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TORRANCE CITY COUNCIL – JANUARY 12, 2010

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At 11:42 p.m., the meeting was adjourned to Tuesday, January 19, 2010 at 7:00 p.m. for an adjourned regular meeting in the Council Chambers.

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

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 5:35 p.m. on Tuesday, January 12, 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, Assistant City Attorney Sullivan, City Clerk Herbers, and other staff representatives.

*

Mayor Sotto announced that subsequent to the posting of the agenda, it came to the City's attention that a piece of property believed to be owned by the City is in fact owned by the Roman Catholic Archbishop of Los Angeles and since there are project funds with deadlines approaching, the City needs to consider potential acquisition of the property either in fee or by easement. The City Attorney and City Manager have requested that City Council consider adding this item to the agenda. In order to take action on a matter that is not on the agenda, the California Government Code requires a determination by a two-thirds vote of the Council that immediate action is necessary and that the need to take action arose subsequent to the posting of the agenda.

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

The item was added as part of the City Council closed session agenda, pursuant to Government Code Sections 54954.2(b)(2) and 54956.8.

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 the above item and agenda matters listed under 18A) Conference with Legal Counsel – Existing Litigation, 18B) Threat to Public Services or Facilities, and 18C) Real Property - Conference with Real Property Negotiator, pursuant to California Government Code § 54956.9(a), 54975 and 54956.8.

The City Council reconvened 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 Youth Council member Zach Gray.

Councilmember Rhilinger gave the non-sectarian invocation.

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

City Clerk Herbers reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, January 7, 2010.

MOTION: Councilmember Furey 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 Numark and passed by unanimous roll call vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS – None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Brewer announced that conceptual design approval for Pueblo Park and Bishop Montgomery and Ocean Avenue Sumps would be discussed at the Parks and Recreation Commission meeting scheduled for Wednesday, January 13, at 7:00 p.m. in the City Council Chambers.

City Clerk Herbers invited staff and public to view the oils of Torrance Artist Guild member Linda Ross on display in the City Clerk's office for the month of January.

City Clerk Herbers announced that vacancies on various commissions, boards and committees would be filled by the City Council on Tuesday, January 19; that applicants must have completed Commissioner Certification training; and that applications must be received in the City Clerk's office no later than 5:30 p.m. on Wednesday, January 13.

In response to public inquiries, City Clerk Herbers announced that the June 2010 Torrance general municipal election for mayor, three council seats, city clerk and city treasurer would be called at the January 26 City Council meeting; that nominations would open on Tuesday, February 16, and close on Friday, March 12, unless an incumbent fails to file; and that nominations would be extended five days (March 19) for any office where an incumbent declines to file. She noted that additional information is available on the City's website or in the City Clerk's office.

Mayor Scotto thanked Councilmember Barnett for serving as Mayor pro tem the past six months and welcomed Councilmember Rhilinger as mayor pro tem serving until June 30, 2010.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2010-01 RE ROBERT PETERSON

RESOLUTION NO. 2010-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
HONORING FIREFIGHTER **ROBERT PETERSON** UPON HIS RETIREMENT
FROM THE CITY AFTER THIRTY YEARS OF SERVICE

MOTION: Councilmember Rhilinger moved for the adoption of Resolution No. 2010-01. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

Mayor Scotto presented the resolution to Robert Peterson along with a resolution from State Assemblyman Ted Lieu.

Fire Chief Racowski commended Firefighter Peterson for his dedication and service to the community.

6B. PRESENTATION OF CHERRY TREE GROVE SIGNAGE

Hazel Taniguchi, past Torrance Sister City Association president, current president Jordan Thompson and TSCA members Gail Roulette and May Cambra presented new signage donated by TSCA, which identifies the cherry tree grove planted outside the George Nakano Theatre to commemorate Torrance and Kashiwa, Japan's long-standing relationship as Sister Cities since 1973.

7. ORAL COMMUNICATIONS

7A. Sandra Burchell, Torrance Women's Club, invited staff and public to attend a fundraiser at the Toyota Auto Museum on Sunday, March 21, from 12:00 to 5:00 p.m. with proceeds to benefit the Torrance Firefighters Association in purchasing a thermal imaging camera.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation

Recommendation of the City Clerk that City Council approve the City Council minutes of October 20, October 27, and November 3, 2009.

8B. NOVEMBER 2009 MONTHLY INVESTMENT REPORT

Recommendation

Recommendation of the City Treasurer that City Council accept and file the monthly investment report for November 2009.

8C. MAINTENANCE SERVICE AGREEMENT FOR DATA NETWORK EQUIPMENT

Recommendation

Recommendation of the Information Technology Director that City Council approve the purchase of a SmartNet maintenance service agreement from Cisco Systems, Inc. of San Jose, CA for data network equipment maintenance services in the amount of \$70,319.45.

8D. MODIFICATION OF AGREEMENT FOR REPLACEMENT OF TELEPHONE/ VOICEMAIL SYSTEM

Considered separately, see page 4.

8E. PURCHASE OF 2010 FORD HYBRID ESCAPE SPORT UTILITY VEHICLES

Considered separately, see pages 4-5.

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

Consent Calendar Items 8D and 8E were considered separately at this time.

8D. MODIFICATION OF AGREEMENT FOR REPLACEMENT OF TELEPHONE/ VOICEMAIL SYSTEM

Recommendation

Recommendation of the Information Technology Director that City Council authorize the appropriation of \$45,000 to the Telephone and Voicemail System Replacement Project (FEAP #174) with a new not to exceed total project cost of \$1,936,087 from the Telephone Replacement Fund and modify the contract services agreement with Nexus IS, Valencia, CA (C2009-093) to increase the contingency fee from \$66,134 to \$111,134 for replacement of telephone and voicemail system.

Councilmember Rhilinger expressed concerns about the number of change orders made to this contract.

Information Technology Director Shigaki reported that the change orders take advantage of new technology and the need for them was not identified until well after the contract was awarded. He stated that staff does not anticipate any additional change orders and the system is scheduled to become operational on February 12.

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

8E. PURCHASE OF 2010 FORD HYBRID ESCAPE SPORT UTILITY VEHICLES

Recommendation

Recommendation of the General Services Director that City Council take the following action regarding Bid B2009-51:

- 1) Find the bid from Wondries Chevrolet non-responsive,
- 2) Find the bid from Wondries Fleet Group non-responsive, and
- 3) Authorize a purchase order to Power Ford of Torrance, CA in the amount of \$119,355.20 including sales tax and tire fees, to furnish four (4) Model Year 2010 Ford Escape Hybrid Sport Utility Vehicles.

Newt Young, Torrance, questioned the decision to replace vehicles with comparatively low mileage with expensive hybrid vehicles.

Fleet Services Manager Winnett reported that the vehicles are between 7-12 years old; that most of the mileage is from travel in and around Torrance with very little freeway driving which creates a lot of wear and tear on vehicles; and that they have had multiple

service problems resulting in a lot of time in the shop. He explained that the decision was made to change from sedans to sport utility vehicles because they provide more cargo space and can accommodate necessary equipment and related his belief that the extra expense for hybrid vehicles was outweighed by the benefits of improved gas mileage and fewer emissions.

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

12. ADMINISTRATIVE MATTERS

12A. RESTORATION OF ONE POLICE OFFICER POSITION

Recommendation

Recommendation of the Chief of Police and the Finance Director that Council approve the restoration of one Police Officer position with an expenditure of \$184,900 annually.

Police Captain Kreager reported that staff was recommending that one police officer position be restored for two years using savings from grant funds, with the position to be reassessed at the end of the grant period.

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

12B. RESOLUTION SUPPORTING LOCAL TAXPAYER, PUBLIC SAFETY, AND TRANSPORTATION PROTECTION ACT OF 2010

Recommendation

Recommendation by City Council to consider adopting a Resolution supporting the League of California Cities efforts to protect local revenues from state seizure and endorsing The Local Taxpayer, Public Safety, and Transportation Act of 2010, a proposed constitutional amendment.

City Manager Note: The City Manager has concerns over both the use of the initiative process to make law and the series of similar continuing initiative actions which define what the State cannot do but take no responsibility or offer solutions on how the State financial crisis might be handled.

Councilmember Numark reported that he requested that this item be brought forward in support of the League of California Cities' efforts to prevent the state from seizing local funds.

Voicing support for the resolution, Councilmember Rhilinger noted the widespread frustration due to the state's attempts to seize local funds rather than making the difficult choices necessary to address budget shortfalls.

Mayor Scotto also voiced support for the resolution, commenting on the need to send a message to the state that taking away funds from local governments is not an

acceptable way to balance the budget. He noted that the City is in a good financial position due to prudent fiscal management but the state's continued seizure of funds could lead to future cutbacks.

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

RESOLUTION NO. 2010-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
SUPPORTING THE LOCAL TAXPAYER, PUBLIC SAFETY, AND
TRANSPORTATION PROTECTION ACT OF 2010

MOTION: Councilmember Rhilinger moved for the adoption of Resolution No. 2010-02. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

12C. REPORT ON ELECTION CONSOLIDATION WITH THE TORRANCE UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Recommendation

Recommendation of the City Council Citizen Development and Enrichment Committee that City Council receive the Committee report and provide direction with respect to an action item proposed at the December 21, 2009 meeting of the Committee regarding election consolidation with the Torrance Unified School District, election date, and vote by mail election.

Assistant to the City Manager Chaparyan reviewed the City Council Citizen Development and Enrichment Committee's recommendation that the Council consider consolidating City elections with TUSD School Board elections, which would require a ballot measure on the June 8, 2010 election to change the City's election date.

Councilmember Furey, Citizen Development and Enrichment Committee member, reported that the last School Board election in November 2009 cost approximately \$280,000 and a consolidated City Council/School Board election is projected to cost \$215,000 so considerable savings could be achieved by consolidation.

Mayor Scotto questioned whether the Committee discussed the ramifications of potentially having four different elections in one year.

Councilmember Brewer, chair of the Citizen Development and Enrichment Committee, stated that the recommended election date – the first Tuesday after the first Monday in March in even numbered years – was selected with the idea that the election could eventually be done by mail-in ballot to increase voter participation. He explained that the differing terms of School Board members and City Council members was also a consideration and the March date would lengthen School Board terms and shorten City Council terms only by a few months.

Assistant to the City Manager Chaparyan noted that the City's election consultant has 14 elections in April for which they provide support, therefore, the Committee felt

that March was a better month for the election. Additionally, he noted that vote-by-mail elections may not be held on statewide election dates and this was also a consideration.

City Clerk Herbers reported that historically municipal elections were held in either April or March and this changed when the state began moving the presidential primary.

Councilmember Sutherland indicated that he had reconsidered his earlier statement that he would not support moving the election date because residents had voted 2-1 for the current June election date. Voicing support for a stand-alone election, he explained that moving the election date to coincide with statewide elections was intended to increase voter participation and reduce costs, however, this has not been the case and the City's election is placed at the end of the ballot and does not receive as much attention.

Councilmember Numark expressed concerns about "voter fatigue" should there be four elections in one year and suggested the possibility of holding municipal elections in May in odd-numbered years.

Councilmember Furey noted that the selection of an election date is also constrained because elected terms may not be extended or reduced more than one year. He suggested that voter fatigue was less of a factor for elections held at the beginning of the year.

Councilmember Numark indicated that he was still inclined to support odd-numbered year elections because even though the City's March election might not be affected by voter fatigue, it could lead to a smaller turnout for statewide elections later in the year, which means that Torrance would have less of an influence on statewide matters. He suggested selecting a month that would comply with restrictions on extending/reducing terms.

City Manager Jackson advised that the timing of the budget process was also a consideration as a May election would be in the middle of budget workshops/public hearings.

Councilmember Barnett, a member of the Citizen Development and Enrichment Committee, voiced support for a consolidated election, citing the considerable cost savings to the School District. He noted that the ultimate decision on whether to change the election date will be made by voters.

Mayor Scotto expressed support for changing the election date, noting that he opposed changing to the current election date when it was put on the ballot in 2004.

Hope Witkowsky, former City Council member, stated that she supports consolidating City/School Board elections but believes the voter turnout would be increased if the election is held at the same time as statewide elections.

Councilmember Brewer explained that the Committee felt that voter turnout could be increased by having a vote-by-mail election, especially since 60% of the ballots cast in the June 2008 election were mail-in absentee ballots, and this cannot be done on a statewide election date.

Steven Busch, Torrance, stated that he strongly supports vote-by-mail elections because they greatly increase voter participation. He also expressed support for a consolidated City/School Board election, recalling that he suggested this a few years ago.

Scott Gobble, Torrance, commended the Council for efforts to consolidate elections and urged that language be included in the ballot measure so that the City would not have to hold another election to change its election date in the event the state changes its election date and it coincides with the City's.

Assistant City Attorney Sullivan advised that another election would have to be held in order to change the City's election date.

Rick Marshall, Torrance, noted that he has been a candidate for both the School Board and the City Council so he has a unique perspective. He stated that he supports a consolidated election, but was concerned about the March election date due to the shorter time-frame for campaigning since mail-in ballots can be submitted up to a month before the election and it's difficult to campaign during the holidays. He indicated that he favored a November election date in odd-numbered years.

The Council briefly discussed the merits of various election dates and the impact of mail-in balloting on the timeframe for campaigning.

City Clerk Herbers noted that the decision on whether to use mail-in ballots would be made at a later date and does not require a vote by the electorate.

MOTION: Councilmember Rhilinger moved to hold a consolidated election with the Torrance Unified School District and to place a measure on the June 2010 ballot changing the election date to the first Tuesday after the first Monday in March of even numbered years. The motion was seconded by Councilmember Sutherland and discussion continued.

Councilmember Numark offered the following substitute motion.

MOTION: Councilmember Numark moved to hold a consolidated election with the Torrance Unified School District in May of odd numbered years, and discussion continued.

The Council briefly discussed the possibility of continuing this matter so additional information could be obtained before deciding on an election date, and Councilmember Rhilinger withdrew her motion.

Mayor Scotto called for a recess so staff could obtain additional information, and the Council recessed from 8:55 p.m. to 9:18 p.m.

City Clerk Herbers provided information regarding the timeframe for vote-by-mail elections.

Councilmember Furey emphasized that Committee members along with School Board members Lee and Wermers thoroughly discussed potential election dates and

arrived at the conclusion that the March date was the best option. He noted that there's a historical basis for selecting this date since City elections were held in March in the past.

MOTION: Councilmember Furey moved to concur with the Committee's recommendation to hold a consolidated election with the Torrance Unified School District and to place a measure on the June 2010 ballot to change the election date to the first Tuesday after the first Monday in March of even numbered years. The motion was seconded by Councilmember Rhilinger and discussion continued.

Councilmember Numark offered a substitute motion, relating his belief that an election date at the end of April was preferable if the City decides to hold vote-by-mail elections because it will allow more time for candidates to campaign.

MOTION: Councilmember Numark moved to hold a consolidated election with the Torrance Unified School District and to place a measure on the June 2010 ballot to change the election date to the last Tuesday in April of even numbered years. The motion was seconded by Commissioner Brewer and discussion continued.

City Manager Jackson expressed concerns that the proposed April election date was not discussed when the Committee held the joint meeting with School Board members and it may conflict with the TUSD's schedule.

Mayor Scotto proposed allowing the School District to choose between either the April or the March election date.

Councilmember Numark amended his motion as follows:

MOTION: Councilmember Numark moved to hold a consolidated election with the Torrance Unified School District and to place a measure on the June 2010 ballot changing the election date to the last Tuesday in April of even numbered years. If that date is not agreed upon by the School District, the default date will be the first Tuesday after the first Monday in March of even numbered years. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

12D. SUBSIDY OF RENTAL FEES FOR THE TOYOTA MEETING HALL

Recommendation

Recommendation of Councilman Furey that City Council consider subsidy of rental fees in the amount of \$610.25 for the use of the Toyota Meeting Hall for the North High School Junior Reserve Office Training Corps (JROTC) Military Ball scheduled for March 19, 2010.

Councilmember Sutherland expressed concerns that the Council would be setting a precedent by approving this item thereby encouraging other schools and non-profit organizations in Torrance to request subsidies for the use of City facilities.

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

13. HEARINGS

13A. FORMATION OF TORRANCE TOURISM BUSINESS IMPROVEMENT DISTRICT

Recommendation

Recommendation of the City Manager that the City Council:

- 1) Conduct a public hearing to allow testimony regarding the establishment of a Tourism Business Improvement District and proposed assessments on lodging businesses therein; and
- 2) Adopt the Resolution of Formation establishing the Tourism Business Improvement District and levy of assessments.

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.

Management Associate Fulton provided an overview of the proposed Tourism Business Improvement District (TBID). She noted that an affected hotel has proposed an amendment exempting stays by federal or state employees from assessments if proof is provided that they are on official business.

Pam Ryan, General Manager of the Torrance Marriott, stated that she was opposed to including the amendment because it has not been discussed by the hotels that are forming the TBID and it could have a significant fiscal impact. She noted that there was ample opportunity to bring up this issue prior to tonight's meeting because there have been several meetings regarding the proposed TBID.

Deputy City Attorney Strader reported that no formal protests have been received and the majority of hoteliers involved support the TBID as proposed.

Mayor Scotto asked if changes could be made after the TBID is approved.

Lorena Parker, Civitas, City consultant for the TBID, advised that minor changes may be made this evening, but related her understanding that no changes may be made to the TBID Management Plan once the TBID has been approved for the balance of its five-year term.

Deputy City Attorney Strader, after consulting with Civitas legal counsel, advised that there are provisions allowing the City Council to approve reductions or exemptions from assessments, however other modifications would essentially require that the whole process of forming the district be started over.

Rama Chanani, Torrance Travelodge, stated that she brought up the proposed amendment because she was concerned that there would be no opportunity to change anything once the TBID has been approved, but she was comfortable moving forward after learning that exemptions could be considered in the future.

Dave Kupfer, Torrance, expressed concerns that the assessment for the TBID will be added to the bills of hotel customers and questioned whether customers have been consulted regarding their willingness to pay this increase.

Deputy City Attorney Strader noted that the public has had an opportunity to comment at this hearing and earlier public meetings.

Newt Young, Torrance, related his belief that adding a 1% tax to hotel bills was a bad idea in a down economy.

Mayor Scotto clarified that this is not a tax, but an assessment to be used by a non-profit organization formed by the hotels involved to promote tourism in Torrance.

Rick Marshall, Torrance, stated that he favored exempting Torrance residents from the assessment.

Mayor Scotto noted that Torrance hotels typically charge lower rates for residents.

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

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

RESOLUTION NO. 2010-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
DECLARING THE RESULTS OF THE MAJORITY PROTEST PROCEEDINGS
AND ESTABLISHING THE TORRANCE TOURISM BUSINESS IMPROVEMENT
DISTRICT

MOTION: Councilmember Rhilinger moved for the adoption of Resolution No. 2010-03. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

13B. PROPOSED RESIDENTIAL SANITATION FEE INCREASE

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Conduct a public hearing on the proposed increase to the residential sanitation services fee of \$5.86 a month to allow for full implementation of the curbside green waste recycling program and to cover increased costs for environmentally efficient vehicles; and
- 2) Adopt a Resolution for the proposed fee increase.

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.

With the aid of slides, Sanitation Services Manager Knapp reviewed the proposal to increase residential sanitation fees. He advised that staff was recommending an increase of \$5.86 per residence and \$1.48 for qualifying senior/disabled residents to cover the cost of the green waste recycling program and the purchase of environmentally efficient vehicles. He explained that the green waste program has been

very successful in the areas where it has been implemented and the additional funding would allow the program to be expanded citywide. Additionally, he noted that this would bring the City into compliance with Air Quality Management District regulations and state legislation AB 939 and AB 32. *(1,876 protest ballots were received, which is less than the 50% plus one – approximately 14,500 ballots – necessary to halt a fee increase.)*

Responding to questions from the Council, Public Works Director Beste provided clarification regarding AB 939, which requires the amount of waste taken to landfills to be reduced by 50%. He confirmed that implementing the residential green waste program citywide would enable the City to meet this goal and advised that private waste haulers used by local businesses already comply with the 50% diversion goal.

Sanitation Services Manager Knapp reported that the City could potentially be fined \$10,000 per day for not meeting this goal.

Councilmember Brewer noted that according to correspondence, residents are surprised that the diversion goal has not been met given their volume of recyclable waste.

Sanitation Services Manager Knapp explained that the City is only averaging 12,000 tons of recyclables annually out of a total of 60,000 tons of waste and that green waste is projected to add approximately 15,000 tons to this total bringing the City very close to the 50% goal. He noted that green waste by nature is heavier than many recyclables and waste is measured by weight, not volume.

Dave Kupfer, Torrance, voiced objections to the proposed fee increase and urged the City to live within its budget as its residents must do.

Mayor Scotto explained that the proposed fee increase is necessary because the City has incurred additional costs due to an unfunded mandate by the state, which requires that the City reduce waste by 50% or face significant fines.

Nathan Mintz, Redondo Beach, representing the South Bay Tea Party, stated that adding refuse trucks to transport green waste seems to be contradictory to the goal of AQMD regulations and AB 32, which is to reduce carbon emissions. He questioned whether the City has done anything to fight unfunded mandates, such as asking Assemblyman Ted Lieu to support AB 118, which would postpone the implementation of AB 32 until the state's unemployment level falls below 5½ percent. He reported that the cost to comply with AB 32 is projected to be almost \$143 billion, burdening both the public and the private sectors while doing little to improve the environment. He urged the Council to take a stand against bad legislation.

Rick Marshall, Torrance, also encouraged the City to fight unfunded mandates, noting that the City took on the federal government in the past and won. He questioned whether the City had considered other options, such as reducing the frequency of trash pick-up and composting at the City yard. He requested information regarding the number of employees that will be added for the green waste program, suggesting that some employees could be shifted from regular trash pick-up since the amount of non-recyclable waste has decreased.

Mayor Scotto reported that local governments meet regularly to discuss how to combat state mandates. He noted that there is a lot of public apathy and encouraged interested parties to become involved.

Public Works Director Beste explained that the fact that not every resident puts green waste or recycling bins out on a weekly basis has been factored into routes, with recyclable/green waste routes servicing approximately 1000 homes and regular trash routes servicing approximately 700. He noted that other cities have tried reducing trash collection to every other week, but discontinued it because residents had a hard time remembering the schedule and there were problems with trash overflowing.

Glenn Bazell, Torrance, voiced objections to the rate increase, stating that he composts and rarely uses the green waste bin. He disputed the claim that the green waste program would significantly reduce the waste generated by the City.

Public Works Director Beste reported that approximately 30% of waste is being diverted in areas where the green waste program has been implemented.

Jerry Yarborough, Torrance, stated that in her neighborhood, most green waste bins are not set out on a weekly basis and they are seldom full. She expressed concerns about the impact of having three different trash trucks going through the neighborhood each week. She suggested that more residents would have submitted protest ballots had they not arrived in the mail during the holiday season.

Julie Hast, Torrance, stated that she strongly supports the implementation of the green waste program citywide and believes the fee increase is a small price to pay given the benefit to the environment. She noted that costs will rise substantially when local landfills close, which is scheduled to take place in the near future, and a program that diverts a large portion of waste from landfills will be even more beneficial at that time.

Newt Young, Torrance, related his belief that the low number of protest ballots received was due to the timing of the mailing. He voiced objections to the annual CPI increase on sanitation fees and the many taxes and fees imposed on residents.

The Council briefly recessed from 10:58 to 11:02 p.m.

MOTION Commissioner Furey moved to close the public hearing. The motion was seconded by Commissioner Rhilinger and passed by unanimous roll call vote.

Councilmember Sutherland stated that while he didn't like fee increases, he felt it was important to recycle whatever possible in order to preserve resources for future generations.

In response to Councilmember Brewer's inquiry, Sanitation Services Manager Knapp reported that in order to qualify for the reduced fee increase of \$1.48 per month, a resident must have a household income of less than \$27,075 a year and must be over 62 years of age or permanently disabled.

Councilmember Numark noted that some seniors on fixed incomes have expressed concerns that they earn slightly more than the low income threshold and don't qualify for the lower rates.

City Manager Jackson confirmed that the Council had the authority to raise the income threshold, but requested that staff be given time to explore the ramifications before taking action on this matter. He suggested that the Council might wish to use the threshold for Section 8 housing, which is tied to the median income in LA County.

Councilmember Furey noted that many of the protest ballots were from seniors on fixed incomes and suggested the possibility of giving some relief to older seniors, possibly 75 years and older.

Mayor Scotto asked how many residents currently qualify for the low income sanitation fee, and Public Works Director Beste reported that approximately 480 of the City's 29,000 customers qualify for the lower rate.

Mayor Scotto expressed his preference that low income senior/disabled residents be excluded from any rate increase. He suggested the possibility of phasing in the increase over a period of three years and not charging the full rate increase for seniors 75 year of age and older.

A brief discussion ensued, and Councilmembers Rhilinger and Barnett voiced support for Mayor Scotto's suggestions.

Councilmember Numark related his belief that some of the assumptions used to formulate the rate increase were overly conservative, such as lost revenue from residents turning in second trash bins after the green waste program is implemented, and suggested that staff take another look at these elements.

City Manager Jackson offered to have staff look into the following issues and report back to the Council on January 26, 2010: 1) Excluding low-income senior/disabled residents; 2) Offering a reduced rate for seniors 75 years of age and establishing a median income base; 3) Reviewing and possibly modifying elements of the rate increase; and 4) Phasing in the increase over a two or three-year period.

MOTION: Councilmember Furey moved to continue this matter to January 26, 2010. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Sutherland requested that staff provide an update on proposed zoning restrictions for massage establishments.

17B. Councilmember Barnett announced that a community meeting would be held to discuss the North Torrance Library Refurbishment Project on Tuesday, January 19, at 7:00 p.m. at the North Torrance Library located at 3604 Artesia Boulevard.

17C. Noting that the City recently hired two lobbyist firms to assist in federal and state grant funding, Mayor Scotto proposed that a 2010 City Council Legislative Advocacy Committee be created to work with staff and the lobbyist firms. He asked for City Council concurrence to appoint committee members at the January 26 City Council meeting, and hearing no objection, so ordered.

18. **EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1.

19. **ADJOURNMENT**

At 11:42 p.m., the meeting was adjourned to Tuesday, January 19, 2010 at 7:00 p.m. for an adjourned regular meeting in the Council Chambers.

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers,
City Clerk of the City of Torrance

Approved on March 9, 2010