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TORRANCE CITY COUNCIL – DECEMBER 21, 2010

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At 8:19 p.m., the meeting was adjourned to Tuesday, January 4, 2011 at 5:30 p.m. for an executive session, with regular business commencing at 7:00 p.m. in the Council Chamber. **Tuesday, December 28, will be 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 5:32 p.m. on Tuesday, December 21, 2010 in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: None.

Also 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 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 7:02 p.m. No formal action was taken on any item considered in closed session.

2. FLAG SALUTE/INVOCATION

The flag salute was led by Assistant City Manager Giordano.

The non-sectarian invocation was given by Councilmember Furey.

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, December 16, 2010.

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 Sutherland and passed by unanimous roll call vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

Agenda Items 8G and 12B were withdrawn and deferred to a later date.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Brewer announced that the Citizen Development and Enrichment Committee will hold a joint meeting with the Torrance Unified School District on Wednesday, January 19, at 4:30 p.m. in the Garden Room at the Torrance Cultural Arts Center.

Assistant City Manager Giordano provided an update on the City's preparations to deal with the significant rainfall experienced over the past few days, noting that filled sandbags will be available throughout the night at the City Yard located at 20500 Madrona Avenue.

Fire Chief Racowski reminded residents to be cautious when driving in the rain; to stay away from downed power lines; and to make sure that roof gutters and scuppers are free of debris. He emphasized that residents in the hillside area should call 911 if they observe movement of the hillside and a Fire Department crew will assess the situation and provide assistance.

Police Chief Neu reported that the City's Emergency Operations Center has been activated and crews are working around the clock to take care of power outages, potholes and downed trees in a timely manner.

Mayor Scotto asked that the meeting be adjourned in memory of John Schmidt who passed away on December 19 at the age of 89.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2010-137 KATHLEEN DIAZ

RESOLUTION NO. 2010-137

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING KATHLEEN DIAZ UPON HER RETIRMENT AFTER THIRTY-ONE YEARS OF SERVICE

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-137. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote.

Mayor Scotto presented the Resolution to Kathleen Diaz, who accepted with appreciation.

Police Chief Neu commended Ms. Diaz for her outstanding service as a Police Communications Operator and wished her well in her retirement.

6B. RESOLUTION NO. 2010-138 RE MARSHA BARNET

RESOLUTION NO. 2010-138

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING POLICE OFFICER MARSHA BARNET UPON HER RETIRMENT AFTER THIRTY YEARS OF SERVICE

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-138. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote.

Mayor Scotto presented the Resolution to Marsha Barnet, who accepted with appreciation.

Police Chief Neu commended Ms. Barnet for her dedicated service to the community and wished her well in her retirement.

6C. RESOLUTION NO. 2010-139 RE CARLOS ORNELAS

RESOLUTION NO. 2010-139

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING POLICE OFFICER CARLOS ORNELAS UPON HIS RETIRMENT AFTER TWENTY-EIGHT YEARS OF SERVICE

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-139. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote.

Mayor Scotto presented the Resolution to Carlos Ornelas, who accepted with appreciation.

Police Chief Neu commended Mr. Ornelas for his dedicated service to the community and wished him well in his retirement.

6D. RESOLUTION NO. 2010-140 RE ROBERT FRAZIER

RESOLUTION NO. 2010-140

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING ROBERT FRAZIER UPON HIS RETIRMENT AFTER TWENTY-FOUR YEARS OF SERVICE

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-140. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote.

To be presented at a later date.

6E. PROCLAMATION RE 20TH ANNIVERSARY OF SHARING IS CARING LUNCHEON

Mayor Scotto presented a proclamation recognizing **The Salvation Army of Torrance, American Honda Motor Co., Inc., and Torrance Marriott Hotel** as they celebrate the 20th Anniversary of the Sharing is Caring Luncheon to Major Julio and Karen Vasquez, David Risher and Jack Messerlian on behalf of the Torrance Salvation Army; Sonya Vicerra and Cathy Hutchison on behalf of American Honda; and Silvano Merlo on behalf of Torrance Marriott.

7. ORAL COMMUNICATIONS #1

7A. Steve Buckland, on behalf of Sam's Club, presented Sam's Club gift cards totaling \$2,000 to Police Officer Chad Farley for the Police & Fire Departments' program to assist needy families during the holiday season.

Nick Crooks, on behalf of Torrance Walmart, noted that Walmart will be donating \$3,000 worth of toys to the program.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation

Recommendation of the City Clerk that City Council approve the City Council minutes of November 2, and November 9, 2010.

8B. CONTRACT AMENDMENTS RE ONE STOP PERMIT CENTER

Considered separately, see page 5.

8C. ANNUAL MAINTENANCE AND SUPPORT FOR PERMIT PLAN/BUSINESS LICENSE/ IVR SOFTWARE

Recommendation

Recommendation of the Information Technology Director that City Council approve the purchase of annual software maintenance and support for the Tidemark Advantage Permit Plan/Business License/IVR software from Accela, Inc., of Palatine, IL, for an amount not to exceed \$68,202.14.

8D. AGREEMENT AMENDMENT RE USE OF CITY OF TORRANCE AND TORRANCE UNIFIED SCHOOL DISTRICT FACILITIES

Recommendation

Recommendation of the Parks and Recreation Commission and the Community Services Director that City Council approve an amendment to the existing recreation agreement (C-2080) between the City of Torrance and the Torrance Unified School District (TUSD) to provide scheduled use of City of Torrance and TUSD facilities and that the agreement remain in full force and effect.

8E. APPROVAL OF EAA B-17 EXHIBIT AT TORRANCE AIRPORT

Recommendation

Recommendation of the Airport Commission and the General Services Director that City Council:

- 1) Approve the Experimental Aircraft Association (EAA) displaying their B-17 Bomber at Torrance Municipal Airport - Zamperini Field on April 7 through April 11, 2011;
- 2) Designate the EAA's event as a special exhibit under Section 46.8.10 of the Torrance Municipal Code which exempts such events from aircraft noise regulations;
- 3) Allow the EAA to conduct flights for hire subject to Federal Aviation Administration (FAA) guidelines; and
- 4) Approve appropriation and funding for this event in the amount of \$6,593.27.

8F. REJECTION OF BIDS FOR PICKUP TRUCK WITH ANIMAL CONTROL BODY

Recommendation

Recommendation of the General Services Director and Chief of Police that City Council authorize rejection of bids received under Bid B2010-15: Bid for one (1) model year 2011 Ford F-350 pickup truck with 9855 2RD CTEC animal control body.

8G. FEE AGREEMENT TO PROVIDE LEGAL SERVICES RE WALMART CEQA ACTION

Recommendation

The city attorney recommends that City Council approve a fee agreement with the law firm of Rutan & Tucker, LLP in the case of Building an Economically Sound Torrance et al. v. City of Torrance et al., LASC Case No. BS129420 for Defense of Walmart CEQA Action and Indemnity and Reimbursement Agreement with Wal-Mart Real Estate Business Trust. The total contract amount will not exceed \$50,000.

Item was withdrawn and deferred to a later date.

MOTION: Councilmember Brewer moved to approve Consent Calendar Items 8A and 8C through 8F. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

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

8B. CONTRACT AMENDMENTS RE ONE STOP PERMIT CENTER

Recommendation

Recommendation of the General Services Director and Community Development Director that City Council:

- 1) Approve a contract amendment with GA Design, Architecture and Planning (C2007-049) to extend the contract term to June 30, 2011 for the One Stop Permit Center (FEAP295); and
- 2) Approve a contract amendment with Avi-Con dba CA Construction (C2009-080) to extend the contract term to June 30, 2011 for the One Stop Permit Center.

Councilmember Sutherland stated that he did not believe the contractor has made a diligent effort to complete the project on time because the job has been understaffed, therefore he would not support the extension of this contract.

Facility Operations Services Manager Landis reported that the City will be seeking liquidated damages due to the contractor's failure to complete the project in a timely manner. He noted that the project itself is scheduled to be completed by the end of January 2011 and the majority of the extension is needed to cover administrative closeout procedures.

MOTION: Councilmember Brewer moved to concur with the staff recommendation. The motion was seconded by Councilmember Rhilinger and passed by 6-1 roll call vote, with Councilmember Sutherland dissenting.

10. PLANNING AND ECONOMIC DEVELOPMENT

10A. ORDINANCE REASSIGNING REVIEW/APPROVAL OF SIGN REQUESTS

Recommendation

Recommendation of the Community Development Director that City Council consider adopting an Ordinance amending the Torrance Municipal Code transferring review and approval of signs requests from the Environmental Quality Commission to the Planning Commission.

Deputy Community Development Director Cessna reported that this transfer of duties was in accordance with a recommendation from the Ad Hoc Committee on Commission Review, which was approved by the City Council in December 2009.

MOTION: Councilmember Brewer moved to concur with the staff recommendation and approve an ordinance summary for publication. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

ORDINANCE NO. 3739

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING A NEW SECTION 88.2.16 AND AMENDING SECTIONS 88.3.4, 88.3.5, 88.3.8, 88.4.1(A), 88.5.8, 88.5.14, 88.6.2, 88.6.7, 88.8.1, 88.8.2, 88.9.3, 88.10.1, 88.10.4(A), 88.11.7, AND 88.11.8, AND THE TITLE OF ARTICLE 8 OF CHAPTER 8 OF DIVISION 8 OF THE TORRANCE MUNICIPAL CODE, TRANSFERRING REVIEW AND APPROVAL OF SIGNS FROM THE ENVIRONMENTAL QUALITY AND ENERGY CONSERVATION COMMISSION TO THE PLANNING COMMISSION

MOTION: Councilmember Furey moved to adopt Ordinance No. 3739. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote.

12. ADMINISTRATIVE MATTERS

12A. REVISION OF CITY OF TORRANCE CONFLICT OF INTEREST CODE

Recommendation

Recommendation of the City Clerk that City Council adopt revisions to the City of Torrance Conflict of Interest Code by resolution and set an effective date of newly reporting commissions, committees and boards as February 2, 2011.

City Clerk Herbers reported that the City is required to update its Conflict of Interest Code every two years, which is based on Title 2, California Code of Regulations, Section 18730. She briefly reviewed the proposed revisions, which include minor changes due to the deletion/shifting of positions and title changes and the addition of the requirement that all City Council appointed members of commissions, committees and boards file Conflict of Interest statements per the Council's direction at the June 22, 2010 City Council meeting. She noted that staff was recommending that the revised City of Torrance Conflict of Interest Code be adopted by resolution to make changes easier to track in the future.

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

RESOLUTION NO. 2010-141

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING THE CITY'S CONFLICT OF INTEREST CODE WHICH INCORPORATES BY REFERENCE THE FAIR POLITICAL PRACTICES COMMISSION'S STANDARD MODEL CONFLICT OF INTEREST CODE

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-141. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote.

12B. AMENDMENT OF EXECUTIVE AND MANAGEMENT EMPLOYEES RESOLUTION

Recommendation

Recommendation of the Human Resources Director that City Council adopt a Resolution amending Resolution No. 2010-75A for Executive and Management Employees implementing the recommended salary range to the Workers' Compensation Manager position. Expenditure: Reference range adjustment of \$22,228; actual expenditure based on recruitment.

Item was withdrawn and deferred to a later date.

12C. FIRST QUARTER 2010-2011 BUDGET REVIEW

Recommendation

Recommendation of the Finance and Governmental Operations Committee that City Council:

- 1) Accept and file the First Quarter 2010-2011 Budget Review Report;
- 2) Accept and file the City Treasurer's Investment Report; and
- 3) Concur with staff recommendation for program modifications.

Finance Director Tsao reported that revenues and expenditures for the first quarter of the 2010-2011 budget are within projections and he was cautiously optimistic about the remainder of the budget year.

Finance Director Tsao reviewed the proposed program modifications:

- 1) **Communications and Information Technology** – Email archival and storage project. Cost neutral. One time costs of \$85,000 and annual costs funded through existing departmental funds.
- 2) **Community Services** – Adult sports program league umpire/referees paid by the City instead of directly from participants. Cost neutral - \$140,388 costs offset by charging a fee for umpire/referees.
- 3) **Community Services** – Library division consolidation. Cost neutral.
- 4) **General Services** – Appropriate funds for emergency and urgent facility repairs and equipment at the Cultural Arts Center through City Manager approval. Cost - \$50,000 funded from Cultural Arts Center Enterprise Fund balance.

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

13. HEARINGS

13A. ALLOCATION OF 2011 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Recommendation

Recommendation of the Community Development Director that City Council take public input and adopt a Resolution authorizing the allocation of 2011 Community Development Block Grant (CDBG) funds for proposed projects with the Federal Housing and Urban Development (HUD) Program. Funding: Estimated \$1,140,208 in CDBG funds to be made available for 2011 projects.

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.

Deputy Community Development Director Cessna reported that as part of the Los Angeles County Community Development Commission (LACDC) Community Development Block Grant program, the City of Torrance is eligible to receive approximately \$1 million for 2011 projects. She advised that the funds are restricted to projects that benefit the low income population therefore staff was focusing on projects that remove architectural barriers and improve access for the handicapped. She briefly reviewed the list of recommended projects, noting that the projects add up to more than the City's allocation to allow for the shifting of funds in case a project is not approved.

- 1) Accessibility improvements at bus stops throughout the city - \$220,000;
- 2) Wheelchair ramps, curb, gutters, sidewalks and parking stalls at Columbia Park/186 Street - \$510,000;
- 3) Accessibility upgrades to the Human Resources building - \$240,000; and
- 4) Sidewalk ramping throughout the city \$1,000,000.

As no one from the public came forward to speak, the public hearing was closed.

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

MOTION: Councilmember Brewer moved to concur with the staff recommendation and to approve the list of projects as submitted. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

RESOLUTION NO. 2010-142

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
APPROVING THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM FOR FISCAL YEAR 2011-2012

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-142. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote.

16. SECOND READING ORDINANCES

16A. SECOND AND FINAL READING OF ORDINANCE NO. 3738

ORDINANCE NO. 3738

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AMENDING SECTION 35.14.050 OF THE TORRANCE MUNICIPAL
CODE TO EXTEND PERMITTED HOURS OF OPERATION FOR
MESSAGE BUSINESS THAT ARE INCIDENTAL TO A BUSINESS'S
PRIMARY OPERATION

MOTION: Councilmember Furey moved to adopt Ordinance No. 3738. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote.

17. ORAL COMMUNICATIONS #2

17A. Councilmembers extended holiday greetings and well wishes for the new year to City employees and residents.

17B. Councilmember Barnett thanked City employees, executive staff and department heads for their efforts to keep the City afloat during a tough economic year.

17C. Councilmember Numark announced that Torrance Transit will be offering free rides on New Year's Eve from 3:00 p.m. - 10:00 p.m. and will be operating on the Saturday schedule, with routes posted on all buses and on the City's website.

17D. Councilmember Numark, with the concurrence of Council, requested that staff bring forward a resolution supporting the California Air Resources Board (CARB) in their efforts to promote clean and energy efficient motor vehicles, energy independence, and zero emission technology thereby improving the quality of life for residents.

17E. Mayor Scotto thanked City employees for their efforts and expressed the hope that everyone would benefit from an improved economy in the coming year. He extended holiday greetings and urged people not to drink and drive on New Year's Eve.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 8:19 p.m., the meeting was adjourned to Tuesday, January 4, 2011 at 5:30 p.m. for an executive session, with regular business commencing at 7:00 p.m. in the Council Chamber. **Tuesday, December 28 will be a Council dark night.**

***Adjourned in Memory of
John Schmidt***

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers
City Clerk of the City of Torrance

Approved on February 8, 2011