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TORRANCE CITY COUNCIL – NOVEMBER 5, 2013

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At 10:01 p.m., the meeting was adjourned to Tuesday, November 19, 2013 at 6:30 p.m. for an executive session with regular business commencing at 7:00 p.m. in the Council Chamber.
Tuesday, November 12 is a Council dark night.

**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, November 5, 2013 in the Council Chamber at Torrance City Hall.

ROLL CALL

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

Absent: None.

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 the City Attorney on agenda matters listed under 18A) Conference with Labor Negotiator, 18B) Conference with Legal Counsel – Existing Litigation, and 18C) Conference with Legal Counsel - Anticipated Litigation, pursuant to California Government Code §54957.6, 54956.9(d)(1) and 54956.9(d)(2).

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

2. FLAG SALUTE/ INVOCATION

The flag salute was led by City Treasurer Dana Cortez.

The non-sectarian invocation was given by Councilmember Numark.

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 31, 2013.

MOTION: Councilmember Numark moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

Agenda Item 12H was deferred to the November 19, 2013 City Council meeting. Supplemental material was available for items: 12D, 12E and 12I.

5. COMMITTEE MEETINGS AND ANNOUNCEMENTS

City Clerk Herbers reminded voters that polls will be open until 8:00 p.m. for the election of Boards of Trustees for the Torrance Unified School District and the El Camino Community College District.

City Clerk Herbers invited staff and public to view the watercolors and pastels of Torrance Artist Guild member Suzanne Kuuskmae on display in the City Clerk's office for the month of November.

Fire Chief Racowski announced that ExxonMobil would be conducting their monthly Community Alert Siren testing on Wednesday, November 6, at approximately 11:30 a.m., with additional information available at 310.212.1852.

Councilmember Furey announced that the Environmental Quality and Energy Conservation Commission will meet on Thursday, November 7, in the West Annex meeting room to discuss electric vehicle charging stations.

Councilmember Sutherland announced that the Finance and Governmental Operations Committee will meet on Tuesday, November 19, at 5:30 p.m. in the Council Chamber to discuss the 1st Quarter 2013-2014 Budget Review.

Mayor Scotto announced that the City Council Ad Hoc State Legislative Advocacy Committee will meet on Tuesday, November 12, at 4:00 p.m. in the City Manager assembly room for a legislative update presented by Jason Gonsalves.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2013-74 RE LIZA TERLAZZO

RESOLUTION NO. 2013-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING **LISA TERLAZZO** OF THE CITY TREASURER'S OFFICE UPON HER RETIREMENT FROM THE CITY OF TORRANCE AFTER TWENTY-FOUR YEARS OF SERVICE

MOTION: Councilmember Furey moved to adopt Resolution No. 2013-74. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

To be presented at a later date.

6B. PROCLAMATION RE "RETIRED TEACHERS WEEK"

Mayor Scotto presented a proclamation declaring November 3 through November 9 as **California Retired Teachers Week** in the City of Torrance to retired teacher Wendy Wengrow on behalf of the California Retired Teachers Association.

6C. PROCLAMATION RE “TORRANCE EDUCATION FOUNDATION MONTH”

Mayor Scotto presented a proclamation declaring November as **Torrance Education Foundation Month** in the City of Torrance to Torrance Education Foundation President Dee Hardison.

Ms. Hardison briefly reviewed the accomplishments and goals of the Torrance Education Foundation and encouraged people to become members, with additional information available at www.TorranceEducationFoundation.org.

7. ORAL COMMUNICATIONS #1

7A. Sharon Alexander, Audrey Avenue resident, expressed concerns that the City rejected a claim for damage to her vehicle caused by falling pine cones from a City tree planted in the parkway and urged that these trees be removed.

7B. Joel Massa, representing Western Museum of Flight, invited the public to visit the museum located at 3315 Airport Drive, which is open Tuesday through Sunday from 10:00 a.m. to 3:00 p.m. He noted that special events honoring Viet Nam veterans will be held on November 16, including a display of historic aircraft and a lecture by Colonel Marv Garrison on the Viet Nam air war, with additional information at www.WMOF.com.

7C. Major Scott Cunningham, resident, invited the public to participate in Wreaths Across American Day on December 14 at the Los Angeles National Cemetery by sponsoring a wreath or attending the ceremony, with additional information at www.WreathsAcrossAmerica.org.

7D. Lloyd Brown announced that the 2nd annual Alpine Craft Beer Fest will be held at Alpine Village on Sunday, November 17, from 3:00 p.m. to 8:00 p.m. featuring rare American craft beers, with additional information at www.AlpineVillageCenter.com.

8. CONSENT CALENDAR

8A. AGREEMENT RE CRENSHAW BOULEVARD REHABILITATION PROJECT

Recommendation

Recommendation of the Public Works Director that City Council award a consulting services agreement in the amount of \$275,853 to Psomas of Los Angeles, CA to perform engineering design services (RFP B2013-30) for the Crenshaw Boulevard Rehabilitation, I-120.

8B. FEE AGREEMENT RE LEGAL SERVICES

Recommendation

Recommendation of the City Attorney that City Council approve a fee agreement with Liebert Cassidy Whitmore to provide legal services relating to Freddy Alvarado v. City of Torrance, et al., for a total contract amount not to exceed \$70,000.

8C. TORRANCE YOUTH COUNCIL 2012-2013 ANNUAL REPORT

Considered separately, see page 4.

8D. DONOR WALL AND SPONSORSHIP PROGRAM FOR 555 MAPLE AVENUE SPORTS FIELDS

Recommendation

Recommendation of the Parks and Recreation Commission and Community Services Director that City Council:

- 1) Approve the Donor Wall and Sponsorship Program for the sports fields located at 555 Maple Avenue, and
- 2) Assign the City Council Ad Hoc Naming of Public Facilities Committee to develop guidelines and expectations for naming rights for the facility.

8E. AGREEMENT RE UPDATED COMMUNITY PROFILE/ ENVIRONMENTAL SCAN

Recommendation

Recommendation of the Community Development Director that City Council award a consulting services agreement to the Planning Center of Santa Ana, CA to prepare an updated community profile/environmental scan for updating the Torrance Strategic Plan (RFP B2013-38), at a cost not to exceed \$66,239.25, which includes a 5% contingency of \$3,154.25.

8F. AGREEMENT RE PUBLIC OPINION SURVEYS

Recommendation

Recommendation of the Community Development Director that City Council award a consulting services agreement to Fairbank, Maslin, Maullin, Metz & Associates (FM3) of Santa Monica, CA to conduct new public opinion surveys for updating the Torrance Strategic Plan (RFP B2013-39), at a cost not to exceed \$62,990.55, which includes a 5% contingency of \$2,999.55.

8G. SEPTEMBER 2013 MONTHLY INVESTMENT REPORT

Recommendation

Recommendation of the City Treasurer that City Council accept and file the monthly investment report for September 2013.

MOTION: Councilmember Sutherland moved for the approval of Consent Calendar Items 8A, 8B and 8D through 8G. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

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

8C. TORRANCE YOUTH COUNCIL 2012-2013 ANNUAL REPORT

Recommendation

Recommendation of the Community Services Director that City Council accept and file the Torrance Youth Council 2012-2013 Annual Report.

Youth Council members Alisa Ohara, Debbie Park and Dan Park highlighted Youth Council activities for 2012-2013.

MOTION: Councilmember Brewer moved to accept and file the report. The motion was seconded by Councilmember Sutherland and passed by unanimous vote.

12. ADMINISTRATIVE MATTERS

12A. APPOINTMENT OF DEPUTY CITY ATTORNEY II

Recommendation

Recommendation of the City Attorney that City Council appoint Jocelyn Sarigumba to the position of Deputy City Attorney II.

City Attorney Fellows reviewed Jocelyn Sarigumba's qualifications for the position of Deputy City Attorney II.

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

Jocelyn Sarigumba thanked the Council and introduced family members present at the meeting.

12B. AGREEMENT RE GOVERNMENT CONSULTING AND ADVOCACY SERVICES

Recommendation

Recommendation of the City Manager that City Council approve a services agreement with David Turch and Associates in the amount of \$60,000 to provide government consulting and advocacy services at the federal level for the period of January 1, 2014 through December 31, 2014.

Management Associate Jones briefly highlighted the services provided by David Turch and Associates over the past year.

Councilmember Sutherland stated that David Turch and Associates has done an excellent job of representing the City's interests, but related his belief that the City should not have to hire lobbyists to have a voice in Washington, DC.

Mayor Scotto commented positively on the services provided.

David Turch, David Turch and Associates, offered background information about the workings of the firm.

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

12C. CONTRACT FOR REPLACEMENT OF HVAC UNITS

Recommendation

Recommendation of the General Services Director that City Council:

- 1) Award a contract to K & J Air Conditioning Inc. for \$448,650 with a 5% contingency of \$22,433 for replacement of HVAC units at various locations (B2013-33/FEAP#751);
- 2) Extend the consulting agreement term with Bartef Yoosephiance & Associates (C2010-217) for engineering services to December 31, 2014; and,
- 3) Approve a 10% project management fee of \$44,865.

Business Manager Megerdichian provided an overview of the contract to replace 39 HVAC units at 14 City buildings.

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

12D. RESOLUTION RE TORRANCE POLICE OFFICERS ASSOCIATION

Recommendation

to a Memorandum of Understanding setting forth hours, wages, and working conditions for employees represented by the Torrance Police Officers Association (TPOA) for the period January 1, 2014 to June 30, 2017 and repeal Resolution No. 2011-53 in its entirety. Expenditure: 2.1% Year 1, 2.0% Year 2, and 4.0% Year 3 of contract for a total net package cost to the General Fund of 8.1% over 42 months.

Mayor Scotto reported that Torrance was recently ranked as the 14th safest city in the U.S. for cities with a population of 100,000 or more and credited the efforts of the Torrance Police Department.

Assistant to the City Manager Chaparyan briefly highlighted the terms of the new Memorandum of Understanding for the Torrance Police Officers Association, noting that it complies with the 2013 Public Employees Pension Reform Act.

Mayor Scotto provided clarification regarding a recent *Wall Street Journal* article that contained misinformation about the City's pension obligations.

City Manager Jackson noted that revenue growth is projected to cover the cost of the salary increases over the term of the 42-month agreement.

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

RESOLUTION NO. 2013-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE POLICE OFFICERS ASSOCIATION (TPOA), AND REPEALING RESOLUTION NO. 2011-53

MOTION: Councilmember Furey moved to adopt Resolution No. 2013-75. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

12E. RESOLUTION RE SAFETY MANAGEMENT EMPLOYEES

Recommendation

Recommendation of the City Manager that City Council adopt a Resolution setting forth hours, wages, and working conditions for Safety Management Employees effective January 1, 2014 and repealing Resolution No. 2011-65. Expenditure: 8.1% total package over 42 months.

Assistant to the City Manager Chaparyan reported that this agreement covers Safety Management Employees and includes the same terms and conditions as Item 8D.

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

RESOLUTION NO. 2013-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR SAFETY MANAGEMENT EMPLOYEES EFFECTIVE JANUARY 1, 2014, AND REPEALING RESOLUTION NO. 2011-65

MOTION: Councilmember Furey moved to adopt Resolution No. 2013-76. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

Item 12G was considered out of order at this time.

12G. RESOLUTION RE TORRANCE POLICE COMMANDERS ASSOCIATION

Recommendation

Recommendation of the City Manager that City Council adopt a Resolution pursuant to a Memorandum of Understanding setting forth the hours, wages and working conditions for employees represented by the Torrance Police Commanders Association (TPCA) for the period January 1, 2014 to June 30, 2017 and repeal Resolution No. 2011-52 in its entirety. Expenditure: 2.1% Year 1, 2.0% Year 2, and 4.0% Year 3 of contract for a total net package cost to the General Fund of 8.1% over 42 months.

Assistant to the City Manager Chaparyan reported that the Resolution for the Torrance Police Commanders Association includes the same terms and conditions as Items 8D and 8E.

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

RESOLUTION NO. 2013-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE POLICE COMMANDERS ASSOCIATION (TPCA), AND REPEALING RESOLUTION NO. 2011-52

MOTION: Councilmember Furey moved to adopt Resolution No. 2013-78. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

12F. PROGRAM SUPPLEMENT AGREEMENT RE CRENSHAW BLVD. REHABILITATION PROJECT

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Adopt a Resolution approving Program Supplement No. N012 to Administering Agency-State agreement for Federal-Aid Projects No. 07-5249R with the State of California for the Crenshaw Boulevard Rehabilitation (182nd Street to 190th Street), T-22; HPLUL-5249(022); and
- 2) Appropriate \$2,392,619 of federal grant funds to the Crenshaw Boulevard Rehabilitation, T-22.

Associate Engineer Arikat provided an overview of the Crenshaw Boulevard Rehabilitation Project. She noted that federal grant funds will cover the cost of the project and construction is expected to begin in March 2014.

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

RESOLUTION NO. 2013-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE MAYOR AND THE CITY CLERK TO EXECUTE AND ATTEST TO PROGRAM SUPPLEMENT NO. N012 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL AID PROJECTS NO. 07-5249R WITH THE STATE OF CALIFORNIA

MOTION: Councilmember Furey moved to adopt Resolution No. 2013-77. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

12H. ADOPTION OF 2013-2018 FIVE-YEAR CAPITAL BUDGET

Recommendation

Recommendation of the Finance Director that City Council adopt the 2013-2018 five-year Capital Budget.

Item was deferred to the November 19, 2013 City Council meeting.

12I. CONSIDERATION OF JULY 4TH FIREWORKS DISPLAY AT CIVIC CENTER

Recommendation

Recommendation of the Community Services Director that City Council consider a 4th of July Fireworks Show to be held on July 4, 2014 in the Torrance Civic Center in the amount of \$70,000 - \$75,000 and provide direction to staff.

Business Manager Minter briefly reviewed the proposal to have a fireworks show at the Torrance Civic Center on July 4, 2014. He noted that this item was being brought forward in response to the Council's request that staff explore lower cost alternatives to the 4th of July event formerly held at Wilson Park.

Councilmember Brewer commented positively on the proposal, noting that some local businesses have expressed an interest in paying for the fireworks.

Responding to questions from the Council, Business Manager Minton clarified that the cost of the fireworks is \$40,000 so the event would cost the City approximately \$35,000 without this expense.

Councilmember Furey asked about alternate sites if the civic center is determined to be unacceptable.

Assistant City Manager Giordano advised that Wilson Park is the only other site that meets all the logistical requirements, however, it would be significantly more expensive.

Councilmember Barnett related his belief that surrounding residents would be opposed to a fireworks display at the civic center and that Wilson Park was better suited for this type of event.

Councilmember Sutherland indicated that he would not support a fireworks display until a funding source has been identified. He noted that some residents are glad the fireworks show at Wilson Park was discontinued due to crowds it brings and associated problems.

Councilmember Weideman pointed out that according to the staff report, funding is available using year-end carryover.

A brief discussion ensued regarding parking issues, and Councilmember Numark suggested establishing parking restrictions and offering a shuttle service to avoid impacting nearby residential neighborhoods.

Mayor Scotto invited public comment.

Lloyd Brown, resident, voiced objections to having the fireworks show at the civic center due to the many large view-blocking trees and related his belief that year-end carryover funds would be better spent on something that benefits more residents.

Dave Dewitt, resident, stated that he was in favor of a fireworks display but felt it was premature to approve anything at this time.

A brief discussion ensued and Councilmember Brewer proposed that the Council approve the funding in concept and direct staff to further explore the feasibility of the civic center location with surrounding neighbors.

MOTION: Councilmember Brewer moved to approve \$70,000 – 75,000 in funding for a fireworks show. The motion was seconded by Councilmember Weideman and failed to pass as reflected in the following roll call vote:

YES: Councilmembers Brewer, Numark and Weideman.

NOES: Councilmembers Barnett, Furey, Sutherland and Mayor Scotto.

Commenting on his vote, Mayor Scotto stated that he was not in favor of spending \$75,000 on fireworks at this time when there are more pressing needs.

13. HEARINGS

13A. INTERIM URGENCY ORDINANCE RE MORATORIUM ON UNATTENDED DONATION COLLECTION BINS

Recommendation

Recommendation of the Community Development Director that City Council:

- 1) Adopt an interim Urgency Ordinance extending a moratorium on the issuance of any permits or licenses for new unattended donation collection bins; 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 advised that staff was recommending that the moratorium on unattended donation collections bins enacted on October 1, 2014 be extended for another 10 months, 15 days so staff can continue to explore options for regulating them. He reported that currently there are 34 unattended collection bins throughout Torrance, none of which are permitted; that 21 bins were removed over the past month due to Code Enforcement action, however, 20 more bins were placed during the same period; and that Code Enforcement efforts

will continue during the moratorium. He noted that staff plans to bring forward a zoning ordinance to regulate donation collection bins long before the moratorium expires.

Councilmember Numark, echoed by Councilmember Furey, recommended that enforcement efforts be put on hold until the regulations are finalized.

In response to Councilmember Brewer's inquiry, Assistant City Attorney Sullivan advised that the moratorium also applies to bins on Torrance Unified School District property because the exemption from local regulations applies only to classroom facilities.

Mayor Scotto invited public comment.

Murtaza Haji, representing Angel Bins, a for-profit textile recycling company, provided background information about the company; discussed the need for textile recycling; and voiced support for the City's plan to regulate donation bins.

Weston Labar, representing Use Again, a for-profit textile recycling company, reported that the company diverted over 6 million pounds of textiles from landfills in California last year. He stated that the company supports the City's efforts to adopt an ordinance regulating donation collection bins, but hopes this can be accomplished within 90 days.

Henry Rodgers, representing Use Again, noted that the company submitted a model ordinance from SMART (Secondary Materials and Recycled Textiles Association) designed to regulate donation bins in a responsible manner and recommended that the moratorium be continued no longer than 90 days so existing bins that are creating problems can be addressed.

Nick Yager, Use Again division manager, stated that textile recycling is a key component in achieving waste diversion goals for municipalities and Use Again, which is a leader in the industry, looks forward to partnering with Torrance to help achieve its goals.

Councilmember Sutherland noted that he has heard conflicting information as to whether textiles collected in the bins count toward a city's waste diversion goals, and Mayor Scotto advised that staff was looking into this issue.

Peter Kelly, representing Planet Aid, provided background information the company, explaining that the company uses proceeds from its bins to support programs designed to end poverty in developing countries. He reported that the company currently manages 21 bins in Torrance and two-thirds of them have been in place for over two years without incident. He expressed support the City's plan to regulate donation collection bins, but requested that the company not be required to remove their bins during the process due to the expense involved.

June Lee, resident, voiced objections to allowing for-profit donation collection bins in Torrance due to the impact on non-profit agencies like the Salvation Army and Goodwill that collect used clothing to fund charitable programs.

Councilmember Weideman expressed support for extending the moratorium and indicated that he favored allowing existing bins to remain in place until regulations are enacted.

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

MOTION: Councilmember Sutherland moved to extend the moratorium for 10 months and 15 days and stay enforcement on existing bins. The motion was seconded by Councilmember Numark and passed by unanimous vote.

URGENCY ORDINANCE NO. 3760

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING A TEMPORARY MORATORIUM ON UNATTENDED DONATION COLLECTION BINS

MOTION: Councilmember Furey moved to adopt Urgency Ordinance No. 3760 and approve an ordinance summary for publication. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Sutherland complimented Halloween trick-or-treaters for being well-mannered and polite.

17B. Councilmember Brewer announced that the 34th annual Turkey Trot three-mile fun run will be held on Thursday, November 28, beginning at 8:00 a.m. in the Sam's Club parking lot, with additional information available on the City's website.

17C. Councilmember Furey reported that he and Councilmember Barnett, along with a contingent from the Torrance Police Department, will be attending the annual Veteran's Day Parade in Palm Springs on Monday, November 11. He noted that Green Clean Carwash, located at 17500 Prairie Avenue, will be offering free carwashes to veterans and their families on that date.

17D. Mayor Scotto encouraged everyone to express their appreciation to any military personnel they come in contact with on Veteran's Day.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 10:01 p.m., the meeting was adjourned to Tuesday, November 19, 2013 at 6:30 p.m. for an executive session with regular business commencing at 7:00 p.m. in the Council Chamber. **Tuesday, November 12 is a Council dark night.**

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 November 26, 2013