at any time with 180 days notice without penalty and reported that any fees collected from animal owners for shelter services are passed on to the City in the form of a credit.

Councilmember Numark encouraged staff to explore other options for housing animals, including partnering with non-profit organizations.

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

12. ADMINISTRATIVE MATTERS

12A. APPROVAL OF REFERENCE POINTS FOR EXECUTIVE AND MANAGEMENT EMPLOYEES

Recommendation

Recommendation of the City Manager that City Council approve the reference points for the Executive and Management Employees and provide direction with respect to salary modifications for Executive and Management Employees, Elected Officials that also serve as department heads, City Attorney, and City Manager.

Assistant to the City Manager Chaparyan reported that staff was recommending approval of the reference points for Executive and Management Employees and requested that the Council consider the following options with regard to salary modifications: A) Fund the merit pool for FY2009-2010 per Merit Pay Plan; B) Do not fund the merit pool for FY2009-2010; and C) Delay funding of the merit pool.

A brief discussion ensued, and it was the consensus of the Council to delay the funding of the merit pool until second quarter budget figures are available. It was noted that the decision to delay funding of the merit pool did not reflect on the performance of the City's Executive and Management staff because the City's strong financial position was due in large part to their skillful management.

MOTION: Councilmember Barnett moved to approve the reference points and to delay funding of the merit pool and reopen for discussion in April 2010 or sooner. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

RESOLUTION NO. 2009-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
SETTING FORTH CHANGES REGARDING EMPLOYMENT
COMPENSATION FOR EXECUTIVE AND MANAGEMENT EMPLOYEES
EFFECTIVE OCTOBER 11, 2009 AND REPEALING RESOLUTION NO.
2008-90

MOTION: Councilmember Barnett moved for the adoption of Resolution No. 2009-94. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

The City Council took a brief recess from 8:22 p.m. to 8:32 p.m.

12B. SETTING OF DATE FOR PUBLIC HEARING ON PROPOSED INCREASES TO FEES FOR RESIDENTIAL SANITATION SERVICES

Recommendation

Recommendation of the Public Works Director that City Council set a date of January 12, 2010 for a public hearing on a proposed fee increase to maintain and enhance citywide sanitation services.

Item was withdrawn.

12C. AGREEMENT RE PROPOSITION 1A SECURITIZATION OF PROPERTY TAXES

Recommendation

Recommendation of the Finance Director that City Council adopt a Resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1A receivable from the State; and directing and authorizing certain other actions in connection therewith.

Item was withdrawn.

12D. PURCHASE ORDER RE SELF-CONTAINED BREATHING APPARATUS

Recommendation

Recommendation of the Fire Chief that City Council authorize a purchase order to Allstar Fire Equipment of Arcadia, CA, in an amount not to exceed \$607,932 including sales tax, for the purchase of Self-Contained Breathing Apparatus (SCBA) equipment, parts and accessories (B2009-35). Equipment worth an amount not to exceed \$303,966 will be ordered immediately with funds from FY 2007 Urban Areas Security Initiative (UASI) grant, the remaining equipment (total

not to exceed \$303,966), funded by FY 2008 UASI grant, will be ordered upon receipt of a fully executed contract from the City of Los Angeles.

Sr. Administrative Analyst Mileva noted that the breathing apparatus to be purchased is certified for use by emergency responders in chemical, biological, radiological and nuclear environments.

Responding to questions from the Council, Fire Chief Racowschi reported that 108 SCBA units will be purchased and they are expected to last approximately 10 years.

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

12E. CONCEPTUAL APPROVAL AND SETTING OF HEARING DATE RE ENERGY UPGRADES

Recommendation

Recommendation of the City Manager and General Services Director that City Council:

- 1) Provide conceptual approval for projects under consideration for accomplishment under an energy service contract;
- 2) Set a hearing date of November 17, 2009 to consider a sole source energy service contract with Johnson Controls, Inc.; and
- 3) Adopt a Resolution authorizing the borrowing of funds from the California Energy Commission to fund energy upgrades in the amount of \$3 million.

Facility Services Manager Landis reported that staff was requesting conceptual approval of an energy savings performance contract with Johnson Controls, Inc. (JCI) whereby the company would replace/repair various energy-using equipment throughout the City with the cost to be paid by energy savings and rebates over the term of the contract. He explained that the contract will allow the City to complete these projects much faster than through the traditional bidding process and will help reduce the City's carbon footprint as required by Assembly Bill 32. He noted that JCI will guarantee a minimum level of energy savings; that the contract term/payback period will be between 12 and 15 years; and that JCI has already assisted the City in obtaining \$1.4 million in Energy Efficiency and Conservation Block Grant funds. He stated that staff was also requested that a hearing date be set as required for a sole source contract.

Councilmember Sutherland expressed concerns that the Council will be charged with making a determination that the sole source contract is in the best interest of the City, which is difficult to do since no other companies bid on the project.

City Manager Jackson advised that in considering whether the contract was in the City's best interest, the Council will be evaluating the credibility of the company and its ability to fulfill the terms of the contract.

Responding to questions from the Council, Facility Services Manager Landis provided clarification regarding the proposed contract. He explained that adopting the proposed resolution will allow the City to apply for and reserve Californian Energy Commission funding at a 1.0% interest rate, but does not obligate the City to go forward with the performance contract, which be considered after a more detailed audit has been

conducted to determine the exact cost of each item and estimated energy savings. He noted that when the matter is brought back, an estimated payback period will be included for each item and confirmed that energy savings will extend beyond the life of the contract.

Mayor Scotto recommended that there be a variety of energy-saving items for the Council to choose from when the matter is brought back and not just a pre-determined list of projects.

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

RESOLUTION NO. 2009-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE CITY OF TORRANCE TO APPLY FOR AN ENERGY EFFICIENCY LOAN FROM THE CALIFORNIA ENERGY COMMISSION AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AND THE CITY CLERK TO ATTEST TO ANY DOCUMENTS RELATED TO THE ENERGY EFFICIENCY LOAN

MOTION: Councilmember Barnett moved for the adoption of Resolution No. 2009-96. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

12F. REFUNDING OF CITY OF TORRANCE 1998 CERTIFICATES OF PARTICIPATION

Recommendation

Recommendation of the Finance Director that City Council direct staff to explore refunding the City of Torrance 1998 Certificates of Participation concurrently with the PPG land acquisition financing.

Finance Director Tsao advised that staff was recommending that the City explore refinancing the 1998 Certificates of Participation in conjunction with the issuance of Certificates of Participation for the acquisition of the PPG property in order to reduce the debt service.

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

12G. REFURBISHMENT OF ELECTRICAL SYSTEM/CONVERSION OF STREET LIGHTS ON VICTOR STREET

Recommendation

Recommendation of the City Manager that City Council appropriate \$55,000 from the Program Innovation Reserve to refurbish the electrical system and convert nine street lights located on the west side of Victor Street between Del Amo Boulevard and Spencer Street to Light Emitting Diodes (LED) as a demonstration project for alternative lighting sources.

Assistant to the City Manager Sunshine reported that staff was proposing to convert nine streetlights on the east side of Victor Street from standard incandescent fixtures to two different types of LED units from two manufacturers in Torrance to determine their viability for future projects. He noted that the City is taking over the ownership/maintenance of these streetlights from the Torrance Unified School District.

Mayor Scotto commented that the City was pleased to assist the TUSD with these streetlights as they have been in disrepair for some time due to a lack of funding.

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

12H. EXCLUSION OF ROCKY POINT AREA FROM SOUTH COAST MARINE PROTECTION AREA

Recommendation

Recommendation of the City Manager that City Council consider the adoption of a Resolution requesting that the Rocky Point area be excluded from the State Marine Life Protection Act, South Coast Region Study, as a Marine Protected Area. (*ADDENDUM ITEM*)

Assistant City Manager Giordano reported that a Blue Ribbon Task Force of the California Department of Fish and Game will be holding a hearing this week to consider three proposals to implement the Marine Life Protection Act and staff was recommending that the Council adopt an ordinance in support of the exclusion of the Rocky Point area from the proposed South Coast Marine Protected Area because this is a popular local fishing spot and as a protected area, fishing would be prohibited.

Councilmember Numark noted that the resolution adopted by the City of Redondo Beach in opposition to the fishing ban in the Rocky Point area mentions that there are no over-fished species in the southwest region and there is evidence that this area continues to rebound since the commercial fishing ban took effect.

Assistant City Manager Giordano related her understanding that Redondo Beach did extensive study on this issue because of the ban's potential impact on the city's economy.

Mayor Scotto expressed support for the resolution, noting that the fishing ban would encompass almost the entire Palos Verdes Peninsula.

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

RESOLUTION NO. 2009-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
SUPPORTING THE EXCLUSION OF THE ROCKY POINT AREA FROM THE
PROPOSED SOUTH COAST MARINE PROTECTED AREA

MOTION: Councilmember Barnett moved for the adoption of Resolution No. 2009-95. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

13. HEARINGS

13A. APPROVAL OF TAX-EXEMPT FINANCING/ISSUANCE OF REVENUE BONDS

Recommendation

Recommendation of the Finance Director that City Council hold a public hearing for the Del Harbor Foundation and adopt a Resolution approving the tax-exempt financing and the issuance of the revenue bonds by the California Municipal Finance Authority (CMFA) for the Borrower, solely for the purposes of satisfying the requirements of the Tax and Equity Fiscal Responsibility Act of 1982 (TEFRA), the Internal Revenue Code and the California Government Code Section 6500 (and following).

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.

Finance Director Tsao advised that the City will incur no liability by approving this financing.

Mayor Scotto explained that the Del Harbor Foundation, a non-profit public benefit corporation, has the opportunity to purchase two buildings on Hawthorne Boulevard for the Harbor Regional Center and this action is required to facilitate the purchase.

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 roll call vote.

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

RESOLUTION NO. 2009-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING THE ISSUANCE OF THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY REVENUE BONDS (HARBOR REGIONAL CENTER PROJECT), SERIES 2009 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$27,500,000 FOR THE PURPOSE OF FINANCING THE ACQUISITION, REHABILITATION, IMPROVEMENT AND EQUIPPING OF OFFICE BUILDINGS AND CERTAIN OTHER MATTERS RELATING THERETO

MOTION: Councilmember Barnett moved for the adoption of Resolution No. 2009-97. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

13B. VACATION OF PUBLIC ALLEY SOUTH OF WINLOCK ROAD

Recommendation

Recommendation of the Community Development Director that City Council conduct a public hearing and adopt a Resolution ordering the vacation of the public alley south of Winlock Road and west of Tandem Way.

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.

Civil Engineer Symons reported that the two property owners adjacent to the alley have applied to have the property vacated because it is not used by the public. He noted that the property owners will be required to construct curb, gutters and sidewalk across the vacated alley and easements will be reserved for utilities.

Raymond Petty, Whiffletree Lane, stated that this alley provides access for residents on Whiffletree to maintain the swale and slope at the rear of their properties and requested that the Council postpone action on this matter until they investigate the impact on Whiffletree residents.

Eileen Seelig, Whiffletree Lane, echoed Mr. Petty's comments.

City Manager Jackson recommended that the Council hear public testimony and then continue the hearing so that staff could investigate neighbors' concerns.

Councilmember Furey requested that staff provide information about the original purpose of the alley when the matter is returned and Councilmember Numark asked that staff see if a compromise could be reached with the neighbors.

Patricia Hood, 3304 Winlock Road, stated that she applied to have the alley vacated because it serves no other purpose than to provide access to her property and it is not cleaned or maintained by the City. She explained that there is a 6-foot high chain link fence that separates the alley from the adjacent swale/slope with gates on the side to provide access for residents on Whiffletree to maintain this area and it is not feasible for these residents to use the alley for this purpose because it blocks access to her garage.

Mayor Scotto proposed continuing the hearing for one month so that he and other Councilmembers would have an opportunity to visit the site.

MOTION: Councilmember Brewer moved to close the public hearing. The motion was seconded by Councilmember Numark and passed by unanimous roll call vote.

The matter was continued to the November 17, 2009 City Council meeting and will be re-advertised.

16. SECOND READING ORDINANCES

16A. SECOND AND FINAL READING OF ORDINANCE NO. 3721

ORDINANCE NO. 3721

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AMENDING SECTION 35.14.050 OF THE TORRANCE MUNICIPAL CODE
RELATING TO HOURS OF OPERATION OF MASSAGE THERAPY
ESTABLISHMENTS

MOTION: Councilmember Barnett moved for the adoption of Ordinance No. 3721. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

The City Council reconvened as the Redevelopment Agency from 9:46 p.m. to 9:47 p.m.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Sutherland announced the birth of his granddaughter on October 14, 2009.

17B. Councilmember Sutherland reported on his recent trip to Washington, D.C. to discuss the 2010 Armed Forces Day Parade.

17C. Councilmember Barnett announced that the City's annual Halloween Carnival would be held on Saturday, October 31, from 4:00 p.m. to 8:00 p.m. at Wilson Park with booths and games for children of all ages.

17D. Councilmember Brewer noted that he also went to Washington, D.C. to discuss the 2010 Armed Forces Day Parade and the featured branch will be the U.S. Coast Guard.

17E. Councilmember Brewer announced that information about candidates in the upcoming election for the TUSD Board of Education is available on the League of Women Voters' website www.smartvoter.org.

17F. Councilmember Furey reminded the public that the last candidate forum for the upcoming School Board election will be held on Thursday, October 22, at 7:00 p.m. in the North High School Library sponsored by the North Torrance Homeowners Association.

17G. Councilmember Furey announced that the Torrance Rose Float Association will be holding a fundraiser on Wednesday, October 21, from 11:00 a.m. to 9:00 p.m. at the California Pizza Kitchen.

17H. Councilmember Furey requested that staff look into complaints by residents about noise from trains traveling through Torrance at all hours of the night.

City Manager Jackson reported that staff has been investigating this issue and will be reporting to the Council.

17I. Councilmember Numark encouraged everyone to attend *Beauty and the Beast* on Saturday, October 24, at 7:30 p.m. at the Armstrong Theatre, and the walking tour of Old Torrance on Sunday, October 25, at 1:30 p.m. starting at the Historical Museum.

17J. Mayor Scotto, with the concurrence of Council, directed staff to send letters to Robinson Helicopter and the Coast Guard requesting that their helicopters fly at a higher altitude because noise is impacting residents.

17K. Newt Young, Torrance, requested that the Council consider returning to voice vote instead of electronic vote.

Mayor Scotto related his belief that electronic voting is superior because the entire Council votes at the same time and Councilmembers are not influenced by how their colleagues vote.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 10:00 p.m., the meeting was adjourned to Tuesday, October 27, 2009, at 5:30 p.m. for an executive session, with regular business 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 January 12, 2010