

October 2, 2001

**MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in a regular meeting at 6:04 p.m. on Tuesday, October 2, 2001, in Council Chambers.

ROLL CALL

Present: Councilmembers Cribbs, Messerlian*, Nowatka, Scotto, Walker, Witkowsky and Mayor Hardison.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers and other staff representatives.

* Councilmember Messerlian left City Hall at 6:45 p.m.

16. EXECUTIVE SESSION

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on the agenda matter listed under 16.a) Conference with Labor Negotiator pursuant to California Government Code Sections 54957.6.

No formal action was taken on any matter considered in closed session.

The Council reconvened at 7:08 p.m., absent Councilmember Messerlian.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Cultural Arts Commissioner, Tom Tanza.

The invocation was given by Rev. Judith Cuthbertson, St. Mark's Presbyterian Church.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Cribbs moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Nowatka and hearing no objection, Mayor Hardison so ordered, absent Councilmember Messerlian.

MOTION: Councilmember Cribbs 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 Nowatka and hearing no objection, Mayor Hardison so ordered

4. WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Firefighter Scott Schneider, secretary of the Torrance Firefighters Association, thanked City Council for the opportunity to set up a booth at the Farmers Market on Saturday, September 29 where they collected more than \$26,604 in a "Fill the Boot" campaign to benefit the families of victims in the New York disaster. He announced that the Firefighters Association and Torrance Police Officers Association would hold a pancake breakfast on Saturday, October 6 from 7:00 a.m. to 11:00 a.m. at the Ken Miller Recreation Center.

Fire Chief Bongard noted the ExxonMobil regular monthly siren test and RAN test Wednesday, October 3 at 11:30 a.m.

Mayor Hardison announced that the Torrance Public Library would begin Sunday hours of operation at the Katy Geissert Civic Center Library from 1:00 p.m. to 5:00 p.m. beginning October 21, 2001 through June 2, 2002.

Mayor Hardison announced that the Torrance Area Chamber of Commerce State of the City Address and Luncheon would be held Tuesday, October 16, 2001 at 11:30 a.m. at the Torrance Marriott.

6. COMMUNITY MATTERS

6a. PROCLAMATION RE GERMAN AMERICAN DAY

Mayor Hardison issued a proclamation declaring Saturday, October 6, 2001 as German American Day in the City of Torrance, and encouraged all residents to participate in the various activities being planned by the German-American League and others. Resi Legsfeld, President and Friggy Breitenstein, First Vice President of the German American League accepted and stated they were privileged to accept the honor.

6b. PROCLAMATION RE CALIFORNIA RIDESHARE WEEK

Mayor Hardison issued a proclamation declaring the week of October 1 through 5, 2001, as California Rideshare Week in the City of Torrance, and encouraged all residents and employees in the City to increase their awareness of the benefits of ridesharing and commuting by alternate methods of transportation. Torrance Rideshare consultant Kim Fuentes thanked the Mayor and the City for their support of the program and noted that goals had been exceeded with over 500 City employees participating.

6c. PROCLAMATION RE FAMILY HISTORY MONTH

Mayor Hardison issued a proclamation declaring the month of October as Family History Month in the City of Torrance, and encouraged family history research, education and the sharing of knowledge to renew the commitment to the concept of family and home. The proclamation was accepted by Betty McEntire, Corresponding Secretary; Therese Anlauf, Membership Chair; Betty Fenton, Webmaster; Lorna Rise, incoming Vice President; Sandy Bourassa, past President; Janice Ryer Wheeler, President of the South Bay Cities Genealogical Society; Sue Hokum, Member at Large; and Lisa Schumacher, Treasurer.

Janice Ryer Wheeler, President of the South Bay Cities Genealogical Society, thanked the Mayor and City Council noting that the search for ancestors has become the number one hobby in the United States. She commended the Mayor and Council for their work in maintaining Torrance as a family-oriented community through the schools, churches, libraries and Parks and Recreation programs.

6d. PROCLAMATION RE NATIONAL ARTS AND HUMANITIES MONTH

Mayor Hardison issued a proclamation declaring the month of October as National Arts and Humanities Month in the City of Torrance, and invited the citizens of the community to utilize the facilities and take advantage of the myriad of learning opportunities available at the Torrance Cultural Arts Center. The proclamation was accepted by Mary Miller, Chairperson of the Cultural Arts Commission, Cultural Services Administrator Bob Myers, and Commissioners June Armstrong, Debbie Stadler and Tom Tanza.

Chairperson Miller thanked the Mayor, Council and staff for the proclamation and support for the arts.

7. CONSENT CALENDAR

7a. APPROVAL OF MINUTES – SEPTEMBER 11 2001

Mayor Hardison corrected the minutes of September 11, 2001 to note that the Council had taken action on item 11d.

7b. WATER COMMISSION 2000-2001 ANNUAL REPORT

Recommendation

Recommendation of the Engineering Director and the Water Commission that City Council accept and file the 2000-2001 Water Commission Annual Report.

7c. CATHOLIC CHARITIES LEASE

Recommendation

Recommendation of the Human Resources Director that City Council approve the execution of a lease with the Catholic Charities of Los Angeles, Inc. (Archdiocesan Youth Employment Services).

7d. COMMISSION ON AGING 2000-2001 ANNUAL REPORT

Recommendation

Recommendation of the Parks and Recreation Director and the Commission on Aging that City Council accept and file the Commission on Aging 2000-2001 Annual Report.

7e. PURCHASE ORDER RE ATLANTIC RICHFIELD CO.

Recommendation

Recommendation of the Transit Director that City Council authorize the award of a Purchase Order in an amount not to exceed \$175,000 to Atlantic Richfield Co., Carson, California, (ARCO) to furnish Torrance Transit with ultra low sulfur diesel fuel.

7f. FINANCIAL REPORTS - PERIOD ENDING JULY 28, 2001

Recommendation

Recommendation of the Finance Director that City Council accept and file the Financial Reports for period ending July 28, 2001 which represents 7.7% of the year expired (Period 1).

7g. CONTRACT RE JOHN POWERS, CONSULTANT

Recommendation

Recommendation of the Parks and Recreation Director that City Council approve a contract with John Powers, Consultant, in an amount not to exceed \$50,000 for the following services: \$20,000 for Public Programs; \$10,000 for Wild Wednesdays; and \$20,000 for Special Projects.

7h. CONTRACT RE DORENE COLES YOGA STUDIO

Recommendation

Recommendation of the Parks and Recreation Director that City Council:

1. Approve an amendment to the existing contract (C2000-220) with Dorene Coles Yoga Studio for the provision of yoga classes at the Torrance Cultural Arts Center in the amount of \$3,648; and
2. Approve a new contract with Dorene Coles Yoga Studio to continue said services, in an amount not to exceed \$37,800.

MOTION: Councilmember Witkowsky moved to approve consent calendar item 7a as amended and items 7b through 7h as written. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval, absent Councilmember Messerlian.

11.

ADMINISTRATIVE MATTERS

11a. RESOLUTION NO. 2001-121 RE INTERNS

Recommendation of the City Manager that City Council adopt an amended Resolution setting forth changes regarding hours, wages and working conditions for certain part time hourly employees by adding a position and pay grid for "Intern II" and changing the title of "Intern" to "Intern I"

RESOLUTION NO. 2001-121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2000-110 SETTING FORTH CHANGES REGARDING THE HOURS, WAGES, AND WORKING CONDITIONS FOR CERTAIN PART TIME HOURLY EMPLOYEES.

Assistant to the City Manager Keane presented the material of record.

MOTION: Councilmember Nowatka moved to adopt Resolution No. 2001-121. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval, absent Councilmember Messerlian.

11b. CONTINUED STATE OF EMERGENCY FOR CAROLWOOD DRIVE AND SINGINGWOOD DRIVE

Recommendation of the City Manager and City Attorney that City Council continue the state of local emergency proclaimed March 2, 2001 for properties located on Carolwood Drive and Singingwood Drive.

Assistant City Manager Giordano noted that the state of emergency would continue for quite some time and Environmental Services Administrator Cessna indicated that residents were discussing possible solutions with City staff.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval, absent Councilmember Messerlian.

11c. RESOLUTION NO. 2001-122 RE EXECUTIVE AND MANAGEMENT EMPLOYEES

Recommendation of the City Manager that City Council adopt an amended Resolution setting forth changes regarding employment compensation for Executive and Management employees and adding language for part time employment with prorated benefits.

Assistant to the City Manager Keane noted that the resolution would enable payment of pro-rated benefits similar to other MOUS in the City.

City Clerk Herbers stated that the Resolution to be amended was actually 2001-83, not 2001-75 as indicated.

RESOLUTION NO. 2001-122

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TORRANCE AMENDING RESOLUTION NO. 2001-83 SETTING
FORTH CHANGES REGARDING WAGES, HOURS, AND
WORKING CONDITIONS FOR EXECUTIVE AND
MANAGEMENT EMPLOYEES.**

MOTION: Councilmember Witkowsky moved to adopt Resolution No. 2001-122 as corrected. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval, absent Councilmember Messerlian.

11d. ORDINANCE NO. 3505 RE WINDFALL TAX REBATE

Recommendation of the City Manager and the Finance Director that City Council implement a windfall tax rebate in the form of a credit against the City's electrical utility tax. The City Attorney recommends that City Council adopt an Ordinance establishing a one month credit against the City's Electricity Users' Tax.

Finance Director Tsao indicated that a supplement was available in the back of the auditorium. He provided background on the item noting in August of 2001 staff updated the City Council on the effect of rate increases and the impact of the City's conservation efforts on the overall revenues related to the electrical portion of the Utility User's Tax and was directed by Council to return with a formal rebate plan as quickly as possible.

During the 2000-01 fiscal year, July 1, 2000 through June 30, 2001, the City received approximately \$10,535,000 or an average of approximately \$878,000 per month for the Electricity Users' Tax. Through the first two months (July/August) of fiscal year 2002, the City received approximately \$2,908,000 or an average of \$1,455,000 per month which represents an increase of \$1,154,000 over last year and \$1,100,000 over budget projections.

The increase in revenue comes from all types of electrical users in the community and although it is difficult to define specific percentages for the business, residential and commercial users, the City Manager and Finance Director believe that the proposed rebate plan will provide an equitable disbursement of those who generated the unexpected revenue.

The City Attorney has advised that an implementing ordinance be adopted with an automatic sunset date as the vehicle to authorize the rebate program. The self-repealing ordinance would not preclude the Council from adopting a similar ordinance in the future should the electrical Utility Users' Tax revenue trend continue.

Finance Director Tsao recommended that the City rebate an amount equal to 6.5% of the customer's bill for the month of December which is projected to be a total rebate value of approximately \$1.4 million. This method provides relief to current users and customers of electricity by temporarily suspending, the City's 6.5% Utility Users' Tax on electricity for the month, with the customer seeing a 0% charge for the City's Utility Users' Tax. It is expected that the rebate for the majority of residential customers would range between \$1 to \$10, \$30 to \$200 for commercial users and \$260 to \$25,000 for industrial users.

Finance Director Tsao reported that staff explored the City's request for Southern California Edison (SCE) to provide an additional line on the bill to offset the City Utility

Users' Tax, but SCE was not able to accommodate the City's request due to billing program restrictions. However, SCE is able to add several lines at the bottom of the bill informing the customer of the rebate. SCE requires 45 - 60 days from the date of authorization to implement modifications to its billing program and will work towards implementing the rebate program for the December billing period.

In response to an inquiry from Mayor Hardison, Finance Director Tsao explained that Southern California Edison would provide 15 words for a message on the bottom of the bill to call attention to the rebate.

Councilmember Scotto indicated that though he was pleased with the rebate, he would prefer it happen in November and December to get money into people's hands and boost the economy. He commented that spreading the rebate over two months would lessen the impact, but noted that the City was still returning a sizable sum of money.

Councilmember Cribbs asked about the possibility of a bill insert to explain the rebate.

Scott Gobble, Southern California Edison, explained that bills for the City of Torrance were not generated separately so bill stuffers were not feasible, though verbiage could be printed on the bills as they are identified by computer number code. He added that Torrance receives bills in all of the different cycles which correspond to business days in a month.

Mayor Hardison stated that she hoped the rebate could start in the latter part of November to get money in resident's hands and Mr. Gobble indicated that he would investigate the possibility.

In response to an inquiry from Councilmember Cribbs, Mr. Gobble explained that the rebate could be implemented at any point in the cycles and he noted that the bill for December is for the usage in November.

MOTION: Councilmember Cribbs moved to concur with the staff recommendation. Councilmember Walker seconded the motion and a roll call vote reflected unanimous approval, absent Councilmember Messerlian.

City Attorney Fellows recommended changes in wording to clarify that the rebate would be for two full monthly billing cycles rather than specifying months, or portions thereof. He reiterated that the ordinance would automatically be repealed effective upon the completion of the second cycle and clarified that the electrical utility users tax was not being modified, but rather the City was asking Edison, as their agent, to insert a credit that offsets against a portion of the tax which is staying in place. The credit will have the effect of providing the rebate and eliminates surplus revenue or windfall but maintains the tax structure.

ORDINANCE NO. 3505

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE CITY'S FINANCE DIRECTOR TO IMPLEMENT AN ELECTRICITY USER'S UTILITY TAX CREDIT ON SOUTHERN CALIFORNIA EDISON ELECTRICITY BILLS.

MOTION: Councilmember Walker moved to adopt Ordinance No. 3505 as amended. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval, absent Councilmember Messerlian.

Councilmember Cribbs voted with a comment that she would like to see staff research a more permanent solution with a methodology to protect the citizens and the City.

City Manager Jackson noted that there would be continual reporting but the right to rebate is still retained by the Council as they look at the results and act upon them. He stated that the rebate was an attempt to deal with a complex, long term problem in a flexible way and indicated that it was a sensible solution given the uncertainty of the long-term.

Councilmember Nowatka agreed with the solution but felt it was misleading as the electrical portion does not stand alone and there are other areas where the City is losing and may not be able to be financed because of Proposition 218 issues. He expressed concern about being boxed into a corner on the revenue source.

Mayor Hardison stated that the terrorist attacks had affected the economy and noted that Finance Director Tsao had suggested looking at the revenue picture for this year as the City will have to meet the approved budget or make some adjustment.

Finance Director Tsao indicated that there had been a decline of some of the major revenue sources and though they usually wait for a mid-year report, staff would provide the any available information for the first quarter.

Councilmember Scotto asked that the issue be revisited during the first three months of 2002.

14. 2nd READING ORDINANCES

14a. ORDINANCE NO. 3504 RE 5580 DEL AMO BOULEVARD

Submitted for the second and final reading is Ordinance 3504 amending Division 9 of the Torrance Municipal Code to reclassify certain property located at 5580 Del Amo Boulevard from C-R (Restricted Commercial District) to R-1 (Single-Family Residential District). ZON99-00007: JCC REDBEAM, LLC/RICHARD GOULD

ORDINANCE NO. 3504

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE TO AMEND DIVISION 9 OF THE TORRANCE MUNICIPAL CODE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT 5580 DEL AMO BOULEVARD FROM C-R (RESTRICTED COMMERCIAL DISTRICT) TO R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) ZON 99-0007 JCC REDBEAM LLC RICHARD GOULD

MOTION: Councilmember Witkowsky moved to adopt the second and final reading of Ordinance No. 3504. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval, absent Councilmember Messerlian.

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The Torrance Redevelopment Agency met from 8:05 p.m. to 8:07 p.m., absent Member Messerlian.

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15. ORAL COMMUNICATIONS

15a. City Clerk Herbers announced Art on View in the City Clerk's Office featuring the watercolors of Gerry MacLeod from the Torrance Artist Guild.

15b. City Clerk Herbers announced that the Southwood Homeowners Association would hold a Torrance Unified School District Candidate Forum at Anza Elementary School on October 8 at 7:00 p.m.

15c. Management Associate Scharfman noted the Coast Guard would be conducting previously scheduled maneuvers at Torrance Beach on October 3.

15d. Councilmember Cribbs asked that traffic concerns in the Southwood area be addressed as soon as possible and requested that the City go forward to look at the entire area rather than take it piecemeal.

15e. Councilmember Cribbs also noted density on the Hawthorne Boulevard Corridor Plan and asked that it be reviewed to look at all aspects of the Plan including its impact on business.

15f. Councilmember Nowatka noted that he would be absent from the October 9, 2001 City Council meeting as he would be in New York to work with the Salvation Army relief efforts.

15g. Councilmember Scotto reminded everyone of the TFFA/TPOA Pancake Breakfast on Saturday, October 6, at the Ken Miller Recreation Center.

15h. Councilmember Walker asked for an aggressive approach to traffic concerns in the Southwood area with specific attention to Ocean Avenue as well as to visibility issues at Scott and Anza.

15i. Councilmember Witkowsky asked that staff see if the metal plates on the pavement at the intersection of 190th and Prairie are properly maintained.

15j. Councilmember Witkowsky noted that she had received complaints from residents adjacent to the railroad tracks near Sepulveda Boulevard about the length of the whistle of the trains early in the morning.

15k. Mayor Hardison indicated that the jurisdiction over the trains is preempted by the PUC and stated that the Alameda Corridor Project might reduce the number of trains in the future and that contact could be made again to try to alleviate problems.

15l. Mayor Hardison stated that residents had indicated their appreciation for the flags being flown by the City and asked staff to see if there was any way for lights to be arranged so the flag could continue to be flown at night in front of City Hall. She also asked for staff to look into how the flags were being flown at the Cultural Arts Center.

15m. Mayor Hardison concurred with comments made by Councilmember Cribbs regarding traffic and density in the Southwood area and noted that problems solved in one area often create problems in other areas. She asked that the Southwood area be studied in its entirety.

15n. Mayor Hardison stated that changes to the Hawthorne Boulevard Corridor Plan would be difficult to effect as the City has received grant money predicated on the approved housing element on file with the State of California and any changes might have the City fall out of compliance. Staff was asked to bring forward an information item for the Council including background of the study and Plan, the General Plan, and the Housing Element.

15o. Joan Pacina, Southwood Project Committee, commented on communication with the City Council asking for consideration of an amendment to the Plan that would eliminate mixed use. She noted that the committee had been contacted by another developer regarding a project and density was an issue. She again requested immediate action.

15p. Sandi Monda, Southwood Project Committee, asked the City Council to initiate the study to amend the Hawthorne Boulevard Corridor Plan clarifying that their letter had asked City Council to waive any fees that might be involved. She noted that a copy of any information item to the Council would answer some of their questions and reported that she had attended the Traffic Commission meeting on Monday regarding Southwood and would be going back to the Commission meeting of November 5 for follow-up.

16. EXECUTIVE SESSION

Considered earlier.

17. ADJOURNMENT

At 8:47 p.m., the meeting was adjourned to Tuesday, October 9, 2001 at 5:30 p.m., for an executive session in the Council Chamber, with the regular meeting commencing at 7:00 p.m. in Council Chambers.

Attest:

Mayor of the City of Torrance

Sue Herbers
City Clerk of the City of Torrance

Approved on November 13, 2001