

**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 5:33 p.m. on Tuesday, July 14, 2009 in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scotto.

Absent: None.

Also Present: Assistant City Manager Giordano, 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 City Attorney on agenda matters listed under 18A) Conference with Real Property Negotiator and 18B) Conference with Legal Counsel – Pending Litigation, pursuant to California Government Code § 54956.8 and 54956.9(a).

The City Council reconvened at 7:02 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The flag salute was led by Councilmember Brewer.

Councilmember Rhilinger gave the non-sectarian invocation.

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

City Clerk Herbers reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, July 9, 2009.

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

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

Assistant City Manager Giordano announced that Agenda Item 8K had been withdrawn; City Clerk Herbers announced that the minutes for June 9 and June 16, 2009 had been withdrawn.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Management Associate Barthe-Jones announced that applications for the 2010 Census Complete Count Ad Hoc Committee are available online at www.TorranceCA.gov/2010census and will be accepted until July 17, with appointments to be made at the July 28 City Council meeting.

Management Associate Barthe-Jones announced that applications for the Torrance Centennial Committee are available online at www.TorranceCA.gov/Centennial and will be accepted until August 4, with appointments to be made at the August 25 City Council meeting.

City Clerk Herbers announced that applications were being accepted to fill vacancies on the Environmental Quality and Energy Conservation Commission and the Water Commission, with appointments to be made on at the July 28 City Council meeting. She noted that applicants must have completed Commissioner training and that applications are due in the City Clerk's office no later than July 22.

7. ORAL COMMUNICATIONS

7A. Debbie Hays, Torrance Historical Society, invited everyone to attend the Rock Around the Block party, sponsored by Providence Little Company of Mary Medical Center, on July 16 from 5:00 to 8:00 p.m. in front of the Historical Museum, 1345 Post Avenue, noting that Post Avenue will be blocked off from Cravens to Sartori Avenue.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation

Recommendation of the City Clerk that City Council approve the City Council minutes of May 19, June 2, June 9, and June 16, 2009. (*June 9 and June 16, 2009 minutes were withdrawn*)

8B. PURCHASE ORDERS FOR RADIO AND COMMUNICATIONS EQUIPMENT

Recommendation

Recommendation of the Information Technology Director that City Council authorize purchase orders to Motorola c/o Advanced Electronics of Redondo Beach, CA and to Advanced Electronics of Redondo Beach, CA in a combined not to exceed amount of \$80,000 for the sole-source purchase of Motorola parts and products to support and maintain radio communications equipment for all City departments on an as needed basis effective August 7, 2009, through August 6, 2010.

8C. COUNTY OF L.A. DELINQUENCY PREVENTION PROGRAM CONTRACT

Recommendation

Recommendation of the Chief of Police that City Council approve the County of Los Angeles Delinquency Prevention Program contract in the amount of \$28,198, for the period from September 13, 2009 through September 12, 2010.

8D. APPROVAL OF OVERALL ANNUAL DISADVANTAGED BUSINESS ENTERPRISES GOAL

Recommendation

Recommendation of the Transit Director that City Council approve the Overall Annual Disadvantaged Business Enterprises (DBE) Goal of 2% for Federal Fiscal Year 2009-2010 for submission to the Federal Transit Administration (FTA).

8E. AGREEMENT AMENDMENT FOR LEGAL FEES

Recommendation

Recommendation of the City Attorney that City Council approve the second amendment to fee agreement with the law firm of Liebert Cassidy Whitmore (C2008-212) to provide legal services in the matter of Brumbaugh v. City of Torrance, LA Superior Court Case No. BS116891, for an additional \$35,000 for a total not to exceed amount of \$80,000.

8F. PURCHASE AGREEMENT FOR PETERBILT BRAND REPAIR PARTS

Recommendation

Recommendation of General Services Director that City Council authorize a sole-source purchasing agreement with Rush Truck Center of Pico Rivera, CA, in an amount not to exceed \$120,000 to furnish Peterbilt brand repair parts for a 12-month term, beginning August 1, 2009 and ending July 31, 2010.

8G. TORRANCE CULTURALS ARTS CENTER FOUNDATION AGREEMENT

Recommendation

Recommendation of the General Services Director that City Council approve the Torrance Cultural Arts Center Foundation agreement to promote the Cultural Arts Center for a period commencing July 1, 2009 and expiring June 30, 2010, in an amount not to exceed \$119,420.

8H. REJECTION OF BIDS FOR BARTLETT CENTER AIR CONDITIONING

Considered separately, see page 4.

8I. CONTRACT AMENDMENT FOR POLICE DEPARTMENT ADA UPGRADES

Recommendation

Recommendation of the General Services Director that City Council approve contract amendment with Withee Malcolm Architects (C2008-139) extending the term from June 30, 2009 to June 30, 2010 for Police Department Americans with Disabilities Act upgrades (FEAP #657).

8J. AGREEMENT FOR TEMPORARY STAFFING SERVICES

Recommendation

Recommendation of the Information Technology Director that City Council approve a contract services agreement with IntraTek Computer, Inc. to provide temporary staffing services to the City in connection with information technology technical assistance for an amount not to exceed \$135,000 beginning August 1, 2009 and ending July 31, 2010.

8K. APPROVAL OF FY2009-2010 CLAIM FOR TRANSPORTATION DEVELOPMENT ACT FUNDS

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 \$4,362,898 in Transportation Development Act (TDA) funding for the Torrance Transit System fiscal year 2009-2010.

MOTION: Councilmember Numark moved for the approval of Consent Calendar Items 8A through 8G and 8I through 8K. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

Consent Calendar Item 8H was considered separately at this time.

8H. REJECTION OF BIDS FOR BARTLETT CENTER AIR CONDITIONING

Recommendation

Recommendation of the General Services Director that City Council reject all bids received for the replacement of air conditioning units at the Bartlett Senior Center (B2009-16).

Councilmember Rhilinger noted that the Bartlett Senior Center will be designated as a cooling station in the event of a heat emergency according to Agenda Item 12I.

Facility Services Manager Landis advised that the air conditioning at the Bartlett Center is currently functioning, but is scheduled for replacement.

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

10. PLANNING AND ECONOMIC DEVELOPMENT

10A. RESOLUTION APPROVING PRE08-00033: 428 VIA MESA GRANDE

Recommendation

Recommendation of the Community Development Director that City Council adopt a Resolution reflecting the City Council decision at the June 2, 2009 meeting to approve a Precise Plan of Development to allow single story additions and interior renovations to an existing one-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 428 Via Mesa Grande. **PRE08-00033: Paul and Stephanie Thomas**

Community Development Director Gibson reported that the Resolution includes revised conditions of approval reflecting the City Council's action at the June 2, 2009 Council meeting.

RESOLUTION NO. 2009-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DENYING AN APPEAL AND APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW SINGLE STORY ADDITIONS AND INTERIOR RENOVATIONS TO AN EXISTING ONE-STORY SINGLE FAMILY RESIDENCE, ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 428 VIA MESA GRANDE. **PRE08-00033: PAUL AND STEPHANIE THOMAS**

MOTION: Councilmember Barnett moved for the adoption of Resolution No. 2009-68. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

12. ADMINISTRATIVE MATTERS

Agenda Items 12A through 12E were discussed concurrently.

12A. ASSIGNMENT OF ASSETS FOR LEASE OF CITY-OWNED PROPERTY- 2909 PACIFIC COAST HIGHWAY

Recommendation

Recommendation of the City Manager that City Council authorize an assignment of assets from General Motors Corporation to Vehicle Acquisition Holdings, LLC concerning a lease by and between Argonaut Holdings, Inc., (AHI) and the City of Torrance for City-owned property located at 2909 Pacific Coast Highway.

12B. AMENDMENT TO FORBEARANCE AGREEMENT FOR CITY-OWNED PROPERTY – 2909 PACIFIC COAST HIGHWAY

Recommendation

Recommendation of the City Manager that City Council authorize a second amendment to forbearance agreement by and between the City of Torrance, a Municipal Corporation (hereinafter referred to as the "City"), and Argonaut Holdings, Inc., a Delaware corporation (hereinafter referred to as "Lessee") concerning a lease for City-owned property located at 2909 Pacific Coast Highway.

12C. CONSENT TO ASSIGNMENT AGREEMENT AND ESTOPPEL CERTIFICATE FOR CITY-OWNED PROPERTY 2909 PACIFIC COAST HIGHWAY

Recommendation

Recommendation of the City Manager that City Council authorize an agreement for Consent to Assignment and Estoppel Certificate for the transaction to assign the lease for City-owned property located at 2909 Pacific Coast Highway from Argonaut Holdings, Inc., a Delaware Corporation to DCH California Investments, LLC, a California limited liability company.

12D. TERMINATION OF LEASE FOR CITY-OWNED PROPERTY – 2955 PACIFIC COAST HIGHWAY

Recommendation

Recommendation of the City Manager that City Council authorize an agreement for termination of lease by and between the City of Torrance and DCH Torrance Imports Inc., a California corporation concerning a lease for City-owned property located at 2955 Pacific Coast Highway.

12E. AMENDED/RESTATED LEASE AND MEMORANDUM OF LEASE FOR CITY-OWNED PROPERTY – 2955 AND 2909 PACIFIC COAST HIGHWAY

Recommendation

Recommendation of the City Manager that City Council authorize an amended and restated lease and memorandum of lease by and between the City of Torrance and DCH Torrance Imports Inc., a California corporation, concerning a lease for City-owned property located at 2909 and 2955 Pacific Coast Highway.

Assistant to the City Manager Sunshine briefly reviewed the five transactions (Agenda Items 12A through 12E) necessary re-assign the lease for City-owned property located at 2909 Pacific Coast Highway from Argonaut Holdings (former General Motors dealership) to DCH California Investments, LLC (operating as Torrance Toyota), which also leases City-owned property at 2955 Pacific Coast Highway. He advised that the Amended and Restated Lease (Item 12E) covers both the 2955 and 2909 properties under one lease and includes some new terms/conditions for construction, rent and overall lease term. He noted that Torrance Toyota has an approved Conditional Use Permit to construct a new auto dealership on the 2909 leasehold and once it has been completed, the 2955 leasehold will be converted to a used auto dealership/parts and repair facility.

Mark Sachs, representing DCH California Investments, LLC, reported that the renovation of the 2909 leasehold will include the building of a new 17,000 square foot showroom.

Councilmember Sutherland commended Assistant to the City Manager Sunshine and everyone involved for their efforts to draft an agreement that benefits both the City and Torrance Toyota and represents a win-win solution for leasing this vacant property.

MOTION: Councilmember Rhilinger moved to concur with the staff recommendation for items 12A through 12D. The motion was seconded by Councilmember Furey and passed by unanimous roll call vote.

MOTION: Councilmember Rhilinger moved to authorize the amended and restated lease and memorandum of lease as proposed (Item 12E). The motion was seconded by Councilmember Furey and passed by unanimous roll call vote.

12F. APPROVAL OF HEARING DATE FOR EMPLOYEE SUSPENSION APPEAL HEARING

Recommendation

Recommendation of the City Manager that City Council approve a hearing date of Tuesday, August 18, 2009 to conduct the hearing on the appeal of the Civil Service Commission decision sustaining the suspension of a Torrance Police Officer.

Civil Service Manager Lohnes reported that staff was recommending that the hearing be scheduled for August 18, 2009 at 5:00 p.m., noting that it will most likely be a closed hearing.

Following a brief discussion, Mayor Scotto requested that staff look into the possibility of scheduling the hearing on August 25, 2009 due to the absence of Councilmember Furey from the August 18 meeting.

MOTION: Councilmember Rhilinger moved to approve August 25 or August 18, 2009 as the date to conduct the suspension appeal hearing. The motion was seconded by Councilmember Furey and passed by unanimous roll call vote.

12G. DESIGNATION OF VOTING DELEGATE/VOTING DELEGATE ALTERNATE FOR 2009 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

Recommendation

Recommendation of the City Manager that City Council approve the designation of Councilman Bill Sutherland as the voting delegate and Councilman Cliff Numark as the voting delegate alternate, to represent the City of Torrance at the 2009 League of California Cities Annual Conference from September 16-18, 2009 in San Jose, CA.

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

12H. APPROVAL OF CITY COUNCIL DARK NIGHTS

Recommendation

Recommendation of the City Manager that City Council approve the following Tuesdays as City Council dark nights from July 1, 2009 through January 31, 2010: September 8, September 29, December 1, December 29, January 5, and January 19.

Councilmember Sutherland requested that staff look into designating October 13, 2009 as a Council dark night because he and other Councilmembers have a meeting scheduled at the Pentagon on that date regarding the annual Armed Forces Day parade and celebration.

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

12I. DESIGNATION OF COOLING STATIONS

Recommendation

Recommendation of the City Manager that City Council approve designation of cooling stations to provide the public relief in the event of a heat emergency advisory.

Management Associate Barthe-Jones reported that the Katy Geissert Civic Center Library and the Barlett Senior Center will be the designated cooling stations.

Councilmember Brewer asked about using Del Amo Fashion Center as a cooling station. Management Associate Barthe-Jones noted that malls and movie theaters serve as informal cooling stations as many people use them to escape the heat.

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

12J. AMENDMENT TO SOUTH BAY CITIES COUNCIL OF GOVERNMENTS JOINT POWERS AUTHORITY AGREEMENT

Recommendation

Recommendation of the City Manager that City Council approve the third amended and restated South Bay Cities Council of Governments Joint Powers Authority Agreement to allow the Supervisors from Districts 2 and 4 to each have a vote for a total of 2 votes for Los Angeles County.

Councilmember Rhilinger noted that the agreement includes a provision allowing each Supervisor to have a designated senior staff person, preferably the chief of staff, to be the voting alternate, which is an exception to the rule requiring that voting members be elected officials.

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

12K. AGREEMENT FOR POLICE SUBSTATION AT DEL AMO FASHION CENTER

Recommendation

Recommendation of the City Manager that City Council approve the business terms for a proposed agreement with Simon Property Group for police substation lease and policing services at the Del Amo Fashion Center

Item was withdrawn.

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The Council met as the Redevelopment Agency from 7:36 p.m. to 7:38 p.m.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Barnett announced that the first movie in the Movies in the Park series will be *Back to the Future* playing at La Romeria Park at 8:00 p.m., with additional information available at 310.618.2930.

17B. Councilmember Brewer requested an excused absence for the July 28 City Council meeting.

17C. Councilmember Numark announced an event regarding state-wide structural issues to be held on Saturday, July 18, in downtown Los Angeles for southern California residents, with additional information available at www.repaircalifornia.org.

17D. Councilmember Numark encouraged everyone to attend a performance of *Brigadoon* by the Aerospace Players at the Armstrong Theatre on Sunday, July 19.

17E. Councilmember Rhilinger announced an open house at El Retiro library on Thursday, July 23, from 3:00 to 5:00 p.m. located at 126 Vista del Parque.

17F. Mayor Scotto commended the Torrance Police Department for apprehending the suspect involved in the damaging of windows at local businesses.

17G. Police Chief Neu noted that information received from local businesses was instrumental in the apprehension of the suspect charged with damaging the windows, which occurred over a period of four months.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 7:44 p.m., the meeting was adjourned to Tuesday, July 21, 2009 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 September 1, 2009