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TORRANCE CITY COUNCIL – FEBRUARY 15, 2011

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At 11:31 p.m., the meeting was adjourned to Tuesday, March 1, 2011 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

February 15, 2011

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

1. CALL TO ORDER

The Torrance City Council convened in joint session with the Torrance Cultural Arts Commission at 5:32 p.m. on Tuesday, February 15, 2011 in the West Annex Commission Meeting Room.

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.

The joint meeting included the following topics of discussion: making the Torrance Cultural Arts Center a destination; the upcoming Arts Education Workshop; and an update on the Wilson Park Amphitheatre.

The Cultural Arts meeting was adjourned at 6:31 p.m. and the City Council recessed to Council Chambers to conduct regular business.

The City Council reconvened in Council Chambers at 7:03 p.m. with all members present.

2. FLAG SALUTE/INVOCATION

The flag salute was led by Youth Council members Frank Masi and Nicole Christy.

The non-sectarian invocation was given by Councilmember Rhilinger.

**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, February 10, 2011.

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

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS – None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Rhilinger announced that a meeting of the Transportation Committee would be held on Thursday, February 24, at 4:30 p.m. in the City Manager Assembly Room.

Councilmember Rhilinger announced that a meeting of the Naming of Public Facilities Committee would be held on Friday, March 4, at 2:30 p.m. in the City Manager Assembly Room.

City Clerk Herbers reminded voters that it was election day for the Special Election for the 28th District Senate seat with polls open until 8:00 p.m. She noted that polling place information, as well as results, could be found at www.lavote.net.

Mayor Scotto announced that he has appointed former mayor Dee Hardison as chairperson of the newly created Election and Candidates Ethics Committee.

7. **ORAL COMMUNICATIONS #1**

None.

8. **CONSENT CALENDAR**

8A. **ENVIRONMENTAL QUALITY AND ENERGY CONSERVATION COMMISSION
2009-2010 ANNUAL REPORT**

Recommendation

Recommendation of the Environmental Quality and Energy Conservation Commission and the Community Development Director that City Council accept and file the Environmental Quality and Energy Conservation Commission 2009-2010 Annual Report.

8B. **CONTRACT AMENDMENT RE SEASIDE HEROES PARK**

Recommendation

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

- 1) Approve a contract amendment with Land Concern Ltd (C2008-096) for additional architectural and civil engineering services for Seaside Heroes Park for \$6,100 for a total contract amount of \$87,400; and,
- 2) Appropriate \$11,500 from the Park and Recreation Open Space Fund to Seaside Heroes Park (FEAP #653).

8C. **AGREEMENT FOR TECHNICAL CONSULTING SERVICES RE POLICE
FORENSIC LAB**

Recommendation

Recommendation of the Police Chief that City Council approve a consulting agreement with McClaren, Wilson & Lawrie, Inc. for \$53,692 for technical consulting services for the Police Department Forensic Lab (FEAP#731).

8D. **AGREEMENT RE WATER SAMPLE PICK-UP AND BACTERIOLOGICAL
ANALYSIS**

Recommendation

Recommendation of the Public Works Director that City Council accept the proposal submitted by Test America Laboratories, Inc. in the amount of \$32,100, for services related to water sample pick-up and bacteriological analysis of water samples, and award a consulting services agreement to Test America Laboratories, Inc.

8E. PURCHASE ORDER FOR 2011 FORD F350 TRUCK WITH ANIMAL CONTROL BODY

Recommendation

Recommendation of the General Services Director and Chief of Police that City Council:

- 1) Award a purchase order to Fairview Ford Sales, Inc. of San Bernardino, CA in the amount of \$54,880.46 including sales tax and tire fees to furnish one (1) 2011 Ford F350 super duty 4x4 extended cab 4x4 cab and chassis with pacific truck body model #AC96-6-2 animal control body; and
- 2) Authorize transfer of \$54,880.46 from the Animal Control Vehicle Project (FEAP#752) to the Fleet Vehicle Replacement Fund.

8F. PLANNING COMMISSION 2010 ANNUAL REPORT

Recommendation

Recommendation of the Planning Commission and the Community Development Director that City Council accept and file the Planning Commission 2010 Annual Report.

8G. AMENDMENT TO FEE AGREEMENT FOR LEGAL SERVICES

Recommendation

Recommendation of the City Attorney that City Council approve a first amendment to fee agreement with Woodruff, Spradlin & Smart (C2010-238) for an additional \$150,000, for a total amount not to exceed \$175,000 to provide legal services.

8H. PURCHASE ORDER FOR 2011 FORD CROWN VICTORIA POLICE INTERCEPTOR SEDANS

Recommendation

Recommendation of the General Services Director that City Council authorize a purchase order to Power Ford of Torrance, CA in the amount of \$292,155.24 for the purchase of thirteen (13) model year 2011 Ford Crown Victoria Police Interceptor (CVPI) patrol sedans for the Torrance Police Department.

MOTION: Councilmember Barnett moved for the approval of Consent Calendar Items 8A through 8H. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote.

10. PLANNING AND ECONOMIC DEVELOPMENT

10A. ORDINANCE REGARDING USE OF VEHICLES ON PRIVATE PROPERTY FOR HABITATION

Recommendation

Recommendation of the Environmental Quality and Energy Conservation Commission and the Community Development Director that City Council:

- 1) Adopt an Ordinance amending Section 12 of Article 5 of Chapter 2 of Division 9 of the Torrance Municipal Code to better regulate the use of trailers and recreational vehicles for sleeping, housekeeping, or living quarters within the City of Torrance; and
- 2) Approve an ordinance summary for publication.

Mayor Scotto announced that this was the time and place for a public hearing on the matter. City Clerk Herbers confirmed that the hearing was properly advertised.

Deputy Community Development Director Cessna briefly reviewed the recommended revisions to the Ordinance regulating the habitation of trailers and recreation vehicles on private residential property as follows:

- 1) Increases periods of permitted habitation from 2 periods of 14 consecutive days to 5 periods of 15 consecutive days per year; increases the maximum from 30 days to 75 days per year;
- 2) Establishes a permit process (free) for tracking;
- 3) Allows up to 3 loading periods of 5 days each per month;
- 4) Provides for a 6 to 12-month period of habitation for on-site construction; and
- 5) Creates a clearer definition of conditions that may indicate habitation.

She explained that the revisions were designed to make the City's Ordinance more enforceable and they were devised after several meetings of the Environmental Quality and Energy Conservation Commission with input from the public.

Assistant City Attorney Sullivan advised that the existing Ordinance requires proof that someone is living in a trailer/recreation vehicle; that offenders were able to thwart the City's efforts to prove this by covering up windows; and that the proposed Ordinance defines conditions that might indicate habitation which are more obvious, such as electrical and sewer hook-ups.

Mayor Scotto invited public comment.

Ed Bower, Torrance, recommended revisions to the proposed Ordinance, Section 1, paragraphs (A) and (B), which he felt overstated problems associated with RV habitation; and Section 95.2.15(a), which he believed was too restrictive (per written material submitted for the record).

Jim Tarvin, Torrance, expressed support for the proposed Ordinance. He reported that since August 2009 his neighbor has allowed relatives to live in a trailer in the rear driveway, which is only one foot from his property line, and as a result, he and his family have been subjected to loud noise, unpleasant odors, and disturbances at all hours of the day and night and they have been deprived of their privacy and the enjoyment of their home and backyard. He noted that Code Enforcement has made several attempts to remedy the problem without success because current regulations have proven to be unenforceable.

Barry Oliver, Torrance, voiced objections to the proposed Ordinance, contending that the police should be able to handle any problems associated with habitation rather than placing restrictions on trailer/RV owners throughout Torrance. He explained that in order to keep his RV properly maintained he must do the things that are defined as evidence of habitation, i.e. level his RV and hook-up to electricity and water, and he will incur considerable expense if he is unable to do this.

Lauren Heard, Torrance, voiced her opinion that the proposed regulations were too broad. She related her belief that people should be allowed to enjoy the use of their RVs on their own private property unless they are breaking the law; expressed concerns that RV owners could become the victim of anonymous complaints; and suggested that the City should focus on regulating the offensive behavior, i.e. disturbing the peace, instead of focusing on a certain type of vehicle.

Dorothy Musser, Torrance, voiced objections to the proposed Ordinance. She stated that her son is visiting and will be living in her RV for the next two months and she did not believe it was the City's role to prohibit this.

Mayor Scotto clarified that the Ordinance will be enforced on a complaint basis.

Councilmember Numark noted that the proposed Ordinance allows 5 periods of 15 consecutive days for a maximum of 75 days per year so it appears that a two-month stay would be permitted.

Assistant City Attorney Sullivan advised that the City's intention was to require a gap between each 15-day period, but the Ordinance does not specify this so it may have to be amended.

Councilmember Furey pointed out that the existing Ordinance allows habitation for only 2 periods of 14 consecutive days or a total of 30 days per year, so the revised Ordinance is more liberal in this respect.

Linda Neal, Torrance, voiced objections to Section 92.5.15(a), contending that electrical hook-ups and leveling are not necessarily indications of habitation. She expressed concerns that RV owners could be subjected to unwarranted complaints.

Mayor Scotto explained that the factors listed in Section 92.5.15(a) "connecting to sewer, water or electrical systems and/or the use of a power generator, except during loading or preparation period," are only indications that someone may be living in an RV and the City would investigate to confirm such an allegation before citing or prosecuting anyone.

Charles L. Deemer, Torrance, voiced objections to the proposed Ordinance. He contended that people should not have to obtain a permit to park on their own property and that any problems related to RVs can be addressed by enforcing existing regulations. Noting that people sometimes live in RVs for financial reasons, he related his belief that they should be allowed to do so as long as the RV is kept clean and does not become an eyesore.

John Burke, Torrance, stated that he investigated Mr. Tarvin's complaint and personally observed that no one was living in the trailer next door and City records reveal that Mr. Tarvin has a history of filing various unfounded complaints against this neighbor. He voiced his opinion that proposed restrictions were unwarranted because very few complaints are received about RV habitation and they can be handled by existing regulations rather than burdening RV owners throughout the City.

Musette Tarvin, Torrance, expressed support for the proposed Ordinance and disputed Mr. Burke's contention that her husband's claims were not valid. She stated that she had no problem with someone living in an RV temporarily, but having people live in an RV permanently on an R-1 property, in effect, turns it into an R-2 property. She asked that the Council consider specifying minimum setback requirements for RVs.

Mayor Scotto emphasized that the proposed Ordinance is more liberal than the existing Ordinance in terms of allowing temporary habitation and the main difference is that the revised Ordinance includes provisions that will allow the City to prosecute violators.

Councilmember Furey voiced support for the Ordinance as proposed, echoing Mayor Scotto's comments. He thanked the Environmental Quality and Energy Conservation Commission and staff for their efforts in drafting the Ordinance, noting that at least five public meetings were held and some of the provisions included were at the suggestion of RV owners.

Councilmember Brewer also expressed support for the Ordinance. He reported that someone lived in an RV in his neighborhood for two years, which was very frustrating for neighbors because they could do nothing about it since the existing Ordinance is unenforceable.

Councilmember Rhilinger expressed concerns that the proposed Ordinance would not fully address the problem because it would allow up to 255 days of habitation per year, counting the 3 five-day loading periods per month, and it does not include setback requirements to address the noise issue. She noted that noise that would not be considered excessive under ordinary circumstances is problematic when it's right next to someone's bedroom window. She stated, however, that she would support the Ordinance in order to give prosecutors the ability to adjudicate the few, but annoying cases of long-term habitation.

Councilmember Sutherland stated that he shares RV owners' concerns about the taking away of their property rights by the government, but would support the proposed Ordinance because it relaxes existing regulations. He noted that annoying noise and cooking odors could just as easily come from a backyard barbeque as from an RV and related his belief that the Ordinance would have been unnecessary if the two parties involved had been able to resolve their differences.

A brief discussion ensued concerning whether the Ordinance should be amended to specify that there must be a break between each of the five 15-day periods that are allowable per year. It was the consensus of the Council to require at least a 15-day break between each 15-day habitation period to provide some relief for neighbors.

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, amending Section 92.5.16(a) of Ordinance 3742 to state that there shall be a minimum of 15 days between the end of one permit and the issuance of another, and approve an ordinance summary for publication. The motion was seconded by Councilmember Furey and passed by unanimous roll call vote.

ORDINANCE NO. 3742

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
REPEALING SECTION 12 OF ARTICLE 5 OF CHAPTER 2 OF DIVISION
9 AND ADDING NEW SECTIONS 15 THROUGH 23 TO ARTICLE 5 OF
CHAPTER 2 OF DIVISION 9 OF THE TORRANCE MUNICIPAL CODE
RELATING TO THE PREVENTION OF LONG-TERM USE OF
VEHICLES ON PRIVATE PROPERTY AS LIVING QUARTERS

MOTION: Councilmember Numark moved to adopt Ordinance No. 3742 as amended. The motion was seconded by Councilmember Furey and passed by unanimous roll call vote.

City Council recessed from 8:24 p.m. to 8:44 p.m.

12. ADMINISTRATIVE MATTERS

12A. ORDINANCE BANNING SMOKING IN PUBLIC PARKS

Recommendation

Recommendation of the Parks and Recreation Commission and the Community Services Director that City Council adopt an Ordinance amending the Torrance Municipal Code banning smoking in City parks and approve an ordinance summary for publication.

Community Services Director Jones reported that staff and the Parks and Recreation Commission were recommending that smoking be banned at City parks because smoking poses health risks for smokers as well as those exposed to second-hand smoke, litter from cigarette butts does not breakdown readily and constitutes a significant portion of park litter, and children who observe smoking in public parks may model this behavior. He noted that the required signage is being donated so the only cost to the City would be the installation. He stated that Torrance is the last of neighboring cities to enact such a ban and both L.A. County and L.A. City have done so.

In response to Mayor Scotto's inquiry, Community Services Director Jones confirmed that Madrona Marsh would be covered by the ban.

Mayor Scotto invited public comment.

Grant and Jett Hays, Torrance, urged approval of the smoking ban, noting that they participate in youth sports activities at City parks and being exposed to cigarette smoke is unhealthful and unpleasant.

Daniel Evans, Torrance, expressed support for the proposed Ordinance, citing the harmful effects of tobacco smoking.

Joan Waddell, program director for National Council on Alcoholism and Drug Dependence (NCADD) South Bay, stated that the banning of smoking in public parks is a nationwide phenomenon as people have begun to recognize that they have a right to clean air. She reported that New York City will be enacting a ban on smoking at all public parks, beaches, and pedestrian malls, including Times Square, at the end of the month.

Pamela Ennis, health policy liaison for NCADD South Bay, reported that the L.A. County Department of Public Health -Tobacco Control Division has offered to pay for the signage necessary to implement the ban.

Barbara Davico, co-chair of the South Bay Fresh Air Coalition, discussed the health risks associated with secondhand smoke.

Kelly Maxwell, co-chair of South Bay Fresh Air Coalition, urged approval of the smoking ban at City parks.

Sima Sharafdin, volunteer with the American Heart Association, expressed support for the proposed Ordinance.

Calvin Chang, Torrance, stated that he strongly supports the banning of smoking at City parks due to the extensive health risks posed by second-hand smoke.

Janet Payne, former Parks and Recreation Commissioner, and Todd Hays, current Parks and Recreation Commissioner, reported that they collected approximately 1000 cigarette butts in a little over an hour at Torrance Park and urged approval of the smoking ban.

Norman Tor, Torrance, stated that he suffers from breathing problems and looks forward to going to the park without being subjected to secondhand smoke.

Mark Stephenson, Torrance, stated that he was opposed to the proposed smoking ban because it infringes on individual rights and liberties. He voiced his opinion that people should be allowed to consume tobacco, which is a legal product, in public open space and any litter problem should be dealt with by Parks and Recreation maintenance staff. He noted that food consumption can also cause health problems, but no one would suggest banning it at public parks.

Councilmember Sutherland questioned whether Mr. Stephenson would support the consumption of alcohol at public parks since it is also a legal product, and Mr. Stephenson responded that he would not due to behavioral issues associated with alcohol.

Dorothy Musser, Torrance, expressed support for the proposed smoking ban, noting that she recently had to move to another area of the park to escape the strong odor of cigarette smoke when visiting Columbia Park.

John Burke, Torrance, voiced objections to the proposed smoking ban because it signifies more government intrusion on individual rights. He suggested the possibility of setting aside an area where people may smoke if the ban is approved.

Councilmember Furey voiced support for the proposed Ordinance and thanked Ms. Waddell and the members of the South Bay Fresh Air Coalition for their efforts to bring this matter to the forefront and L.A. County for providing the necessary signage.

Councilmember Brewer related his belief that smoking should be banned at City parks because while tobacco is a legal product, its use affects other people's health and enjoyment of the park due to secondhand smoke.

Councilmember Sutherland voiced his opinion that the banning of smoking at City parks was necessary to protect the health of children who use the parks.

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

RESOLUTION NO. 3743

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE REPEALING AND REPLACING SECTION 1 OF ARTICLE 1 OF CHAPTER 9 OF DIVISION 4, AMENDING SECTION 26 OF ARTICLE 3 OF CHAPTER 4 OF DIVISION 4, AND ADDING A NEW SECTION 11 TO ARTICLE 2 OF CHAPTER 9 OF DIVISION 4 OF THE TORRANCE MUNICIPAL CODE RELATING TO SMOKING ON BEACHES AND IN PARKS

MOTION: Councilmember Numark moved to adopt Ordinance No. 3743. The motion was seconded by Councilmember Furey and passed by unanimous roll call vote.

12B. REPORT ON JOINT MEETING WITH TORRANCE UNIFIED SCHOOL DISTRICT

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 January 19, 2011 joint meeting of the Committee and Torrance Unified School District Board of Education (TUSD).

Councilmember Brewer, chair of the Citizen Development and Enrichment Committee, reported on the meeting held with the Torrance Unified School District on January 19, 2011 to discuss joint projects, including the integration of library systems; turf management; improving Wi-Fi access for high school campuses; and developing fire safety guidelines for TUSD. He noted that the Committee was recommending that another joint meeting with the entire City Council and the School Board be scheduled since the last one was held in November 2009.

Hearing no objection, Mayor Scotto ordered that the report be accepted and filed.

13. HEARINGS

13A. UNDERGROUND UTILITY DISTRICT NO. 18

Recommendation

Recommendation of the Community Development Director that City Council:

- 1) Conduct a public hearing to determine whether public necessity, health, safety or welfare requires the removal of poles, overhead wires, associated overhead structures and the underground installation of wires and facilities for supplying electric, communication or similar service in the Underground Utility District No. 18 (UUD# 18A and 18B):
 - 18A – Hawthorne Boulevard from Del Amo Boulevard to 186th Street; and
 - 18B – Crenshaw Boulevard from Carson Street to 50 feet north of Sepulveda Boulevard from property line to property line, except for the westerly 90 feet of Crenshaw Boulevard from the north side of Plaza Del Amo to approximately 360 feet north of Plaza Del Amo and full width and length of the Jefferson Street right-of-way beginning 60 feet east of the Crenshaw Boulevard centerline and Plaza Del Amo from Crenshaw Boulevard to 370 feet west of Crenshaw Boulevard;
- 2) Accept the Engineer's Report; and
- 3) Adopt a Resolution establishing Underground Utility District No. 18.

Mayor Scotto announced that this was the time and place for a public hearing on the matter. City Clerk Herbers confirmed that the hearing was properly advertised.

Councilmember Rhilinger announced that she was recusing herself from consideration of this item because her residence is within 500 feet of the proposed Utility District and exited the dais.

Planning Manager Semaan noted that transmission lines will remain in place for Utility District 18A because to underground them at this time was cost prohibitive.

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

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

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

RESOLUTION NO. 2011-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING THE UNDERGROUND UTILITY DISTRICT NO. 18 (18A AND 18B) AND ORDERING THE REMOVAL OF POLES, OVERHEAD WIRES, AND ASSOCIATED OVERHEAD STRUCTURES WITHIN THE DESIGNATED AREA AS PROVIDED IN SECTION 77.1.21 OF THE TORRANCE MUNICIPAL CODE

MOTION: Councilmember Numark moved to adopt Resolution No. 2011-23. The motion was seconded by Councilmember Furey and passed by unanimous roll call vote (absent Councilmember Rhilinger).

Councilmember Rhilinger returned to the dais.

13B. TORRANCE MUNICIPAL WATER RATE INCREASES

Recommendation

Recommendation of the Water Commission and Public Works Director that City Council:

- 1) Adopt a Resolution approving a series of water rate increases and service charge adjustments for the five year period of 2011 through 2015 in the Torrance Municipal service area and authorizing increases in City water rates; related adjustments in water service charges; a new conservation based tiered rate structure; and a change in the method for calculating Metropolitan Water District and other water cost pass-through adjustments to offset for higher wholesale water costs;
- 2) Maintain the low income discount rate for senior and disabled customers; and
- 3) Approve March 1, 2011 as the effective date for water rate and service charge increases for 2011.

Mayor Scotto announced that this was the time and place for a public hearing on the matter. City Clerk Herbers confirmed that the hearing was properly advertised.

Assistant City Attorney Sullivan outlined the process for approving water rate increases in accordance with Proposition 218 requirements.

With the aid of slides, Public Works Director Beste reviewed the proposed rate increases. He explained that the increases are necessary to meet operating and maintenance needs; fund necessary infrastructure replacements/improvements; and provide capital for local water production. He discussed the benefits of developing new groundwater wells due to the ever increasing cost of imported water. He noted that a tiered rate structure will be implemented that rewards water conservation; that water rates will continue to be among the lowest in the area; and that the City will continue to offer discounted rates for low income seniors and the disabled. He reported that in accordance with Proposition 218, notices of the increases were mailed to all 26,400 Torrance

Municipal Water (TMW) customers in December with a protest form included; that approximately 2,010 protests (7%) have been received, which is short of the 50% +1 required to defeat the rate increases; and that the rate increases will go into effect March 1, 2011 should the Council approve them.

Responding to questions from the Council, Public Works Director Beste reported that Torrance Municipal Water currently imports 90% of its water supply and hopes to eventually be able to reduce that amount to 50% by exercising its water rights; explained that yearly rainfall totals have very little to do with price fluctuations; and provided clarification regarding adjustments to meter service charges. He discussed the ongoing need to repair/replace the City's aging infrastructure since on average there is one water main break per week.

Assistant City Attorney Sullivan clarified that only written protests count toward the 50% +1 of customers needed to defeat the rate increase and they must be submitted by the end of this hearing; Mayor Scotto noted that protest forms were available in the back of Council Chambers.

Mayor Scotto invited public comment.

John Piacentini, Torrance, voiced his opinion that the notification process for the rate increase was flawed and requested that the Council adopt a policy of including notice of all future rate increases in customers' bills.

Linda Neal, Torrance, expressed her opposition to the proposed rate increases, citing the burden on residents who are already struggling financially.

John Burke, Torrance, requested clarification regarding pass-through increases for imported water costs, which was provided by staff.

Mark Stephenson, Torrance, voiced support for the rate increases after staff provided clarification regarding various aspects of the proposal.

Michael Ritchey, Torrance, proposed placing a cap on annual CPI increases and establishing Development Impact Fees to fund capital improvements.

Rob Katherman, Torrance's Water Replenishment District representative, expressed support for the proposed rate increases, noting that improving the reliability of the City's water supply system will greatly benefit residents.

Rick Marshall, Torrance, protested the proposed rate increases. He questioned the timing of the mailing of the ballots, relating his belief that a lot more protests would have been received had the ballots not been mailed the week between Christmas and New Year's.

Mr. Marshall asked about the possibility that the cost of imported water would decrease thereby negating the benefits of the City's investment in groundwater wells. Public Works Director Beste explained that there was no doubt that the cost of imported water will continue to rise because of the need to repair/improve the state's water infrastructure.

In response to Mr. Marshall's inquiry, Assistant City Attorney Sullivan confirmed that residents may circulate a petition to place an initiative on the ballot to rescind the rate increases.

Lauren Heard, Torrance, requested clarification of meter service charges, which was provided by staff.

Mayor Scotto announced that this was the last opportunity for residents to submit a protest form.

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

City Clerk Herbers reported that a total of 2010 protests had been received, and Assistant City Attorney Sullivan confirmed that this amount was not sufficient to prevent the Council from taking action on the rate increases.

Councilmember Brewer expressed support for the proposed rate increases, citing the long-term benefits of reducing the City's reliance on imported water.

Referring to Mr. Marshall's comments about the mailing of the ballots during the holiday season, Councilmember Sutherland noted that a ballot regarding a proposed increase in trash collection fees was mailed out 6-8 months ago and the number of protests received was about the same.

Councilmember Sutherland pointed out that people are rarely in favor of any kind of price increase, but related his belief that in this case, the increase was necessary to ensure that the City will have a reliable water supply in the future.

Mayor Scotto stated that he views the rate increases as an investment in the future because by investing in additional wells and pumping capacity, the City will be able to avoid approximately \$180 million in added costs for imported water over the next 40 years. He noted that the average residential customer will experience an increase of approximately \$1.50 per month and in some cases their bills will be reduced.

Councilmember Furey also expressed support for proposed rate increases, stressing the long-range benefits of expanding the local water supply and the added benefit of having an independent source of water should the supply from Northern California be cut-off.

Councilmember Barnett indicated that he also supported the proposed rate increases, noting that there is a definite need for infrastructure improvements and even with the increases, TMW rates will remain among the lowest in the area.

MOTION: Councilmember Brewer moved to concur with staff recommendation as stated in sub-items 1 through 3. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

RESOLUTION NO. 2011-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR WATER SERVICE IN THE TORRANCE MUNICIPAL WATER SERVICE AREA

MOTION: Councilmember Numark moved to adopt Resolution No. 2011-24. The motion was seconded by Councilmember Furey and passed by unanimous roll call vote.

*

The City Council met as the Redevelopment Agency from 10:53 p.m. to 11:00 p.m.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Barnett encouraged the public to attend the Torrance Theatre Company's presentation of *Over the River and through the Woods* on weekends during the month of February at 1316 Cabrillo Avenue, with additional information at www.torrancetheatrecompany.com or 424.243.6882.

17B. Councilmember Furey announced that Works in Progress will be presenting *Pentagon Papers* at the George Nakano Theatre on February 26, March 26, April 30 and May 28 and that each performance will cover a different chapter of America's involvement in Viet Nam from 1945 to 1968, with additional information available at www.torrancelive.us.

17C. Councilmember Numark, with the concurrence of Council, requested that staff look into the possibility of creating an email newsletter to be sent out to residents on a regular basis to better inform them about what's going on in the City.

18. EXECUTIVE SESSION

At 11:05 p.m., City Council recessed to closed session to confer with the City Manager and City Attorney on agenda matters listed under 18A) Conference with Labor Negotiator, and 18B) Conference with Legal Counsel – Anticipated Litigation, pursuant to California Government Code §54957.6 and 45956.9(b)(1).

The City Council reconvened at 11:31 p.m. No action was taken on any matter considered in closed session.

19. ADJOURNMENT

At 11:31 p.m., the meeting was adjourned to Tuesday, March 1, 2011 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

Attest: /s/ Frank Scotto
Mayor of the City of Torrance

/s/ Sue Herbers
Sue Herbers, CMC
City Clerk of the City of Torrance

Approved on April 5, 2011

Sue Sweet
Recording Secretary

City Council
February 15, 2011

