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**TORRANCE CITY COUNCIL – APRIL 3, 2018**

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At 10:24 p.m. the City Council adjourned to Tuesday, April 10, 2018 at 5:30 p.m. for a closed session, with regular business commencing at 7:00 p.m. in the Council Chamber.

**MINUTES OF AN ADJOURNED REGULAR MEETING  
OF THE TORRANCE CITY COUNCIL**

**1. CALL TO ORDER**

The Torrance City Council convened in a regular meeting on Tuesday, April 3, 2018 at 6:03 p.m. in the Council Chamber at Torrance City Hall.

**ROLL CALL**

Present: Councilmembers Ashcraft, Goodrich, Griffiths, Herring, Rizzo, Weideman and Mayor Furey.

Absent: None.

Present: City Manager Jackson, Assistant City Manager Chaparyan, City Attorney Sullivan, City Clerk Poirier and other staff representatives.

Agenda Item 14 was considered out of order at this time.

**14. CLOSED SESSION**

The City Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 14A) Public Employee Performance Evaluation, and 14B) Conference with Labor Negotiator, pursuant to California Government Code §54957(b)(1) and §54957.6.

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

**2. FLAG SALUTE/ INVOCATION**

The flag salute was led by Councilmember Herring.

The non-sectarian invocation was given by Councilmember Rizzo.

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

City Clerk Poirier reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard and on the City's website on Thursday, March 29, 2018.

**MOTION:** Councilmember Rizzo moved that after the City Clerk has read aloud the number and title of 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 Ashcraft and passed by 7-0 vote.

**4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS**

No items were deferred or withdrawn. Supplemental material available for items: 9B, 9C (3), 9D.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Councilmember Herring requested that the City Council meeting be adjourned in memory of Dennis Matsumoto.

Councilmember Weideman announced that the Finance and Governmental Operations Committee met on Tuesday, April 3, 2018 to discuss the 2nd Quarter (Mid-Year) Budget Review Report.

Councilmember Griffiths announced that the Attic Youth Center will be holding a Pancake Breakfast on Saturday, April 7, 2018 from 7:00 a.m. to 11:00 a.m.

Councilmember Griffiths announced that the Torrance Sister City Association will be hosting the 45th Annual Bunka-Sai Japanese cultural festival on Saturday, April 7, 2018 and Sunday, April 8, 2018 from 11:00 a.m. to 5:00 p.m. in the Ken Miller Recreation Center.

Fire Chief Serna announced that the Torrance Refining Company will be conducting the monthly test of the community alert siren on Wednesday, April 4, 2018 at 11:30 a.m.

Mayor Furey announced that the State Legislative Advocacy Committee will meet on Tuesday, April 10, 2018 from 3:30 pm. to 4:30 p.m. in the City Manager's Assembly Room to discuss 2018 Ballot Measures.

Mayor Furey, with the concurrence of Council, requested that staff arrange to recognize South High School sports medicine class students for their second place finish at the 2018 American Academic Competition Institute National Sports Medicine Competition.

City Clerk Poirier invited City staff and members of the public to view Torrance Artist Guild member Dennis Sullivan's oil and pastel artwork on view in the City Clerk's Office for the month of April.

City Clerk Poirier announced the following candidate forums: Wednesday, April 4, 2018 in the South High Cafeteria with a meet and greet at 5:30 p.m. followed by council candidates at 6:00 p.m. and mayoral candidates at 7:45 p.m.; and Thursday, April 5, 2018 in the Toyota Meeting Hall from 7:00 to 9:00 p.m. for both council and mayoral candidates.

**6. COMMUNITY MATTERS**

**6A. RESOLUTION NO. 2018-26 RE DELOIS MCCARY**

Resolution No. 2018-26 honoring DeLois McCary of the General Services Department upon her retirement from the City of Torrance after twenty-nine years of service. (For Adoption Only)

**MOTION:** Councilmember Goodrich moved to adopt Resolution No. 2018-26. The motion was seconded by Councilmember Weideman and passed by 7-0 vote.

**6B. RECONGNITION OF OLIN SNAKENBORG FOR PARTICIPATION IN 2017 PITCH HIT, AND RUN COMPETITION**

Mayor Furey recognized Olin Snakenborg for being a finalist in the 2017 Major League Baseball Pitch, Hit and Run Competition held in Miami, Florida.

**6C. PROCLAMATION RE PLAY BALL DAY**

Mayor Furey presented a proclamation declaring April 3, 2018 as Play Ball Day in the City of Torrance to Kevin Tyler, owner/operator of Torrance Batting Cages, and Olin Snakenborg, finalist in the 2017 MLB Pitch, Hit and Run Competition.

**6D. PROCLAMATION RE NATIONAL LIBRARY WEEK**

Mayor Furey presented a proclamation declaring April 8 to April 14, 2018 as National Library Week in the City of Torrance to Georgia Perkins, chair of the Library Commission.

**6E. PROCLAMATION RE DMV/DONATE LIFE MONTH**

Mayor Furey presented a proclamation declaring April 2018 as DMV/Donate Life Month in the City of Torrance to OneLegacy Ambassadors, Tammy Rusznak and Raquel Gonzalez.

**7. ORAL COMMUNICATIONS #1**

Brandon Silva spoke.

Terrell Snead spoke.

Debbie Hays spoke.

Mark Stephenson spoke.

Kathleen Davis spoke.

Nancy Mendoza spoke.

Isaiah Rocklin spoke.

Paul Prybylla spoke.

**8. CONSENT CALENDAR**

**8A. APPROVAL OF MINUTES**

Recommendation of the City Clerk that City Council approve the City Council minutes of March 6, 2018 and March 20, 2018.

**8B. UPGRADE OF PUBLIC SAFETY DISPATCH EMERGENCY 911 TELEPHONE SYSTEM**

Recommendation of the Police Chief that City Council authorize the use of State of California Emergency Communications funds to replace/upgrade the City's public safety dispatch emergency 9-1-1 telephone system and related components.

**8C. FEE AGREEMENT RE LEGAL SERVICES**

Recommendation of the City Attorney that City Council approve a fee agreement with Liebert Cassidy Whitmore of Los Angeles, CA in the amount of \$50,000 to provide legal services pertaining to Personnel Matter #A18-000165.

**8D. AMENDMENT TO FEE AGREEMENT RE LEGAL SERVICES**

Recommendation of the City Attorney that City Council:

- 1) Appropriate \$70,000 from the Self-Insurance Reserve Fund; and
- 2) Approve a first amendment to the fee agreement with Rutan & Tucker, LLP of Costa Mesa, CA (C2017-135) in the amount of \$70,000, for a new not-to-exceed contract amount of \$145,000, regarding Nazila Mahgerefteh, et al. v. City of Torrance, et al.

**8E. APPROPRIATION OF ASSET FORFEITURE FUNDS FOR FIELD DUTY AND CRISIS NEGOTIATIONS EQUIPMENT AND MAINTENANCE**

Recommendation of the Chief of Police that City Council appropriate \$75,000 of asset forfeiture funds for the purchase of field duty and crisis negotiations equipment and maintenance.

**8F. CHANGE ORDER RE BALLISTIC BODY ARMOR**

Recommendation of the Police Chief that City Council authorize change order #4 with Galls Uniform of Long Beach, CA (PO #2018-42) in the amount of \$9,000, for a new not-to-exceed amount of \$53,600, to purchase ballistic body armor.

**8G. DESIGNATION OF ARMED FORCES DAY PARADE EVENT AS SPECIAL EXHIBIT**

Considered separately, see below.

**MOTION:** Councilmember Herring moved to approve Consent Calendar Items 8A, 8B, 8C, 8D, 8E and 8F. The motion was seconded by Councilmember Griffiths and passed by 7-0 vote.

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

**8G. DESIGNATION OF ARMED FORCES DAY PARADE EVENT AS SPECIAL EXHIBIT**

Recommendation of the Police Chief that City Council designate Armed Forces Day Parade event as a special exhibit under Section 46.8.10 of the Torrance Municipal Code (TMC) which exempts such events from aircraft noise regulations.

At Councilmember Herring's request, staff provided an update on the 2018 Armed Forces Day Parade and Celebration.

**MOTION:** Councilmember Herring moved to approve Item 8G. The motion was seconded by Councilmember Ashcraft and passed by 7-0 vote.

**9. ADMINISTRATIVE MATTERS**

**9A. DESIGNATION OF VOTING DELEGATE FOR SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS REGIONAL CONFERENCE**

Recommendation of the Mayor that City Council approve the designation of Councilmember Mike Griffiths as the voting delegate to represent the City of Torrance at the Southern CA Association of Governments Regional Conference and General Assembly Meeting from May 3 through May 4, 2018 in Indian Wells, California.

**MOTION:** Councilmember Weideman moved to concur with the Mayor's recommendation. The motion was seconded by Councilmember Ashcraft and passed by 7-0 vote.

**9B. APPROVAL OF DATES FOR BUDGET WORKHOPS/PUBLIC HEARINGS FOR 2018-2019 OPERATING BUDGET**

Recommendation of the Finance Director and the City Manager that City Council approve May 1, 2018 as the date to conduct the Capital Budget workshop/hearing and May 8, 2018 and May 15, 2018 as dates to conduct two operating budget workshops/public hearings on the 2nd year of the City's two-year 2018-19 Operating Budget, and if needed, May 22, 2018, as a budget adoption date.

Finance Director Tsao reported that staff was recommending that the hearing scheduled for the Capital Budget on May 1, 2018 be deferred as discussed in supplemental material.

Mark Stephenson requested information about budget documents, which was provided by Finance Director Tsao.

**MOTION:** Councilmember Weideman moved to concur with the staff recommendation. The motion was seconded by Councilmember Goodrich and passed by 7-0 vote.

**9C. REJECTION OF BIDS AND APPROVAL OF PILOT PROGRAM FOR DISPOSAL OF ILLEGALLY DUMPED ITEMS**

Recommendation of City Manager and Public Works Director that City Council:

- 1) Reject three (3) bids received for Illegal Dumping Removal (RFP B2017-53); and
- 2) Approve a pilot program contract services agreement with California Recycle Team, Inc. dba Electronic Waste Solutions of Los Angeles, CA for an amount not-to-exceed \$79,497 (including annual labor and support costs fixed at \$62,697) for collection and recycling or disposal of illegally dumped items for a one-year period beginning April 4, 2018 and ending April 3, 2019.

Management Associate Megerdichian reviewed the staff recommendation.

Mayor Furey commented positively on this proactive approach to dealing with illegally dumped items, which will improve the quality of life for the community and provide employment for developmentally disabled adults through the Harbor Regional Center. He noted that most of illegal dumping of furniture and appliances occurs in areas where there are multi-family residential developments serviced by private haulers who unlike the City's Sanitation Department, do not offer free large item pick-up and suggested that the City may wish to consider imposing an additional fee on their business licenses to fund this contract in the future.

LaDale Jackson, CFO for Electronic Waste Solutions, provided information about the company's partnership with the Harbor Regional Center.

Councilmember Griffiths voiced support for the pilot program, noting that the City's successful graffiti abatement program also takes a proactive approach.

In response to Councilmember Griffiths' inquiry, Management Associate Megerdichian reported that the 10 hotspots for illegal dumping identified in the contract were determined based on the City's past experience and confirmed that they can be changed during the course of the contract.

Councilmember Griffiths asked about the removal of items not covered by the contract, and Fire Chief Serna advised that the Fire Department will continue to handle the removal of hazardous waste.

Mark Stephenson asked about using the City's Sanitation Department to perform this service and Sanitation Services Manager Skinner reported that staff explored this option and it was not cost effective.

Isaiah Rocklin commented on an unrelated topic.

Mayor Furey noted that there will be a hotline for the reporting of illegally dumped items and encouraged residents to use it.

**MOTION:** Councilmember Rizzo moved to concur with the staff recommendation. The motion was seconded by Councilmember Herring and passed by 7-0 roll call vote.

**9D. RESOLUTION RE TRANSITION TO DISTRICT- BASED ELECTIONS AND ACTIVATION OF "SAFE HARBOR" PERIOD**

Recommendation of the City Attorney that City Council adopt a Resolution of Intention, pursuant to Elections Code section 10010(e)(3)(A), that will start the transition from at-large to district-based elections, and activate the 90 day "safe harbor" period protecting the City from the filing of a lawsuit.

City Attorney Sullivan provided a brief summary of the staff report. He explained that the City received a letter on March 7, 2018 from the law firm Shenkman & Hughes threatening a lawsuit for alleged violations of the California Voting Rights Act (CVRA) if Torrance does not voluntarily convert to district-based elections and staff was recommending that the City take action to begin the transition due to the risks and costs associated with protracted CVRA litigation. He noted that staff was seeking input from the Council with regard to the dates for public hearings to be included in the District Election Timeline (Resolution No. 2018-27 – Attachment 1).

John Ramirez, Rutan & Tucker, legal consultant for the City, provided background information about the CVRA and discussed efforts by other cities to litigate CVRA claims, noting that none were successful and estimated that costs would run in the millions of dollars should the City choose to litigate this claim.

Councilmember Herring stated that he was very dissatisfied with the position the City has been placed in, relating his belief that district-based elections may not be beneficial to citizens of Torrance. He cited his election in 2016 as evidence that Torrance voters are not racially biased and voiced his opinion that the City is inclusive, fair and equitable to all its residents.

Councilmember Rizzo indicated that he also found this situation extremely distasteful. He related his understanding that the City could be held responsible for the plaintiff's legal costs if the claim is litigated and the City loses.

Mr. Ramirez advised that a judge could award the plaintiff legal costs with a multiplying factor.

Councilmember Weideman noted his preference for the existing at-large election system whereby councilmembers are charged with representing the best interests of the entire city and

not just one area. He acknowledged that some cities, such as Anaheim and Santa Ana, had large pockets of Latino residents who were underrepresented, but that is not the case in Torrance. He expressed concerns about the short time-frame to accomplish the transition.

Councilmember Goodrich suggested that this was one of those times when the Council was in the unenviable position of choosing between the lesser of two evils. He explained that based on his experience campaigning in Torrance, it is a well-integrated community and he highly doubted that there was any possibility of creating a district that would guarantee a seat on the Council for an underrepresented minority. He noted that one positive aspect may be that a by-district election system would lower campaign costs and allow more people to run for office.

Councilmember Griffiths explained that he was appalled by this effort to force the city to change its election process and believes no good will come from it and he would very much like to fight it, but every other city that has tried has failed and the City must be fiscally responsible. He voiced his opinion that Torrance does not have the problems this law was intended to solve and that the attorney involved was acting in his own self-interest. He expressed concerns that while by-district elections may allow more people to run for office, it could also lead to someone unqualified being elected to the Council.

Stating that she was also appalled by this situation, Councilmember Ashcraft noted that in addition to her time on the Council, she spent three terms on the Torrance Unified School District Board of Education and her experience highlighted the fact that Torrance is a very culturally diverse community.

In response to Councilmember Ashcraft's inquiry, Mr. Ramirez advised that should the Council litigate the matter and lose, the Court with input from the Plaintiff's attorneys will be in charge of drawing district boundaries, however, the Council will be in charge of drawing boundaries within the confines of permissible standards, as well as how districts are phased in, if the City voluntarily transitions to a by-district system.

Mayor Furey reported that he and other Councilmembers were shocked when they received the letter from this attorney and after discussing the matter in closed session, they felt that the staff recommendation was the best option since they have a fiduciary obligation to the community. He related his belief that demographic information obtained as part of this process will confirm that Torrance is a homogenous city and commented on the State's continued efforts to usurp local control.

Mayor Furey invited public comment.

Amy Josefek expressed concerns about the speed with which this action was being taken and called for the matter to be deferred to allow for more public outreach.

City Attorney Sullivan explained the time constraints involved due to the threatened lawsuit and the financial consequences of delaying the matter.

Marc Danziger encouraged the City to do aggressive public outreach to ensure that residents are informed about this issue and called for public hearings to be held on weekends rather than weeknights so more people can attend. He recommended that the City run out the clock in terms of the timeframe it has to take action.



Tricia Blanco requested that the Council extend the time for the process as much as possible so residents will have time to digest the information since this is a huge change.

Maureen O'Donnell urged the City to fight this matter in court, noting that the City of Torrance prevailed in a case involving the Department of Justice in the 1990s despite overwhelming odds. She related her belief that district-based elections would be a mistake.

Roger Byer voiced his opinion that by-district elections are preferable because residents would have to contact only one member of the Council rather than seven and encouraged the Council to use the 90 days to determine the best course of action.

In response to Mayor Furey's inquiry, Mr. Ramirez confirmed that the Council was not obligated to change to by-district elections by taking action this evening and could decide at a later date to keep the at-large election system.

Janet Payne expressed dismay that the City has been put in this position by a "shyster" attorney and indicated that she did not like the idea of being able to vote for only one councilmember once every four years.

Rebecca Potter related her belief that a district-based election system allows residents better access to the Council and makes it easier for councilmembers to more accurately represent their constituents. She recommended that public hearings be held when working people can attend.

Mark Stephenson suggested that the State legislature was at fault for this problem, not the attorney and recommended that the City use its lobbyists to try to change the framework that has been set up for this process in order to prevent this type of extortion.

Isaiah Rocklin urged the Council not to capitulate to tyrants.

Rick Marshall stated that he favors district-based elections, but believes citizens of Torrance should be able to decide what type of system they want and called for the City to fight this. He recommended that residents be polled on this issue in the upcoming election and that voters be asked to specify their ethnicity when filling out their ballots so the City can demonstrate to the Court that a district-based system is not needed.

Mayor Furey noted that it was too late to place anything on the ballot for the upcoming election, and Mr. Marshall clarified that he was suggesting a separate ballot prepared by an outside firm with results to be non-binding.

Referring to Ms. O'Donnell's comments, Mayor Furey pointed out that the City was not at risk of having to pay the plaintiff's attorney fees in lawsuit involving the Department of Justice, which in this case could total millions of dollars.

A brief discussion ensued regarding the timeline for the districting process, and Mayor Furey stressed the need to complete the process before the next Council is seated otherwise any newly elected member would have to review information from all of the public hearings before action could be taken.

Councilmember Ashcraft expressed concerns that trying to create district boundaries in only 90 days would be a daunting task.

Mr. Martinez responded that 90 days is a very compact timeframe, but it is the maximum time allowed, and other cities have been able to complete the process within this timeframe.

Councilmember Herring stated while there may be some advantages to having districts, the CVRA is not geared toward more local control or better representation, but is intended to achieve racial balance on the City Council and he was doubtful that the districting process would be helpful in this regard in Torrance, however, he will support the staff recommendation because the City was unlikely to prevail in court.

A brief discussion ensued about the setting of dates for public hearings and a recess was called so the parties involved could consult their calendars.

The City Council recessed from 9:45 p.m. to 10:02 p.m.

City Attorney Sullivan reviewed the timeline as follows: Public hearings on Monday, April 16; Tuesday, April 24; Tuesday, May 8; Tuesday, May 22, and Tuesday, June 12, with adoption of the ordinance establishing by-district elections at the Tuesday, June 19, City Council meeting.

Bev Findlay urged that meetings be scheduled so those who work can attend.

**MOTION:** Councilmember Goodrich moved to concur with the staff recommendation as amended to add the above-mentioned dates. The motion was seconded by Councilmember Herring and passed by 7-0 vote.

**MOTION:** Councilmember Herring moved to adopt Resolution No. 2018-27. The motion was seconded by Councilmember Goodrich and passed by 7-0 vote.

**9E. DEFERRED COMPENSATION SERVICE AGREEMENT**

Recommendation of the City Treasurer that City Council:

- 1) Approve deferred compensation service agreement with Great-West Life & Annuity Insurance Company of Greenwood Village, CO for a five-year period beginning June 1, 2018 and ending May 31, 2023; and
- 2) Adopt a Resolution for 457 deferred compensation plans and 401(a) defined contribution plans for City of Torrance employees.

City Treasurer Cortez reviewed the staff recommendation.

**MOTION:** Councilmember Griffiths moved to concur with the staff recommendation. The motion was seconded by Councilmember Rizzo and passed by 7-0 vote.

**MOTION:** Councilmember Griffiths moved to adopt Resolution No. 2018-28. The motion was seconded by Councilmember Rizzo and passed by 7-0 vote.

**10. HEARINGS** – None scheduled.

**11. APPEALS** – None scheduled.

**12. SECOND READING ORDINANCES**

**12A. SECOND AND FINAL READING OF ORDINANCE NO. 3828**

Second and final reading of Ordinance No. 3828 amending Sections 61.10.2, 61.10.3, 61.10.4 and 61.10.5 of the Torrance Municipal Code related to posted speed limits within the City.

**MOTION:** Councilmember Goodrich moved to adopt Ordinance No. 3828. The motion was seconded by Councilmember Griffiths and passed by 7-0 vote.

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The City Council met as the Public Housing Agency from 10:14 p.m. to 10:19 p.m.

**13. ORAL COMMUNICATIONS #2**

Saaketh Tirumala spoke.

Councilmember Rizzo spoke.

Councilmember Ashcraft spoke.

Councilmember Goodrich spoke.

Councilmember Griffiths spoke.

Councilmember Herring spoke.

**14. CLOSED SESSION**

Considered earlier, see page 1.

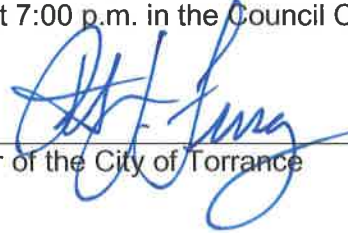
**15. ADJOURNMENT**

At 10:24 p.m., the City Council adjourned to Tuesday, April 10, 2018 at 5:30 p.m. for a closed session, with regular business commencing at 7:00 p.m. in the Council Chamber.

Attest:



Rebecca Poirier  
City Clerk of the City of Torrance



Mayor of the City of Torrance

Approved on April 24, 2018