

**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 7:04 p.m. on Tuesday, March 4, 2008 in the City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Barnett, Brewer, Nowatka, Sutherland, Witkowsky, and Mayor Scotto.

Absent: Councilmember Drevno.

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

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Nowatka.

Councilmember Brewer 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, February 28, 2008.

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

4. WITHDRAWN OR DEFERRED ITEMS

City Manager Jackson announced that Item 12A was deferred to a later date; that Item 12D would be brought back after Executive Session; and that Item 13A was continued to March 25 and would be re-advertised.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Mayor Scotto requested that an excused absence be given to Councilmember Drevno for the next three scheduled meetings, and hearing no objection, so ordered.

Fire Chief Bongard reminded everyone that ExxonMobil would be conducting their monthly community siren alert testing on Wednesday, March 5, at approximately 11:30 a.m.

Councilmember Sutherland announced that the Community Planning and Design Committee would meet on Friday, March 21, at 4:00 p.m. in the 3rd Floor Assembly Room to review the design of the Zamperini Way entry sign.

Councilmember Sutherland reported that the Finance and Governmental Operations Committee had met earlier in the evening to discuss the 2nd Quarter 2007-2008 Budget and than an item would come before the Council at a later date.

Councilmember Nowatka noted that the City Council Ad Hoc Ethics Committee had met earlier in the day and that the next meetings would be held on March 18 and March 25 at 3:00 p.m. in the 3rd Floor Assembly Room.

Councilmember Barnett announced that the March 18 City Council meeting would be held at the West High School Library, located at 20401 Victor Street.

City Clerk Herbers announced that candidate filing for the June 3, 2008 ballot would close on Wednesday, March 12, and that one individual had filed all the necessary papers and 13 others were currently circulating nomination papers.

City Clerk Herbers invited staff and the public to view the oil paintings of Torrance Artist Guild member Mercedes Guzman on display in the City Clerk's office for the month of March.

6. COMMUNITY MATTERS

6A. COMMISSION APPOINTMENTS

Recommendation

Recommendation of the **City Clerk** that City Council review applications and make appointments to fill one vacancy on the Airport Commission, and one vacancy on the Water Commission. The City Clerk will administer the Oath of Office to the commissioners present.

Applicants were introduced and given an opportunity to address the Council.

MOTION: Councilmember Sutherland moved to appoint Archie Phillips to the Airport Commission and Jim Freeman to the Water Commission. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

City Clerk Herbers administered the Oath of Office.

7. ORAL COMMUNICATIONS #1

7A. Pat Furey, Torrance Education Foundation, announced that raffle tickets for a Toyota Prius were available for \$20 and that the Foundation Gala would be held on May 10 at the Torrance Marriott at 6:00 p.m.

7B. Bonnie Mae Barnard, Save Historic Old Torrance, invited everyone to attend SHOT's Extravaganza on Sunday, April 6, at The Depot restaurant.

7C. Arthur Plourde, resident, expressed concerns about the lack of synchronization of refuse collection and street sweeping schedules when there is a holiday.

8. CONSENT CALENDAR

8A. INVESTMENT REPORTS FOR JANUARY 2008

Recommendation

Recommendation of the **City Treasurer** that City Council accept and file the January 2008 monthly investment report. (Companion to Redevelopment Agency Item)

8B. AMENDMENT TO AGREEMENT WITH PETDATA, INC.

Recommendation

Recommendation of the **Police Chief** that City Council approve an amendment to the contract with PetData, Inc., (C2004-051) for animal licensing services, extending the term from February 29, 2008 to February 28, 2009.

8C. PARTICIPATION IN THE MUNICIPAL AREA EXPRESS COMMUTER BUS SERVICE PROGRAM

Recommendation

Recommendation of the **Transit Director** that City Council authorize participation in the Municipal Area Express (MAX) Commuter Bus Service program in an amount not to exceed \$247,221 with a term of July 1, 2008 through June, 30, 2011.

8D. CONTRACT RE MUNICIPAL AREA EXPRESS COMMUTER BUS PROGRAM

Recommendation

Recommendation of the **Transit Director** that City Council approve a contract services agreement with MV Transportation to operate the Municipal Area Express Commuter Bus service program in an amount not to exceed \$3,618,941 for a term of July 1, 2008 through June 30, 2011.

8E. MODIFICATION OF CONTRACT WITH SAPPHIRE TECHNOLOGIES

Recommendation

Recommendation of the **Information Technology Director** that City Council authorize an increase of \$23,000 to contract services agreement with Sapphire Technologies (C2007-191) for a new not to exceed total of \$70,000 for a temporary technical network contractor.

MOTION: Councilmember Brewer moved for the approval of Consent Calendar Items 8A through 8E. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

12. ADMINISTRATIVE MATTERS

12A. ORDINANCE FOR REGULATION OF STATE VIDEO FRANCHISES AND CITY VIDEO FRANCHISES

Recommendation

Recommendation of the **City Manager** that City Council adopt an Ordinance implementing regulation of State Video Franchises and City Video Franchises in the City of Torrance.

Item was withdrawn.

12B. SCHEDULING OF 4TH COMMUNITY OUTREACH MEETING

Recommendation

Recommendation of the **City Manager** that City Council schedule the 4th of four Community Outreach Meetings of the City Council for March 18, 2008, at 7:00 p.m. in the West Torrance High School Library.

Mayor Scotto encouraged residents in the West Torrance area to attend the Council meeting, and Councilmember Witkowsky commended staff for keeping expenses to a minimum for the off-site meeting.

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

12C. RESOLUTIONS FOR CERTAIN FULL TIME SALARIED AND HOURLY EMPLOYEES AND CERTAIN PART TIME HOURLY EMPLOYEES

Recommendation

Recommendation of the **City Manager** that City Council adopt Resolutions amending Resolution No. 2007-45 for Certain Full-Time Salaried and Hourly Employees and Resolution No. 2007-46 for Certain Part-Time Hourly Employees which sets forth hours, wages, and working conditions.

Assistant to the City Manager Chaparyan reported that the Resolutions will extend the expiration date one additional month so employees could receive Year 2 and Year 3 wage increases one pay period early.

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

RESOLUTION NO. 2008-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2007-45 SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR CERTAIN FULL TIME SALARIED AND HOURLY EMPLOYEES BEGINNING JANUARY 20, 2008 THROUGH MARCH 31, 2110

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-24. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Drevno).

RESOLUTION NO. 2008-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2007-46 SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR CERTAIN PART TIME HOURLY EMPLOYEES BEGINNING JANUARY 20, 2008 THROUGH MARCH 31, 2010

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-25. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember Drevno).

12D. SECOND AMENDMENT TO FLITE PARK LLC LEASE

Recommendation

Recommendation of the **City Manager** that City Council approve a Second Amendment to amended and restated lease by and between the City of Torrance and Torrance Flite Park, LLC (2001-118) for City-owned property located at Torrance Municipal Airport – Zamperini Field.

Deferred until after Executive Session, see page 11.

12E. ORDINANCE CLARIFYING TELEPHONE USERS' TAX

Recommendation

Recommendation of the **City Manager** and the **Finance Director** that City Council waive full reading and adopt an Ordinance amending Section 225.1.3 of the Torrance Municipal Code to clarify that the City's application of the telephone users' tax to intrastate telephone communications services has been and will continue to be consistent with the Internal Revenue Service's interpretation of the Federal Excise Tax prior to May 25, 2006.

Finance Director Tsao advised that the proposed Ordinance reaffirms that the City will continue its long-standing practice of applying its Utility Users Tax in a manner consistent with the IRS' interpretation of the Federal Excise Tax prior to Notice 2006-50 issued by the U.S. Treasury Department on May 25, 2006. He noted that the Ordinance does not impose a new tax, extend or increase an existing tax, therefore, Proposition 218 does not apply.

In response to Councilmember Brewer's inquiry, Finance Director Tsao reported that the Utility Users Tax for telephone services generates approximately \$8 million annually.

Rick Marshall, resident, requested clarification regarding the need for this action, which was provided by City Attorney Fellows.

Anthony Martin, resident, related his belief that an Ordinance was not needed to ignore the IRS.

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

ORDINANCE NO. 3705

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING THE TORRANCE MUNICIPAL CODE TO CLARIFY ITS ORIGINAL INTENT AND TO REMOVE OBSOLETE REFERENCES IN THE TELEPHONE AND TELETYPEWRITER EXCHANGE USERS TAX

MOTION: Councilmember Brewer moved for the adoption of Ordinance No. 3705. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember Drevno).

12F. PLACEMENT OF UTILITY USERS TAX ORDINANCE ON JUNE 3, 2008
BALLOT

Recommendation

Recommendation of the **City Manager** and the **Finance Director** that City Council direct the City Clerk to place the Utility Users' Tax Ordinance on the June 3, 2008 ballot.

Finance Director Tsao noted that proposed Ordinance would modernize the current Utility Users Tax and confirm its independence from the Federal Excise Tax on telephony.

Rick Marshall, resident, commended the Council for placing this issue on the ballot. He requested that the City consider refunding telephone utility users' taxes collected during the period from May 2006 until the adoption of the Ordinance due to the incongruity of the

City's and the IRS' interpretation of telephone calls subject to the tax. He suggested that the City reduce the tax rate as other cities have done so that it could be presented as a tax cut to voters. He also requested that consideration be given to exempting cell phones from the UUT because they do not rely on any infrastructure other than cell phone towers paid for by cell phone companies.

In response to Councilmember Witkowsky's inquiry, City Attorney Fellows provided clarification regarding the City's potential exposure to lawsuits.

Councilmember Brewer commented on the impact on the City's budget should the City lose this important source of revenue.

Mayor Scotto related his understanding that cities that reduced their tax rates – Los Angeles and Hermosa Beach – had higher tax rates than Torrance to begin with.

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

12G. PLACEMENT OF MEASURE RE UTILITY USERS' TAX ORDINANCE ON JUNE 3, 2008 GENERAL MUNICIPAL ELECTION BALLOT

Recommendation

Recommendation of the **City Clerk** that City Council give direction to the City Clerk regarding placing a measure related to the Utility Users' Tax Ordinance on the June 3, 2008 General Municipal Election ballot. Estimated expenditure: \$10,000.

City Clerk Herbers requested that the City Council provide direction on the following items that were prepared in conjunction with the placement of a ballot measure on the June 3, 2008 ballot regarding the Utility Users' Tax Ordinance: 1) Resolution calling the election for measure; 2) Ordinance allowing seven signatures on argument and/or rebuttal for the measure (optional); 3) Resolution setting priorities for arguments and impartial analysis; and 4) Resolution allowing rebuttal arguments (optional). She noted supplemental material consisting of a correction to the Resolution calling the election for measure and additional information concerning deadlines and ballot arguments.

Referring to the proposed wording of the ballot measure, Councilmember Witkowsky voiced her opinion that the fact that this is not a new tax needs to be given more emphasis.

City Attorney Fellows explained that ballot measures are limited to one sentence of no more than 75 words and the proposed wording was edited and re-edited to make it as concise as possible. He noted that the impartial analysis will make it clear that no new taxes are proposed.

Rick Marshall, resident, asked about the reference to a Charter Amendment in the proposed Resolution calling the election for measure (Attachment A). City Clerk Herbers noted that this was a scrivener's error, which was corrected in the supplemental material.

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

RESOLUTION NO. 2008-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A MEASURE RELATING TO RATIFICATION OF AN ORDINANCE ON THE UTILITY USERS' TAX AT THE TORRANCE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 3, 2008, AS CALLED BY RESOLUTION NO. 2008-12

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-26. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Drevno).

The Council briefly discussed the proposed Urgency Ordinance, which would allow all seven City Council members to sign the argument and/or rebuttal for the measure.

Mayor Scotto explained that only five signatures are allowed on arguments/rebuttals for ballot measures because most City Councils consist of five members, therefore, the proposed Urgency Ordinance was necessary to allow the entire Council to sign.

Rick Marshal, resident, questioned whether seven signatures would also be allowed on the argument in opposition to the ballot measure.

A brief discussion ensued, and it was the consensus of the Council to allow up to seven signatures on arguments in opposition to the ballot measure if permitted by the L.A. County Registrar.

MOTION: Councilmember Sutherland moved to allow up to seven signatures on any argument in opposition to the ballot measure. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

A brief recess was called so City Attorney Fellows could draft amendments to the proposed Ordinance.

City Clerk Herbers advised that a new Section 2 would be added to Ordinance No. 3705 authorizing up to seven signatures on any argument submitted in opposition to any measure appearing on the June 3, 2008 General Election Ballot and that the existing Sections 2, 3 and 4 would be renumbered.

ORDINANCE NO. 3706

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING ~~ALL SEVEN CITY COUNCIL MEMBERS TO SIGN~~ SEVEN SIGNATURES ON AN ARGUMENT AND ANY AUTHORIZED REBUTTAL TO AN ARGUMENT SUBMITTED IN OPPOSITION TO ANY MEASURE THAT WILL BE SUBMITTED TO THE VOTERS AT THE JUNE, 3, 2008 GENERAL MUNICIPAL ELECTION

MOTION: Councilmember Brewer moved for the adoption of Ordinance No. 3706 as amended. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

The Council briefly discussed the two options for Section 1 of Resolution No. 2008-27 concerning the number of Council members authorized to file written arguments.

MOTION: Councilmember Sutherland moved to concur with Option 2 for Section 1 of Resolution No. 2008-27 authorizing up to seven members of the City Council to file written arguments. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Drevno).

RESOLUTION NO. 2008-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS
REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY
TO PREPARE AN IMPARTIAL ANALYSIS

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-27. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Drevno).

A brief discussion ensued regarding whether to allow rebuttal arguments. Councilmember Sutherland stated that he was not in favor of allowing rebuttal arguments because he felt they tend to be more emotional than factual.

Councilmember Brewer voiced his opinion that rebuttal arguments provide an opportunity to correct any misleading statements in the original argument rather than letting them go unchallenged.

MOTION: Councilmember Brewer moved to allow rebuttal arguments. The motion was seconded by Councilmember Witkowsky and passed by a 4-2 roll call vote, with Councilmember Sutherland and Mayor Scotto dissenting (absent Councilmember Drevno).

City Attorney Fellows recommended that Resolution No. 2008-28 be amended by deleting the italicized sentence stating that a rebuttal argument may be signed by all seven Councilmembers.

RESOLUTION NO. 2008-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR ANY
CITY MEASURES SUBMITTED AT THE JUNE 3, 2008 GENERAL
MUNICIPAL ELECTION

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-28 as amended. The motion was seconded by Councilmember Witkowsky and passed by a 5-1 roll call vote with Councilmember Sutherland dissenting (absent Councilmember Drevno).

Mayor Scotto appointed an ad hoc committee consisting of himself and Councilmembers Nowatka and Sutherland to draft the argument in favor of the ballot measure for consideration by the Council at an adjourned regular meeting on March 17, 2008 at 4:00 p.m. in the Council Chambers.

The Council briefly discussed whether to request a specific ballot measure letter designation, the letter "T" for "Torrance" was suggested and "G" for "good" was suggested as an alternative. City Clerk Herbers noted that if the requested letter is already in use, another letter will be assigned.

MOTION: Councilmember Witkowsky moved to request that the ballot measure be assigned the letter "T," if available, with second choice to be the letter "G." The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Drevno).

12H. MODIFICATION OF BENEFITS FOR TCEA, TPSA, ENGINEERS AND CERTAIN FULL TIME SALARIED AND HOURLY EMPLOYEES

Recommendation

Recommendation of the **City Manager** that City Council adopt a Resolution amending Certain Full Time Salaried and Hourly Employees Resolution No. 2007-45 and adopt Resolutions pursuant to Memoranda of Understanding amending Torrance City Employees Association (TCEA) Resolution No. 2007-48, Torrance Professional & Supervisory Association (TPSA) Resolution No. 2007-56, and the Engineers Resolution No. 2007-39 modifying the benefits section.

Assistant to the City Manager Chaparyan reported that the modifications concern health insurance contributions for part-time employees. He noted supplemental material indicating that a Resolution for Torrance Library Employees Association will be brought back at a later date because it was omitted from the agenda.

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

RESOLUTION NO. 2008-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2007-45 SETTING FORTH CHANGES REGARDING THE HOURS, WAGES, AND WORKING CONDITIONS FOR CERTAIN FULL TIME SALARIED AND HOURLY EMPLOYEES

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-29. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Drevno).

RESOLUTION NO. 2008-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2007-48 SETTING FORTH CHANGES REGARDING THE HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE CITY EMPLOYEES ASSOCIATION (TCEA)

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-30. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Drevno).

RESOLUTION NO. 2008-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2007-56 SETTING FORTH CHANGES REGARDING THE HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION (TPSA)

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-31. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Drevno).

RESOLUTION NO. 2008-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2007-39 SETTING FORTH CHANGES REGARDING THE HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE ENGINEERS

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-32. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Drevno).

13. HEARINGS

13A. PRE08-00018, WAV08-00018: 109 VIA SEVILLA – TOMARO ARCHITECTURE (BOB & PAT HOFFMAN)

Recommendation

Recommendation of the **Community Development Director** that City Council continue the case regarding property at 109 Via Sevilla to the March 25, 2008 City Council hearing to allow for proper notification of surrounding neighbors.

PRE08-00018; WAV08-00018: TOMARO ARCHITECTURE (BOB & PAT HOFFMAN)

Item was continued to March 25, 2008 to allow for proper notification.

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The Council met as the Redevelopment Agency from 9:00 p.m. to 9:02 p.m.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Nowatka announced that the Torrance Theatre Company was presenting Stephen Sondheim's "Into the Woods" with performances at the Nakano Theatre March 7-16, for further information call 310.781.7171.

17B. Councilmember Sutherland, with the concurrence of Council, requested that consideration be given to purchasing a Bearcat armored vehicle when the Capital Budget is discussed in May.

17C. Councilmember Sutherland commented on the employee recognition dinner held the previous week, noting that Frank Duarte has worked for the City for 50 years without one sick day.

17D. Councilmember Witkowsky offered a reminder that Daylight Saving Time begins on Sunday, March 9.

17E. Councilmember Witkowsky noted that she along with the rest of the Council would be attending the National League of Cities conference in Washington, D.C., March 8-12.

17F. Councilmember Barnett announced that the Torrance Public Library would be presenting "Mysterious California," on Friday, March 7, 12:30 p.m. at the Katy Geissert Civic Center Library.

17G. Councilmember Brewer announced that the 21st Annual Spring Boutique, sponsored by the Torrance Youth Council, would be held on Sunday, March 9, at Wilson Park from 9:00 a.m. to 4:00 p.m.

17H. Councilmember Brewer complimented Mayor Scotto on his UCLA tie.

17I. Mayor Scotto commented on the employee recognition dinner and commended staff for their efforts.

17J. Fire Chief Bongard invited everyone to attend the Torrance Fire Fighters Association's annual Spaghetti Dinner on Saturday, March 8, at the Ken Miller Recreation Center to benefit the Alisa Ann Ruch California Burn Foundation.

18. EXECUTIVE SESSION

Mayor Scotto announced that subsequent to the posting of the agenda, the City Attorney received information regarding the Plaintiff's proposed compliance with the terms of a recent court order in the matter of John Brumbaugh v City of Torrance, et al., Los Angeles Superior Court Case No. BS097255. He reported that immediate action was necessary due to the timeframe for compliance established by the court order, therefore, the City Attorney has requested that this item be added to tonight's agenda so instruction on how to proceed could be provided in closed session.

In order to take action on a mater 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 Sutherland moved to add the above-mentioned item to the agenda to be considered during closed session pursuant to Government Code § 54956.9(a). The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember Drevno).

Mayor Scotto announced that subsequent to the posting of the agenda, the City received a letter from the California Regional Water Quality Control Board threatening to bring an administrative action against the City for alleged violations of a regional board order. Based on existing facts and circumstances which are known to the potential plaintiffs, the City Attorney believes that immediate action is necessary because the City faces a significant exposure to litigation, therefore, he has requested that the City Council consider adding this item to the agenda.

MOTION: Councilmember Sutherland moved to add the above-mentioned item to the agenda to be considered during closed session pursuant to Government Code § 54954.2(b)(2) and 54956.9(b)(1). The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

At 9:17 p.m., the Council recessed to closed session to confer with the City Manager and the City Attorney on the above-mentioned items and agenda matters listed under 18A) Conference with Labor Negotiator, and 18B) Real Property – Conference with Real Property Negotiator, pursuant to California Government §54957.6 and 54956.8.

The City Council reconvened at 10:29 p.m. Action on Agenda Item 12D was deferred to a later date and no formal action was taken on any matter considered in closed session.

19. ADJOURNMENT

At 10:29 p.m., the meeting was adjourned to Monday, March 17, 2008 for the regular meeting commencing in the Council Chambers at 4:00 p.m. Tuesday, March 18, 2008 the regular meeting will be held at West High School Library located at 20401 Victor Street. **Tuesday, March 11, 2008 will be a Council dark night.**

Attest:

/s/ Frank Scotto
Mayor of the City of Torrance

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

Approved on April 15, 2008