

April 1, 2008

**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 6:01 p.m. on Tuesday, April 1, 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.

18. EXECUTIVE SESSION

The City Council immediately recessed to closed session to confer with the City Manager and City Attorney on agenda matters listed under 18A) Conference with Legal Council – Anticipated Litigation and 18B) Real Property - Conference with Real Property Negotiator, pursuant to California Government Code § 54956.9(c) and 54956.8.

The City Council reconvened at 7:04 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The flag salute was lead by Councilmember Sutherland.

Councilmember Witkowsky 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, March 27, 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 WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Mayor Scotto asked, with City Council concurrence, that Councilmember Drevno be granted an excused absence from the next three scheduled City Council meetings.

Fire Chief Bongard reminded everyone that ExxonMobil would be conducting their monthly community alert siren testing on Wednesday, April 2, at approximately 11:30 a.m.

Councilmember Nowatka announced the City Council Ad Hoc Ethics Committee meetings would be April 8 and April 22 in the 3rd Floor Assembly Room.

Councilmember Nowatka announced that the Citizen Development and Enrichment Committee would meet on Tuesday, April 8 at 4:30 p.m. in the 3rd Floor Assembly Room to discuss the design of the 2009 Rose Parade float.

City Clerk Herbers announced that a Commissioner Certification class was scheduled for Tuesday, April 28, and those interested in attending should contact the City Clerk's office at 310.618.2870.

City Clerk Herbers reported that a list of candidate forums is posted in the lobby of City Hall and on the City Clerk's webpage. She noted that the first candidate forum will be held on Thursday, April 3, from 3:30 to 5:30 p.m. in the Katy Geissert Civic Center Library meeting room, followed by one on Wednesday, April 16, at 7:00 p.m. in the Toyota meeting hall sponsored by the League of Women Voters, American Association of University Women and Torrance Council of PTAs.

Councilmember Sutherland announced that the Community Planning and Design Committee would meet on Wednesday, April 16, at 4:00 p.m. in the City Hall 3rd Floor Assembly Room to discuss the Zamperini Way entry sign design.

Transit Director Turner presented Councilmember Witkowsky with a trophy for her first place finish in the City Slicker division at the City's 10th annual Bus Roadeo held on Saturday, March 29.

6. COMMUNITY MATTERS

6A. PROCLAMATION RE "WORLD AUTISM DAY"

Mayor Scotto presented a proclamation declaring Wednesday, April 2, 2008 as "*World Autism Awareness Day*" in the City of Torrance to Phillip Hain, the executive director of the Los Angeles Chapter of Autism Speaks and committee member Steve Atamian.

6B. BLUE STAR RECOGNITION

Mayor Scotto presented a Blue Star banner and certificate of recognition to the family of Sergeant Karl W. Davis, who has been in the U.S. Army for 15 years and is currently serving his third tour in Iraq.

7. ORAL COMMUNICATIONS

7A. Tom Winchester, president of Torrance Police Officers Association, thanked the Mayor and Council and City Manager's staff for their efforts to offset an increase in their health insurance costs.

7B. Aromi Sharma invited everyone to attend a pancake breakfast at The Attic, 2320 W. Carson Street, on Saturday, April 5, from 7:00 – 11:00 a.m., featuring live entertainment and tours of the teen center facility.

7C. Pat Furey, Torrance Education Foundation, invited everyone to purchase raffle tickets for a Toyota Prius to benefit Torrance schools, with the drawing to take place at the Torrance Education Foundation Gala on May 10 at the Torrance Marriott. He noted that \$10 of the \$20 ticket price goes directly to the school selling the ticket.

7D. David Castillo, representing Torrance Football and Cheer program, expressed concerns that the organization has been unable to secure the necessary practice space and game facilities for the upcoming season.

8. CONSENT CALENDAR

8A. INVESTMENT REPORTS FOR FEBRUARY 2008

Recommendation

Recommendation of the **City Treasurer** that City Council accept and file the monthly investment reports for February 2008.

8B. SUBSIDY OF RENTAL FEES FOR USE OF WILSON PARK

Recommendation

Recommendation of the **Community Services Director** that City Council subsidize the rental fees in the amount of \$822.50 for use of the Wilson Park softball fields for a softball tournament fundraiser for the Kalaea Jennings Memorial Softball Tournament and First Candle.

8C. SUBSIDY OF RENTAL FEES FOR USE OF GEORGE NAKANO THEATRE

Recommendation

Recommendation of the **City Manager** that City Council subsidize rental fees of the George Nakano Theatre for a community event on May 29, 2008 in a total amount of \$627.50.

8D. PURCHASE OF VEHICLES AS COMMERCIAL ENFORCEMENT VEHICLES

Recommendation

Recommendation of the **General Services Director** and the **Police Chief** that City Council Authorize purchase of two (2) 2008 Chevrolet Silverado 2500 (3/4 ton) pickups for use as commercial enforcement vehicles from Coalinga Motors of Coalinga, CA in the amount of \$40,230.21 including sales tax, tire fees and delivery, plus a 2.27% service charge payable to the State of California in the amount of \$841.76 for participation in the State vehicle cooperative purchase contract (Contract # 1-08-23-20).

NOTE: A \$500 per vehicle discount (not included in above figures) is available for payment to Coalinga Motors NET 20 days. Staff will ensure that payment is expedited in order to receive this cost savings.

8E. APPROPRIATION/ CONTRACT RE CULTURAL ARTS CENTER CHILLER

Recommendation

Recommendation of the **General Services Director** that City Council:

- 1) Approve a contract with Bartef Yoosephiance and Associates, Inc. for \$12,000 and a \$2,000 contingency for design of the Cultural Arts Center chiller;
- 2) Authorize a purchase order with La Brea Air Inc. for chiller rental for a not to exceed amount of \$60,000; and
- 3) Appropriate \$235,000 from the Building and Facilities Fund.

8F. PURCHASE ORDER RE COMPUTER INTERFACE FOR CITATION PROGRAM

Recommendation

Recommendation of the **Police Chief** that City Council:

- 1) Approve a purchase order to Spillman Technologies, Inc., for a computer interface between the AutoCite citation program and the Public Safety Information System (CAD/RMS) for an amount not to exceed \$46,591; and
- 2) Authorize a transfer of \$21,591 from the Police Department's Operating Budget to the Public Safety Information System project (FEAP 535).

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

12. ADMINISTRATIVE MATTERS

12A. ADOPTION OF CODE OF ETHICS FOR ELECTED AND APPOINTED OFFICIALS

Recommendation

Recommendation of the **City Council Ad Hoc Ethics Committee** that City Council:

- 1) Adopt the Code of Ethics for elected and appointed officials;
- 2) Adopt the Commitment to Integrity Statement for public officials, elected or appointed, and/or as candidates for public office or a member of a board or commission; and
- 3) Require that all members of city boards or commissions sign the statement and require the signing of the statement upon successful appointment to a board or commission.

Councilmember Nowatka, chair of the Ad Hoc Ethics Committee, reported that the Committee was recommending that the Council adopt the proposed Code of Ethics for elected and appointed officials, along with the Commitment to Integrity Statement, and require that all public officials, elected and appointed, sign the statement. He noted that the statement would also be available for candidates to sign on a voluntary basis.

Councilmember Nowatka briefly reviewed the Code of Ethics, which stresses the values of honesty, respect, responsibility, transparency and trust, and announced that there would be a formal signing of the Commitment Statement at the April 8 City Council meeting. He noted that the Ad Hoc Committee will continue to meet to discuss other recommendations of the Blue Ribbon Committee on Ethics and Integrity.

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

12B. AUTHORIZATION OF USE OF EMINENT DOMAIN BY TORRANCE MEMORIAL MEDICAL CENTER

Recommendation

Recommendation of the **City Manager** that City Council adopt a Resolution giving consent to Torrance Memorial Medical Center (TMMC), a non-profit hospital, for the use of eminent domain pursuant to Section 1245.320(b) of the Code of Civil Procedure and California Law to acquire property for hospital purposes. Property location - 3250 Lomita Boulevard, Torrance.

Assistant to the City Manager Sunshine reported that Torrance Memorial Medical Center has requested that the City authorize the use of eminent domain for the acquisition of the property at 3250 Lomita Boulevard, which is necessary to meet their expansion needs and comply with seismic requirements. He noted that the property is currently developed with a medical office condominium owned by 16 entities, all of whom have been properly notified of this proposed action. He advised that any project built on the site would still be subject to the standard review and entitlement process.

Craig Leach, CEO of Torrance Memorial Medical Center, provided background information about the hospital and the need for expansion. He noted that five hospitals serving the South Bay have closed over the past decade and the remaining hospitals have experienced a great increase in patient load due to these closures. He explained

that State law requires that the hospital's central tower be seismic upgraded by January 1, 2013; that the hospital has determined that such an upgrade is not financially feasible; and that the property at 3250 Lomita Boulevard is the most viable site for building a replacement tower. He reported that the hospital has been negotiating with the various owners of this property for the past two years and the City's authorization for the use of eminent domain will allow them to complete the purchase. He shared renderings and the timeline for construction of the new structure.

Councilmember Witkowsky stated that she strongly supports this action and recognizes the need for expansion, relating her personal experience as a patient in the overcrowded emergency room during flu season.

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. 2008-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE CONSENTING TO THE USE OF EMINENT DOMAIN BY TORRANCE MEMORIAL MEDICAL CENTER, A NON-PROFIT HOSPITAL

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-47. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Drevno).

12C. AMENDMENT TO LEASE WITH TORRANCE FLITE PARK, LLC

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 (C2001-118) for City-owned property located at the Torrance Municipal Airport – Zamperini Field.

Assistant to the City Manager Sunshine reported that the proposed amendment addresses an encroachment issue that was discovered when Torrance Flite Park conducted a survey of the East Parcel, revises the termination date to adjust for the new schedule, and clarifies that the undergrounding of utilities is the sole responsibility of the lessee. He noted that the provision increasing the size of the restaurant use from 3,000 square feet to 8,500 square feet has been removed due to concerns expressed by the Council at the February 26, 2008 Council meeting.

Tim Goetz, representing Robinson Helicopter, stated that Robinson Helicopter continues to oppose this item because the development of this land would mean the loss of approximately 100 parking spaces currently being used for employee parking, thereby creating a crisis for this company and making any future expansion impossible.

Ralph Martin, representing Torrance Flite Park, provided background information about this project, noting that the first two phases have been successfully completed and they are now ready to move forward with the final phase, which is the development of the East Parcel. He explained that negotiations for these parcels began in 1998; that his company competed with others for the right to develop this land; and that the lease terminates in 30 years after which the project will be turned over to the City. He reported that during the course of the project, Torrance Flite Park has accommodated the City's

request for changes, including relinquishing 1.76 acres to Robinson Helicopter and granting an easement to allow for the realignment of the airport entryway and a new gate system. Urging approval of the proposed amendments, he stated that Torrance Flite Park has spent a lot of time and effort on this project and continues to have a valid lease.

Councilmember Witkowsky reported that she had asked that this matter be continued at the last meeting because she was concerned about the impact on Robinson Helicopter, however, she now supports approval of the amendments based on information she learned about the lease during executive session.

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 Drevno).

12D. AMENDMENT TO MUNICIPAL CODE TO ALLOW ELECTRIC FENCES

Recommendation

Recommendation of the **City Manager** that City Council adopt an Ordinance amending Sections 92.13.2 - Commercial and Industrial Purposes and 45.6.15 – Electric or Barbed Wire Fences of the Torrance Municipal Code to allow for the use of electrical current in fencing to secure the parameter of industrial facilities with contiguous acreage of 300 acres or greater and approve an ordinance summary for publication.

Assistant to the City Manager Sunshine reported that ExxonMobil would like to install a fence chargeable with electricity to enhance security at its Torrance facility; that the Torrance Municipal Code currently does not allow such a fence; and that staff was proposing amending Sections 92.13.2 and 45.6.15 to permit them under certain circumstances. He noted that safeguards are included to prevent someone from inadvertently coming in contact with the fence and that the detect/detour fence will operate in the detect mode (low voltage) unless the national or local security advisory system is at a threat level of High or Severe.

A representative of ExxonMobil (name inaudible/no speaker card) provided more detailed information about the operation of the fence and monitoring devices.

MOTION: Councilmember Brewer moved to concur with the staff recommendation. The motion was seconded by Councilmember Nowatka and passed by a 5-1 roll call vote, with Councilmember Sutherland dissenting (absent Councilmember Drevno).

ORDINANCE NO. 3708

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
TORRANCE AMENDING SECTIONS OF THE TORRANCE
MUNICIPAL CODE RELATING TO ELECTRIC FENCES

MOTION: Councilmember Brewer moved for the adoption of Ordinance No. 3708. The motion was seconded by Councilmember Barnett and passed by 5-1 roll call vote, with Councilmember Sutherland dissenting (absent Councilmember Drevno).

13. HEARINGS

13A. 2008 ANNUAL PLAN FOR SECTION 8 RENTAL ASSISTANCE PROGRAM

Recommendation

Recommendation of the **Community Development Director** that City Council conduct a public hearing, consider any comments received during the hearing, and approve the 2008 PHA Annual Plan for the Section 8 Rental Assistance Program.

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.

Housing Administrator Richardson advised that the waiting list for Section 8 vouchers is currently closed, but there has been some movement and it is down from 900 people a year ago to 456.

Councilmember Witkowsky expressed the hope that more could be done to help seniors, 65 years of age and older, who have lived in Torrance for decades and are being forced out of apartments due to rising rents.

As no one from the public came 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 Drevno).

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).

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The Council met as the Redevelopment Agency from 8:26 p.m. to 8:29 p.m.

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17. ORAL COMMUNICATIONS # 2

17A. Councilmember Witkowsky wanted to assure residents that John Bogart's column appearing today in the *Daily Breeze* regarding a change in policy allowing commercial airlines to fly jets in and out of Torrance Airport was an April Fool's joke.

17B. Referring to Mr. Castillo's comments under Oral Communications #1 (Item 7D), Councilmember Barnett noted that the lack of facilities for youth sports teams has been a long-standing problem and expressed the hope that if the City is able to go forward with plans to utilize storm water basins, various sports will be given an opportunity to use them.

17C. Councilmember Brewer announced a program at Madrona Marsh Nature Center on migratory birds to be held on April 13, from 2:00 – 4:00 p.m.

17D. Councilmember Nowatka announced that a program, "Keeping Your Child Safe On-line," designed to help parents protect their children when using the internet, will be presented at the Katy Geissert Civic Center Library on Wednesday, April 2, at 7:00 p.m., noting that admission will be limited to people 18 years of age or older due to mature themes.

17E. Mayor Scotto noted that he had received numerous emails regarding the potential use of storm water basins and offered his assurance that any grassy areas will be designed for multi-use and not limited to one sport.

17F. Mayor Scotto noted that John Bogart's column provoked many irate responses and asked about the status of the Airport Commission's study regarding the possibility of allowing the sale of jet fuel at Torrance Airport.

City Manager Jackson reported that the Airport Commission, on its own volition, created an ad hoc committee to study this issue and the committee's report will be presented at the April 10 Airport Commission meeting.

Mayor Scotto encouraged any residents who have concerns about this issue to attend the Airport Commission meeting.

17G. Mayor Scotto announced that Assemblyman Ted Lieu was sponsoring a bill, AB2326, which would transfer the control of two important roadways from Caltrans to the City of Torrance in order to facilitate improvements and enable traffic signal synchronization, and encouraged residents to support this legislation.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 8:42 p.m., the meeting was adjourned to Tuesday, April 8, 2008 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
City Clerk of the City of Torrance

Approved on May 20, 2008