

INDEX
TORRANCE CITY COUNCIL – JUNE 24, 2014

<u>SUBJECT</u>	<u>PAGE</u>
<u>OPENING CEREMONIES</u>	
1. Call to Order/Roll Call	1
2. Flag Salute/Invocation	1
3. Affidavit of Posting/Waive Further Reading	1
4. Withdrawn, Deferred or Supplemental Items	2
5. Council Committee Meetings and Announcements	2
<u>COMMUNITY MATTERS</u>	
6. Proclamation re “Parks and Recreation Month”	2
6A. Introduction of Officials of Nagoya, Japan YMCA	2
6B. Recognition of Torrance High Baseball Team	2-3
6C.	
<u>ORAL COMMUNICATIONS #1</u>	
7.	3
<u>CONSENT CALENDAR</u>	
8.	
8A. Approval of Minutes	4
8B. FY2012-13 Non-Profit Social Services Agency Grant Recipient Reports	4
8C. Amendment to Fee Agreement for Legal Services	4
8D. Purchase Order for Virtualization Software	4
8E. Purchase Order for Dell Server Equipment	5
8F. Contract Amendment re Graffiti Removal and Bus Stop Maintenance	5
8G. 190 th Street Rehabilitation Project Agreements	5
8H. Agreement for Inspection Services for Residential Slurry Seal Program	5
8I. Subsidy of Rental Fees for Employee Variety Show	5
8J. Purchase of Excess Liability Insurance	6
8K. Purchase of Property Insurance	6
8L. Purchase of Excess Workers’ Compensation Insurance	6
8M. Agreement re Online Homework Assistance Services	6
8N. Change Order re Jail Food Service Contract	6
8O. Agreement with L.A. County re Animal Care and Control Services	6
8P. Purchase Order for Rideshare Program Incentives	7
8Q. Agreement re Senior Citizen Excursions	7
8R. Agreement for Landscaping Maintenance for Downtown Torrance Streetscape and Meadow Park Parking Lots	7
8S. Change Order re Airport Security Project	4, 7
8T. Class Specifications for Civil Service and Human Resources Positions	7
8U. Job Descriptions for Box Office Attendant and Sr. Box Office Attendant	7
8V. Deferred Compensation Plan 2013 Annual Report	7
8W. Contract for Workers’ Compensation Claims Software Services	8

10.	<u>PLANNING AND ECONOMIC DEVELOPMENT</u>	
10A.	Strategic Plan Update Survey and Environmental Scan	8
10B.	Approval of 2014-2015 Strategic Plan Action Plan Projects	8
12.	<u>ADMINISTRATIVE MATTERS</u>	
12A.	Transportation Development Act and State Transit Assistance Funds	9
12B.	Resolution of Intention to Reduce Industrial Disability Allowance	9
12C.	Appropriation of Grant for Alcohol-Related Education and Enforcement	9-10
12D.	Revisions to City of Torrance Bail Schedule	10
12E.	Ordinance re Massage Establishments Closed for Criminal Activity	11
12F.	Ordinance Prohibiting Unattended Donation Collection Bins	12-14
17	<u>ORAL COMMUNICATIONS #2</u>	14
18.	<u>EXECUTIVE SESSION</u>	1, 15
19.	<u>ADJOURNMENT</u>	15

At 10:43 p.m., the meeting was adjourned to Tuesday, July 8, 2014, for an adjourned regular meeting commencing at 7:00 p.m. in the Council Chamber. **Tuesday, July 1, 2014 will be a City Council dark night.**

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

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 5:31 p.m. on Tuesday, June 24, 2014 in the Council Chamber at Torrance City Hall.

ROLL CALL

Present: Councilmembers Ashcraft, Brewer, Barnett, Furey, Sutherland, Weideman and Mayor Scotto.

Absent: None.

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

Agenda Item 18 was considered out of order at this time.

18. EXECUTIVE SESSION

The City Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 18A) Conference with Labor Negotiator, 18B) Conference with Legal Counsel – Anticipated Litigation, 18C) Conference with Legal Counsel – Anticipated Litigation, and 18D) Real Property – Conference with Real Property Negotiator, pursuant to California Government Code §54957.6, 54956.9(d)(2), 54956.9(d)(4) and 54946.8.

The City Council reconvened at 7:01 p.m. with all members present. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/ INVOCATION

The flag salute was led by City Clerk Sue Herbers.

The non-sectarian invocation was given by Councilmember Weideman.

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 Friday, June 20, 2014.

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 Barnett and passed by unanimous vote.

4. **WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS**

No items were withdrawn; supplemental material was available for Items 12E and 12F.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Mayor Scotto congratulated Torrance Citicable on receiving STAR awards for excellence in local programming from the California and Nevada Chapter of NATOA in the categories of sporting events, public community meetings, elections and magazines.

Fire Chief Racowski announced that ExxonMobil will be conducting their monthly Community Alert Siren testing on Wednesday, July 2, at approximately 11:30 a.m., with additional information available at 310.212.1852.

City Clerk Herbers invited staff and the public to view the works of Torrance Artist Guild member Tara Selver on view in the City Clerk's office for the month of July.

Mayor Scotto announced that the 2014 AYSO National Games will be held in Torrance from June 29 through July 6, with additional information available at 50.AYSO.org.

Mayor Scotto announced that a free Discover Torrance mobile app is now available for download at the I-Tunes and Google Play stores, which offers a listing of hotels and restaurants, along with complete information about the AYSO National Games and special deals from local businesses available during the games.

Mayor Scotto announced that City staff was arranging a meeting with Car2Go representatives to discuss concerns about its car-sharing operation and those who wish to attend should contact the Economic Development Office at 310.618.5807.

Mayor Scotto asked that the meeting be adjourned in memory of Tatsuo Kuwahara, who passed away on June 17, 2014 at age 89.

6. **COMMUNITY MATTERS**

6A. **PROCLAMATION RE "PARKS AND RECREATION MONTH"**

Mayor Scotto presented a proclamation declaring the month of July as **Parks and Recreation Month** in the City of Torrance to Parks and Recreation Commission Chairperson Todd Hayes.

Mr. Hayes discussed the benefits of recreational activities and noted the many programs and facilities offered by the City of Torrance.

6B. **INTRODUCTION OF OFFICIALS OF NAGOYA, JAPAN YMCA**

Bob Schafer, executive director of South Bay YMCA, introduced the following officials of the Nagoya, Japan YMCA: Takashi Nakamura, YMCA General Secretary/CEO; Setsuko Yamagishi, YMCA English Teacher; Issei Yoshida, YMCA Board Member; and Masakazu Tsuzuki, YMCA Board Member.

6C. RECOGNITION OF TORRANCE HIGH BASEBALL TEAM

Mayor Scotto recognized the Torrance High Baseball Team for winning the CIF Southern Section Division IV Championship and presented certificates of recognition to team members David Aros, Billy Bryant, Ray Diaz, Ryan Eastburn, Zack Ferrin, Jacob Gurwell, Dominic Haynes, JD Kruger, Tyler Martizia, Travis Martizia, Paul Moon, Derek Okimura, Manny Olloque, Kyle Smith, Michael Stronsnider, Robert Sylvester, Sean Trevino, Jacob Vanderlinden and Alex Gallegos (not present) and coaches Ollie Turner (not present), Terry DeWan and Jason McMinn.

7. ORAL COMMUNICATIONS #1

7A. Dick Rossberg, Torrance, commented positively on the Mayor's State of the City of address. Noting that he has lived in Torrance for 57 years, he praised City staff for their role in making Torrance the great city it has become.

7B. John Brumbaugh, a former Torrance police officer involved in a lengthy legal battle to be reinstated, requested that the City Council order an investigation into what he believes to be illegal and unethical conduct by the police department, noting that he has submitted documentation to corroborate his allegations. He offered to reimburse the City the approximately \$600,000 it has spent in legal fees in connection with his case if the investigation does not reveal specific examples of false evidence being used against him, relevant evidence being screened from the Council, and investigative protocols being violated.

7C. Ian Gregor provided background information about his interaction with Mr. Brumbaugh as a former reporter at the *Daily Breeze*. He urged the Council to assign an independent investigator to review Mr. Brumbaugh's allegations of misconduct, which according to his personal experience and a review of the documentation appear to be true.

7D. Janet Payne, Torrance Historical Society, announced that the 10th annual "Rock Around the Block," a '50s themed block party, will be held on Thursday, July 17, from 5:00 – 8:00 p.m. in front of the museum at located at 1345 Post Avenue.

7E. Melissa Wright and June Lee, Torrance, reported on the "Mike's Hiking for Heroes" project, which involves Mike Viti, a military veteran who is hiking 7,100 kilometers to commemorate the 7,100 service men and women who have been killed in action as part of the global war on terror, and invited the public to meet Mike when he visits Seaside Heroes Park on Sunday, June 29, at 9:00 a.m.

7F. Lloyd Brown, Torrance, reported that rat poison, which tastes like peanut butter, is being placed on walking trails to control rodents and this could pose a safety hazard for children and pets.

7G. Kelly Hamm, project architect, requested that the Council reconsider the decision made at the June 17, 2014 City Council meeting to deny a Precise Plan of Development at 310 Calle de Arboles.

A brief discussion ensued and the Council declined to take action on the request for reconsideration.

Consent Calendar Item 8S was considered out of order at this time.

8S. CHANGE ORDER RE AIRPORT SECURITY PROJECT

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Approve a change order in the amount of \$80,598.80 to Public Works Agreement (C2013-238) with Cesan Enterprises, Inc., dba Priority Communications for the labor, equipment and materials for new energy efficient hangar lighting fixtures; and
- 2) Approve an amendment to Public Works Agreement (C2013-238) with Cesan Enterprises, Inc., dba Priority Communications, to increase the contract amount by \$108,714.80. The total contract amount, inclusive of the change orders is \$1,040,931.80.

Engineering Manager Overstreet reported that staff was recommending the approval of a change order to provide for more energy efficient hangar lighting and the amendment to the Public Works Agreement is necessary to fund this change order and a previous change order for \$28,116 used to purchase additional security cameras.

Councilmember Sutherland expressed concerns that significant cost increases for major projects seems to have become a common occurrence.

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

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation

Recommendation of the City Clerk that City Council approve the City Council minutes of May 20, 2014.

8B. FY2012-2013 NON-PROFIT SOCIAL SERVICES AGENCY GRANT RECIPIENT REPORTS

Recommendation

Recommendation of the Parks and Recreation Commission and the Community Services Director that City Council accept and file completed Financial and Narrative Statement Reports from the FY 2012 - 2013 Non-Profit Social Services Agency grant recipients.

8C. AMENDMENT TO FEE AGREEMENT FOR LEGAL SERVICES

Recommendation

Recommendation of the City Attorney that City Council approve a first amendment to fee agreement with Liebert Cassidy Whitmore to provide legal services in the case of Nazir v. City of Torrance, et al., for a new not to exceed contract amount of \$150,000.

8D. PURCHASE ORDER FOR VIRTUALIZATION SOFTWARE

Recommendation

Recommendation of the Communications & Information Technology Director that City Council award an annual purchase order to Vology, Inc., of Irvine, CA, for virtualization software on an as-requested basis in an amount not to exceed \$62,557.68 for the period of July 1, 2014, to June 30, 2015.

8E. PURCHASE ORDER FOR DELL SERVER EQUIPMENT

Recommendation

Recommendation of the Communications & Information Technology Director that City Council award a purchase order with Dell Marketing, L.P. of Round Rock, Texas, for Dell server equipment, (RFQ #2015-145), in the amount of \$122,656.46.

8F. CONTRACT AMENDMENT RE GRAFFITI REMOVAL AND BUS STOP MAINTENANCE

Recommendation

Recommendation of the General Services Director and the Transit Director:

- 1) Approve a contract amendment with Graffiti Protective Coatings, Inc. (C2012-086), for \$215,000 and extend the term to June 30, 2015 to provide graffiti removal services in the City of Torrance for a new not to exceed amount of \$633,965; and
- 2) Approve a contract amendment with Graffiti Protective Coatings, Inc. (C2012-087) for \$48,480 and extend the term to June 30, 2015 to provide bus stop maintenance for the City of Torrance for a new not to exceed amount of \$144,960.

8G. 190TH STREET REHABILITATION PROJECT AGREEMENTS

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Determine that the approval of the 190th Street Rehabilitation, I-130 (B2014-20) is categorically exempt from environmental review pursuant to Section 15301(c) of the Guidelines implementing California Environmental Quality Act (CEQA);
- 2) Approve the plans and specifications for the 190th Street Rehabilitation, I-130 (B2014-20);
- 3) Award a one-year Public Works Agreement to PALP, Inc. dba Excel Paving Company for an amount not-to-exceed \$448,887 to construct the 190th Street Rehabilitation, I-130 and authorize a 5% contingency in the amount of \$22,444; and
- 4) Award a Consulting Services Agreement in the amount of \$51,016 to CivilSource, Inc. to perform construction inspection services for this project.

8H. CONSULTING SERVICES AGREEMENT FOR INSPECTION SERVICES FOR RESIDENTIAL SLURRY SEAL PROGRAM

Recommendation

Recommendation of the Public Works Director that City Council award a one-year Consulting Services Agreement to CivilSource, Inc. for an amount not-to-exceed \$66,572 to provide construction inspection services for the Residential Slurry Seal Program, I-159 and Arterial Street Pavement Sealing Program, I-139 (B2014-25).1111

8I. SUBSIDY OF RENTAL FEES FOR EMPLOYEE VARIETY SHOW

Recommendation

Recommendation of the City Manager that the City Council approve the subsidy of rental fees at the James Armstrong theatre in the amount of \$2,548 for the City of Torrance Employee Variety Show scheduled for September 13, 2014.

8J. PURCHASE OF EXCESS LIABILITY INSURANCE

Recommendation

Recommendation of the Finance Director that City Council approve the renewal purchase of two-layers of excess liability insurance through Alliant Insurance Services, at a total premium of \$213,513, for the period of July 1, 2014 to July 1, 2015.

8K. PURCHASE OF PROPERTY INSURANCE

Recommendation

Recommendation of the Finance Director that the City Council approve the purchase of property insurance through Alliant Insurance Services at a premium of \$188,578.84 for the period of July 1 2014 to July 1, 2015.

8L. PURCHASE OF EXCESS WORKERS' COMPENSATION INSURANCE

Recommendation

Recommendation of the Finance Director that City Council approve the purchase of excess workers' compensation insurance from CSAC Excess Insurance Authority, through Alliant Insurance Services, at a premium of \$165,323, for the July 1, 2014 to July 1, 2015 policy period.

8M. AGREEMENT RE ONLINE HOMEWORK ASSISTANCE SERVICES

Recommendation

Recommendation of the Community Services Director that City Council approve a contract services agreement with Brainfuse, Inc. of New York, NY to provide online homework assistance services for the City of Torrance (RFP 2014-11) from July 1, 2014 - June 30, 2017 at a cost not to exceed \$82,800.

8N. CHANGE ORDER RE JAIL FOOD SERVICE CONTRACT

Recommendation

Recommendation of the Chief of Police that City Council authorize a \$19,000 change order to the five-year contract with the Los Angeles County Sheriff's Department for food service to the Jail (C2013-175), for the period from July 1, 2013 through June 30, 2018 increasing the overall, five-year contract amount from \$105,000 to \$124,000. This includes a \$3,000 increase for the first year expenditure (July 1, 2013 to June 30, 2014), from \$21,000 to \$24,000.

8O. AGREEMENT WITH L.A. COUNTY FOR ANIMAL CARE AND CONTROL SERVICES

Recommendation

Recommendation of the Chief of Police that City Council approve an Agreement with the County of Los Angeles, through the Director of Animal Care and Control, for animal care and control services for the period from July 1, 2014 to June 30, 2019, in an amount not to exceed \$400,000.

8P. PURCHASE ORDER FOR RIDESHARE PROGRAM INCENTIVES

Recommendation

Recommendation of the Community Development Director that City Council authorize a Purchase Order, with Just Rewards of San Diego, CA, for Rideshare Program incentives in the amount not to exceed \$80,000 effective July 1, 2014 through June 30, 2015.

8Q. AGREEMENT RE SENIOR CITIZEN EXCURSIONS

Recommendation

Recommendation of the Community Services Director that City Council award an Agreement to MS Tours, Inc. dba Main Street Tours for the planning and implementation of Senior Citizens Excursions for the time period July 1, 2014 to June 30, 2019.

8R. AGREEMENT FOR LANDSCAPE MAINTENANCE FOR DOWNTOWN TORRANCE STREETScape AND MEADOW PARK PARKING LOTS

Recommendation

Recommendation of the Community Development Director that City Council approve a contract services agreement with ValleyCrest Landscape Maintenance of Gardena, California, in the amount of \$44,664.26 to provide landscape maintenance for Downtown Torrance Streetscape and Meadow Park parking lots.

8S. CHANGE ORDER RE AIRPORT SECURITY PROJECT

Considered separately, see pages 3-4.

8T. REVISED CLASS SPECIFICATIONS FOR CIVIL SERVICE AND HUMAN RESOURCES POSITIONS

Recommendation

Recommendation of the Human Resources Administrator that Council approve the revised class specifications for Civil Service and Employee Development Manager, Human Resources Administrator and Human Resources Manager.

8U. JOB DESCRIPTIONS FOR BOX OFFICE ATTENDANT AND SENIOR BOX OFFICE ATTENDANT

Recommendation

Recommendation of the Human Resources Administrator that City Council approve the proposed job descriptions for Box Office Attendant and Senior Box Office Attendant.

8V. DEFERRED COMPENSATION PLAN 2013 ANNUAL REPORT

Recommendation

Recommendation of the City Treasurer and the Deferred Compensation Committee that City Council accept and file the 2013 annual report of the City of Torrance Deferred Compensation Plan.

8W. CONTRACT FOR WORKERS' COMPENSATION CLAIMS SOFTWARE SERVICES

Recommendation

Recommendation of the Communications & Information Technology Director and the Finance Director that City Council:

- 1) Award a five-year contract with Systema Software, LLC, of Larkspur, CA in the amount of \$379,438 to provide Workers' Compensation Claims software services (with an implementation cost of \$137,400, software license fees of \$115,000 and five-years of annual maintenance of \$127,038, an average annual cost of \$25,408); and
- 2) Approve a 5% contingency in the amount of \$12,620 to cover any unforeseen application development issues as processes are finalized.

MOTION: Councilmember Brewer moved for the approval of Consent Calendar Items 8A through 8R and 8T through 8W. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

10. PLANNING AND ECONOMIC DEVELOPMENT

10A. STRATEGIC PLAN UPDATE SURVEY AND ENVIRONMENTAL SCAN

Recommendation

Recommendation of Community Development Director that City Council accept and file the Strategic Plan Update Survey and Environmental Scan, defer further update and accept the current strategic plan as continuing to reflect the priorities of the community.

Deputy Community Development Director Cessna reported that the survey indicates that current Strategic Plan priorities, goals and objectives remain an accurate reflection of the community therefore staff was recommending that any further update be deferred for 3-5 years.

MOTION: Councilmember Brewer moved to accept and file the Strategic Plan Update Survey and Environmental Scan. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

10B. APPROVAL OF 2014-2015 STRATEGIC PLAN ACTION PLAN PROJECTS

Recommendation

Recommendation of the City Manager that City Council approve projects for the Strategic Plan Action Plan for calendar year 2014-2015 and approve appropriation transfer of \$1,450,000 to 2014 Residential Slurry Seal Program, I-159.

Assistant City Manager Giordano advised that the City received very high ratings from residents and businesses in the Strategic Plan Update Survey, but street maintenance continues to be a concern therefore staff was recommending that additional funding be allocated for this purpose to address this issue.

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

12. ADMINISTRATIVE MATTERS

12A. TRANSPORTATION DEVELOPMENT ACT AND STATE TRANSIT ASSISTANCE FUNDS FOR 2014-2015

Recommendation

Recommendation of the Transit Director that City Council approve the submittal of the annual claim to the Los Angeles County Metropolitan Transportation Authority (METRO) for \$6,135,999 in Transportation Development Act funds (TDA) and \$770,110 in State Transit Assistance (STA) funds for the Torrance Transit System fiscal year 2014-2015.

Transit Administration Manager Mills reported that the funds are distributed on a formula basis and will be used for Torrance Transit System operations during fiscal year 2014-2015.

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

12B. RESOLUTION OF INTENTION TO REDUCE INDUSTRIAL DISABILITY ALLOWANCE

Recommendation

Recommendation of the City Manager that City Council adopt a RESOLUTION OF INTENTION for California Public Employees Retirement System (CalPERS) to reduce Industrial Disability Allowance for all newly hired employees in Torrance Fire Fighters Association (TFFA), Torrance Fire Chief Officers Association (TFCOA) and Safety Management.

Assistant to the City Manager Chaparyan advised that the reduction in Industrial Disability Allowance from 90% to 50% for newly hired employees was consistent with the Memorandum of Understandings previously approved for the Torrance Fire Fighters Association and the Torrance Fire Chief Officers Association and will result in a reduction in the member contribution rate from 12.5% to 11.25%.

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

RESOLUTION NO. 2014-84

A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF TORRANCE

MOTION: Councilmember Weideman moved for the adoption of Resolution No. 2014-84. The motion was seconded by Councilmember Furey and passed by unanimous vote.

12C. GRANT FOR ALCOHOL-RELATED EDUCATION AND ENFORCEMENT

Recommendation

Recommendation of the Chief of Police that City Council:

- 1) Adopt a Resolution accepting the 2014-2015 Grant Assistance Program contract;
- 2) Authorize the Chief of Police as the City's signatory for the contract; and
- 3) Appropriate and allocate the \$34,752 award for alcohol-related education and enforcement.

Sr. Business Manager Anderson reported that the grant is provided by the California Department of Alcoholic Beverage Control and the funds will be used to help combat underage drinking and deter alcohol-related crimes.

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

RESOLUTION NO. 2014-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, ACCEPTING THE 2014-15 GRANT ASSISTANCE PROGRAM (GAP) AWARD FROM THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC)

MOTION: Councilmember Weideman moved for the adoption of Resolution No. 2014-80. The motion was seconded by Councilmember Furey and passed by unanimous vote.

12D. REVISIONS TO CITY OF TORRANCE BAIL SCHEDULE

Recommendation

Recommendation of the City Clerk on behalf of the City Treasurer and City Attorney that City Council adopt Resolutions setting a separate bail schedule for parking penalties assessed for City of Torrance parking violations and a separate bail schedule for Torrance Municipal Code misdemeanors and infractions and repealing Resolution 2013-39.

Deputy City Attorney Studwell advised that a separate bail schedule for parking penalties is necessary so the City can process its own parking citations and confirmed that the parking penalties were consistent with those charged by other local cities.

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

RESOLUTION NO. 2014-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING AND ADOPTING A BAIL SCHEDULE FOR PARKING PENALTIES ASSESSED FOR PARKING VIOLATIONS WITHIN THE CITY OF TORRANCE AND REPEALING RESOLUTION NO. 2013-39

MOTION: Councilmember Weideman moved for the adoption of Resolution No. 2014-82. The motion was seconded by Councilmember Furey and passed by unanimous vote.

RESOLUTION NO. 2014-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE REPEALING RESOLUTION NO. 2013-39 AND ADOPTING A RESTATED RECOMMENDED TORRANCE MUNICIPAL CODE BAIL SCHEDULE FOR MISDEMEANORS AND INFRACTIONS

MOTION: Councilmember Weideman moved for the adoption of Resolution No. 2014-83. The motion was seconded by Councilmember Furey and passed by unanimous vote.

The City Council briefly recessed from 8:29 p.m. to 8:44 p.m.

12E. ORDINANCE RE MASSAGE ESTABLISHMENTS CLOSED FOR CRIMINAL ACTIVITY

Recommendation

The City Attorney recommends that Council adopt an Ordinance prohibiting the opening of a new massage establishment within two years following the closure of a prior massage establishment in the same location for criminal activity.

City Attorney Fellows advised that the California Legislature enacted legislation in 2008, which preempted local control of massage establishments, and this has hampered the City's ability to control criminal activity that is occurring at these establishments. He reported that 61 massage establishments are currently licensed and operating in Torrance; that there have been numerous citations issued over the past 5-6 years for various types of sexual offenses, including lewd conduct and prostitution; and that more than a dozen establishments have had their business licenses revoked during that same period for misconduct. He explained that the revocations involve time-consuming and expensive undercover operations by the police department and they have had little lasting effect because a new massage establishment often opens up at the same location. He stated that in order to enhance the City's ability to address this problem, staff was recommending that the Council adopt an ordinance prohibiting the opening of a new massage establishment within two years following the closure of a prior massage establishment in the same location for criminal activity. He commented on the City's efforts to lobby legislators to amend the 2008 legislation to restore local control, which have so far been ineffective.

Police Chief Matsuda discussed enforcement efforts and the strain they place on police department resources.

Mayor Scotto invited public comment.

Sherry Davis, representing the Miyako Hybrid Hotel/Kintetsu Enterprises Company of America, reported that the hotel's spa, which is operated by a tenant, is a major component of the Miyako Hybrid Hotel experience because it is an integral part of Japanese culture and expressed concerns about losing the ability to operate the spa for two years should an employee of the spa, of her own volition, do something illegal. She requested that the City consider adding language to the ordinance that would allow the property owner to operate a spa/massage establishment at a location that has been closed due to criminal activity.

Mayor Scotto clarified that it is not the intent of the ordinance to shut down legitimate businesses for one isolated violation.

Ms. Davis indicated that she was not comfortable with the language in the ordinance because it does not make that distinction.

A brief discussion ensued regarding possible ways to address Ms. Davis's concerns, including through the appeals process, creating an exception for businesses where massage is an ancillary operation, or allowing a property owner to assume a spa's operation after it has been shut down.

City Attorney Fellows recommended that the item be continued so staff could explore the various options discussed.

MOTION: Councilmember Weideman moved to continue this item to July 22, 2014. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

12F. ORDINANCE PROHIBITING UNATTENDED DONATION COLLECTION BINS

Recommendation

Recommendation of the Community Development Director that City Council:

- 1) Consider an Ordinance modifying the Torrance Municipal Code to prohibit unattended donation collection bins; and
- 2) Approve an ordinance summary for publication.

Planning Manager Lodan reported that a moratorium on unattended donation collection bins was enacted on October 1, 2013 to allow staff to study the best way to regulate them; that there are currently 36 such bins throughout Torrance, 15 of which were placed after the moratorium was established; and that staff was recommending that unattended donation collection bins be prohibited due to visual blight and enforcement issues. He stated that if the Council chooses to allow them, staff will explore a permit process to create standards for the placement, operation and maintenance of bins with the permits to be approved via an administrative or discretionary review process. He noted that establishing regulations would trigger a review under CEQA (California Environmental Quality Act), which involves the preparation of an Initial Study and a 30-day public review period.

Councilmember Sutherland reported that he has not observed trash piling up around bins and believes they are beneficial because they divert recyclables from landfills.

Councilmember Furey indicated that he favored regulating the bins rather than prohibiting them. He noted that the moratorium has done little to stop the proliferation of bins since he has observed many more than 36 of them throughout the city.

Councilmember Ashcraft related her understanding that some residents are opposed to the bins in general for aesthetic reasons and not just because they are concerned about trash piling up around them. She suggested requiring donation collection bins to be located inside a building because that would address the blight issue while still allowing schools to use them for fundraising.

Mayor Scotto voiced his opinion that creating standards to regulate the bins would be a more effective way of controlling them as opposed to a ban, which operators seem to ignore. He indicated, however, that he was not in favor of requiring a Conditional Use Permit for bins due to the time it takes to obtain one.

City Manager Jackson suggested the possibility of licensing the bins through the License Review Board.

Mayor Scotto invited public comment.

Henry Rogers, representing USAgain, a for-profit textiles recycling company, reported that USAgain diverted 6.3 million pounds of used textiles from landfills last year, 73,000 pounds of which were from Torrance. He contended that banning unattended collection bins was not the answer because cities need convenient places for people to drop off unwanted textiles in order to achieve waste reduction goals. He noted that he submitted a model ordinance drafted by the Secondary Materials and Recycled Textiles Association (SMART) and he also submitted letters of support from DARE America and the Torrance Chamber of Commerce (supplemental material).

Peter Kelly, representing Planet Aid, a non-profit corporation, stated that the company operates 20,000 donation collection bins nationwide, collects 50,000 tons of used clothing/shoes annually, and currently has 20 bins in Torrance. He explained that the reason this type of business exists is because the public wants to recycle; expressed confidence that all of staff's concerns can be addressed with appropriate regulations; and related his belief that allowing bins in Torrance will be greatly beneficial by increasing the amount of clothing that it is recycled.

Janet McCarthy, president of Goodwill SOLAC (Southern Los Angeles County), reported that Goodwill does not have collection bins in Torrance, but instead has stores where people can drop off their discards. She explained that funds generated from donated goods benefit the community because they are used to provide job training and other services while unattended bins operated by for-profit companies only benefit the operator. She urged the Council to prohibit unattended donation collection bins.

Janet Payne, Torrance, expressed concerns about enacting regulations that the City cannot enforce due to a lack of staffing.

June Lee, Torrance, reported that for-profit bin operators have a history of not following the rules; that the bins often have misleading information on them and falsely claim to be associated with charities; and that they do not respond to calls to the phone number listed on their bins. She urged that the bins be banned or be required to be located inside a building so they do not create blight.

Weston LaBar, representing USAgain, stated that he shares frustrations about unscrupulous for-profit bin operators because they damage the reputation of legitimate businesses like USAgain. He explained that USAgain obtains a site agreement for each of its bins, which requires the area around the bin to be maintained; that bins are clearly branded and include a phone number where someone can be contacted 24 hours a day; and that the location of all bins is charted on the company's website. He reported the USAgain and Planet Aid were pioneers in the field and they have worked with SMART to draft an ordinance that provides a framework for cities when creating their own ordinances.

A brief discussion ensued, and Councilmember Ashcraft indicated that she favored requiring all donation collection bins to be located within a building.

Councilmember Sutherland voiced his opinion that having bins within a building will not work because it would be too inconvenient for drop-off and expressed support for drafting an ordinance that will allow unattended collection bins while still protecting the City's interests.

MOTION: Councilmember Weideman moved to concur with the staff recommendation to prohibit unattended donation collections bins, adding an exception for bins located inside a building. The motion was seconded by Councilmember Ashcraft and failed to pass as reflected in the following vote:

YES: Councilmembers Ashcraft and Weideman

NOES: Councilmembers Brewer, Barnett, Furey, Sutherland and Mayor Scotto

MOTION: Councilmember Sutherland moved to direct staff to draft an ordinance regulating unattended donation collection bins using the SMART ordinance as a framework. The motion was seconded by Councilmember Brewer and passed as reflected in the following vote:

YES: Councilmembers Barnett, Brewer, Furey, Sutherland, Weideman and Mayor Scotto

NOES: Councilmember Ashcraft

Community Director Gibson advised that staff will work with the interested parties and target the date of August 12, 2014 for bringing the item back to the Council.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Weideman requested an excused absence for the meeting of July 8, 2014.

17B. Councilmember Weideman reported that the City of Torrance and the Torrance Historical Society have partnered to conduct a historic resource survey of Old Torrance's original housing stock and with the concurrence of Council, requested that an informational item be placed on a future City Council agenda so the results can be presented.

17C. Councilmember Barnett requested an excused absence for the meeting of July 8, 2014.

17D. Councilmember Brewer announced that the Community Services Department's "Movies in the Parks" program begins on Saturday, June 28, at De Portola Park with the showing of *I Bought a Zoo* beginning at dusk.

17E. Councilmember Brewer wished his daughter Chelsea a happy birthday.

17F. Councilmember Furey requested an excused absence for the meeting of July 8, 2014.

17G. Councilmember Furey announced that Torrance Theatre Company will kick off its 15th season on August 9, with a presentation of *Oklahoma*, with tickets available beginning July 1. He commented on his enjoyment of TTC's murder mystery fundraiser held the previous weekend.

17H. Councilmember Sutherland reported that a centennial street sign on El Prado is missing the City seal.

17I. Councilmember Ashcraft announced that the Torrance Cultural Arts Foundation will hold a fundraiser on Friday, June 27, at the Toyota Meeting Hall beginning at 6:00 p.m.

17J. Mayor Scotto offered a reminder about the 2014 AYSO National Games to held in Torrance June 29 through July 6.

17K. Fire Chief Racowski emphasized that fireworks of any kind are prohibited in the City of Torrance.

17L. Mayor Scotto, with the concurrence of Council, requested that staff bring forward an item to subsidize rental fees for the Torrance Artists Guild.

18. **EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1.

19. **ADJOURNMENT**

At 10:43 p.m., the meeting was adjourned to Tuesday, July 8, 2014, for an adjourned regular meeting commencing at 7:00 p.m. in the Council Chamber. **Tuesday, July 1, 2014 will be a City Council dark night.**

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 July 15, 2014