

**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 7:02 p.m. on Tuesday, July 28, 2009 in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: Councilmember Brewer.

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

2. FLAG SALUTE/INVOCATION

The flag salute was led by Deputy City Attorney Patrick Sullivan.

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 23, 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 (absent Councilmember Brewer).

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

City Manager Jackson announced that Agenda Item 12A, Agreement for Police Substation at Del Amo Fashion Center, had been withdrawn because mall management indicated that they were unable to renew the agreement due to cost-cutting measures.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Management Associate Barthe-Jones announced that applications for the Torrance Centennial Committee are available online at www.TorranceCA.gov/Centennial and that the deadline for submittal has been extended to August 26, with appointments to be made at the September 1, 2009 City Council meeting.

Councilmember Barnett announced that the City Council Facility Naming Committee would meet on Tuesday, August 4, 2009 at 4:00 p.m. in the 3rd Floor Assembly Room at City Hall to consider applications for naming City-owned land, buildings, and facilities.

City Clerk Herbers introduced new Deputy City Clerk Rebecca Poirier.

Councilmember Furey, on behalf of West Vector Control District, gave an update on West Nile Virus cases in Los Angeles County and reminded everyone to reduce the spread of the virus by avoiding outdoor activities during dusk and dawn, using insect repellent containing DEET, wearing protective clothing, and draining all standing water. He noted that additional information was available by contacting the L. A. County West Vector Control at 310.915.7370.

Cable and Community Relations Manager Smith announced that as of July 1 the City's new URL is www.TorranceCA.Gov and it applies to all city email as well.

Public Works Director Beste reminded the public that mandatory water conservation measures are in effect, which limit outdoor watering to three days a week and prohibit watering from 9:00 a.m. to 5:00 p.m. He noted that residents will be notified of the restrictions via a mailer and an advertisement in the *Daily Breeze*, with additional information available on the City's website under Public Works.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2009-69 RE LIEUTENANT ROBERT PICKER

RESOLUTION NO. 2009-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING LIEUTENANT **ROBERT PICKER** UPON HIS RETIREMENT FROM THE CITY AFTER TWENTY-SIX YEARS OF SERVICE

MOTION: Councilmember Barnett moved for the adoption of Resolution No. 2009-69. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Sutherland).

To be presented at a later date.

6B. PROCLAMATION RE "NATIONAL NIGHT OUT AGAINST CRIME"

Mayor Scotto presented a proclamation declaring Tuesday, August 4, 2009 as "**National Night Out Against Crime**" in the City of Torrance to Lieutenant D'Anjou and Officer Farley.

Lieutenant D'Anjou encouraged residents to turn on their porch lights from 5:00 p.m. to 9:00 p.m. on August 4, 2009 in support of cooperative police/community crime prevention efforts and invited them to attend local block parties sponsored by the Police Department and Neighborhood Watch groups. He noted that information about joining Neighborhood Watch was available at www.Police.TorranceCA.gov.

6C. RECOGNITION OF DEL AMO ROTARY CLUB EXCHANGE REPRESENTATIVES FROM URAWA, JAPAN

Mayor Scotto presented certificates to exchange representatives Ikeda Kazuho and Takahira Kaneko from Urawa, Japan, who were introduced by Del Amo Rotary Club President Rob Van Lingen. Mayor Scotto noted that the Del Amo Rotary Club has been sponsoring this program for 40 years and commended them for their efforts.

6D. APPOINTMENT OF 2010 CENSUS COMPLETE COUNT AD HOC COMMITTEE Recommendation

Recommendation of the City Manager that City Council review applications and appoint members to the 2010 Census Complete Count Ad Hoc Committee. The City Clerk will administer the oath of office to members present.

The following members were appointed to the 2010 Census Complete Count Ad Hoc Committee: William Blischke, Kathleen Gann, Scotto Gobble, Dean Haddon, Mary Kate Hunt, Tehmina Khan, Jilee Kim, Leilani Kimmel-Dagostino, Dale Korman, William Pruvost, and Mei Ling See.

Mayor Scotto welcomed US Census representatives Edgar Salgado, Team Leader; Meilyn Leilani Otemai, Partner Specialist, and Naomi Fukuchi, Bi-lingual Japanese Partnership Specialist.

City Clerk Herbers administered the oath of office to committee members present.

7. ORAL COMMUNICATIONS

7A. Jennifer Matsui, Teens Against Cancer, invited the Council to attend a fundraiser for Teens Against Cancer on August 8, 2009 at the Marsee Auditorium at El Camino College, with additional information available at www.teensagainstcancer.org.

8. CONSENT CALENDAR

8A. CONTRACT FOR RENOVATION OF ALTA LOMA PARK BUILDING

Considered separately, see below.

8B. CONTRACT FOR ACCESSIBILITY UPGRADES AT BRANCH LIBRARIES AND HUMAN RESOURCES BUILDING

Considered separately, see page 4.

8C. CONTRACT RE LANDFILL GAS COLLECTION AND CONTROL SYSTEM AT CITY YARD

Considered separately, see page 4.

8D. AGREEMENT RE TEMPORARY LEASE OF GROUNDWATER RIGHTS

Considered separately, see page 5.

8E. APPROVAL OF REVISED CLASS SPECIFICATION FOR FIRE BATTALION CHIEF

Recommendation

Recommendation of the Human Resources Director and the Civil Service Commission that City Council approve the revised class specification for Fire Battalion Chief.

MOTION: Councilmember Furey moved for the approval of Consent Calendar Item 8E. The motion was seconded by Councilmember Numark and passed by unanimous roll call vote (absent Councilmember Brewer).

Consent Calendar Items 8A, 8B, 8C and 8D were considered separately at this time.

8A. CONTRACT FOR RENOVATION OF ALTA LOMA PARK BUILDING

Recommendation

Recommendation of the General Services Director that City Council:

- 1) Approve a consulting agreement with Chester Smith Associates, Inc. for \$14,100 with \$2,000 in reimbursable fees for architectural and engineering design for the renovation of the Alta Loma Park building; and,
- 2) Appropriate \$210,000 for the Alta Loma Park building project from the Capital Improvement Fund to the appropriated account.

Councilmember Sutherland stated that he was not comfortable appropriating funding for a project that has not yet been designed.

City Manager Jackson recommended that the Council approve the \$14,000 for the architectural and engineering design and staff would return with cost estimates for the Council's approval after the project has been designed.

MOTION: Councilmember Sutherland moved to approve the consulting agreement with Chester Smith Associates, Inc. for \$14,000. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote (absent Councilmember Brewer).

8B. CONTRACT FOR ACCESSIBILITY UPGRADES AT BRANCH LIBRARIES AND HUMAN RESOURCES BUILDING

Recommendation

Recommendation of the General Services Director that City Council approve a consulting agreement to Withee Malcolm Architects for \$99,800 with \$4,000 for reimbursable fees for architectural and engineering design for accessibility upgrades at the Human Resources building and the branch libraries (FEAP #711).

Councilmember Numark expressed concerns that only one firm submitted a bid for the design of this project.

Facility Services Manager Landis reported that staff discussed the project with other architectural firms and Withee Malcolm Architects was selected because of past experience and outstanding references.

City Manager Jackson clarified that contracts for professional services are not subject to the competitive bid process and selections are based on other factors in addition to cost.

Councilmember Numark suggested that it would help the Council make a more educated choice if formal proposals were submitted by other firms being considered for a project.

Councilmember Rhilinger stated that she was pleased that the contract was being awarded to a Torrance-based business.

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

8C. CONTRACT RE LANDFILL GAS COLLECTION AND CONTROL SYSTEM AT CITY YARD

Recommendation

Recommendation of the General Services Director that City Council approve a contract with Shaw Environmental in a not to exceed amount of \$112,000 for the operation, maintenance, and compliance testing of the landfill gas collection and control system at the City Yard.

Councilmember Numark requested information regarding how this vendor was selected.

Facility Operations Manager Megerdichian explained that the landfill gas collection and control system utilizes highly specialized equipment; that Shaw Environmental has been maintaining the equipment for the past 10 years; and that staff felt the company was the best choice for a new phase of testing, which must be conducted according to AQMD (Air Quality Management District) regulations, due to their familiarity with the system.

Councilmember Sutherland related his belief that more than one proposal should be obtained for a project to ensure that the City is getting the best price.

City Manager Jackson stated that he believed the single-proposal approach was justified in this case because the vendor was already familiar with the peculiarities of the City yard's system.

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

8D. AGREEMENT RE TEMPORARY LEASE OF GROUNDWATER RIGHTS

Recommendation

Recommendation of the Public Works Director that City Council approve an agreement to temporarily lease 125 acre-feet of groundwater rights to the Roman Catholic Archbishop of Los Angeles, a non-profit California Corporation, at \$125 per acre-foot during the 2009-2010 fiscal year.

Newt Young, Torrance, questioned why Torrance was leasing groundwater rights to another entity at a time when restrictions on residential water usage have been imposed.

Public Works Director Beste advised that the City currently does not have the pumping capacity to use all of its allocation of groundwater pumping rights, which expire if they are not used, therefore some of these excess rights are leased to the Roman Catholic Archbishop of Los Angeles for the irrigation of Holy Cross cemetery. He noted that it is the City's goal to increase pumping capacity so it will eventually be able to use all of its groundwater pumping rights.

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

12. ADMINISTRATIVE MATTERS

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

Recommendation

Recommendation of the City Manager that City Council approve the police substation lease and agreement for mall detail and foot patrol detail with Simon Property Group, doing business as Del Amo Fashion Center, for police substation and policing services at the Del Amo Fashion Center. The term of the Agreement is two years.

Item was withdrawn.

12B. ADOPTION OF ORDINANCE RE MASSAGE THERAPY REGULATIONS

Recommendation

Recommendation of the Chief of Police and the Finance Director that City Council:

- 1) Adopt an Ordinance adding a new Article 14 of Chapter 5 of Division 3 of the Torrance Municipal Code relating to massage therapy regulations; and
- 2) Approve an ordinance summary for publication.

Assistant Finance Director Flewellyn advised that the proposed Ordinance would bring the City into compliance with SB 731, which preempts any local massage therapist licensing requirements, and enhance enforcement of sections in the Torrance Municipal Code related to massage and acupressure establishments.

Councilmember Sutherland indicated that he favored amending the hours of operation for massage and acupressure establishments from 7:00 a.m. to 10:00 p.m. to 10:00 a.m. to 7:00 p.m.

Deputy City Attorney Sullivan noted that the proposed hours were consistent with regulations in other cities.

Councilmember Sutherland questioned why no zoning restrictions were included regarding the proximity of these establishments to schools and churches.

Community Development Director Gibson explained that staff was recommending that massage and acupressure establishments be regulated via the licensing process because a land-use regulatory approach is more complicated and time consuming. He advised that the City must provide opportunities for massage and acupressure establishments to locate in Torrance and requiring that such establishments be at least 500 feet away from schools, churches, and other sensitive uses would severely limit the available sites. He further explained that there are several existing massage establishments close to churches and/or schools, which would become legal non-conforming uses and they could continue to operate for an extended period of time. He expressed staff's willingness to explore options for zoning restrictions in the future as a long-term approach to regulating these establishments.

The Council briefly discussed amending the hours of operation.

Police Detective Devin Chase reported that it has been the police department's experience that illegal activities tend to occur later in the evening.

Mayor Scotto indicated that he was inclined to support a 7:00 p.m. closing time.

Assistant Finance Director Flewellyn related his understanding that DuBunne Day Spa and Burke Williams Day Spa are open later than 7:00 p.m.

Mayor Scotto invited comments from the audience.

A representative of DuBunne Day Spa, name inaudible/no speaker card, requested and was provided clarification regarding the licensing requirements for massage therapists under the proposed Ordinance. He reported that DuBunne's hours of operation are Monday and Tuesday - 9:00 a.m. to 7:00 p.m.; Wednesday through Friday - 9:00 a.m. to 8:00 p.m.; Saturday - 9:00 a.m. to 5:00 p.m.; and Sunday - 10:00 a.m. to 6:00 p.m.

Simos Samang, owner of a massage establishment at 24020 Vista Montana, suggested that illegal activities can take place at any time of the day; discussed her efforts to run a legitimate operation; and emphasized the benefits of massage.

Newt Young, Torrance, indicated that he favored a closing time of 7:00 p.m. He reported that massage establishments in his area have windows and doors in reception areas obscured and voiced his opinion that this area should be visible to passersby to discourage illegal activity. He related his belief that there should be restrictions prohibiting massage establishments within a certain distance of residences, churches and schools.

Gustavo Batista, general manager of Just Massage, 22926 Hawthorne Boulevard, expressed concerns that there could be a gap in licensing while massage therapists are in the process of being licensed by the State.

Assistant Finance Director Flewellyn explained that City licenses would remain valid until December 31, 2009, which should allow ample time for State licensing.

Mr. Batista noted that massages take approximately one hour so if the City requires a closing time of 7:00 p.m., the last appointment of the day would be at 6:00 p.m., which would be inconvenient for people with typical work schedules. He proposed a closing time of 9:00 p.m. so appointments could be made up until 8:00 p.m.

Dan Davis, Bellflower, stated that he works from 7:00 a.m. to 7:00 p.m. and a 7:00 p.m. closing time would not allow people with schedules like him to get a massage.

Assistant Flewellyn reported that Burke Williams' website lists the hours of operation as Sunday through Thursday, 8:00 a.m. to 9:00 p.m., and Friday and Saturday, 8:00 a.m. to 10:00 p.m.

Councilmember Numark indicated that he did not favor restricting the hours of operation without further study to ensure that legitimate operations such as Burke Williams are not adversely impacted. He expressed concerns that the requirement that advertisements for massage establishments include the State Certificate numbers of all massage therapists they employ was impractical and problematic for businesses with several employees. As an alternative, he suggested requiring only one State Certificate number to be included in advertisements, with the rest to be posted on the establishment's website. Referring to §35.14.130 of the Ordinance, which would allow the Police Chief or the License Supervisor to summarily suspend the license of a massage establishment, he related his preference to designate only the Police Chief because the Police Department would likely be involved in any investigation that led to this type of suspension.

Police Chief Neu advised that staff was recommending that both the Police Chief and the License Supervisor have this power because administrative violations are handled by the Licensing Division and criminal violations are handled by the Police Department.

Assistant Finance Director Flewellyn explained that it was possible for a massage establishment to be in violation of administrative procedures, i.e. not maintaining required records, which would not involve the Police Department.

Councilmember Sutherland questioned whether the City could require that massage establishment advertisements focus on massage rather than emphasizing the availability of pretty, young masseuses.

Deputy City Attorney Sullivan advised that staff has attempted to address this issue by prohibiting advertisements classified "for adults only." He noted that content-based restrictions are generally not allowed, but offered to look into this matter in the future.

Councilmember Furey stated that most of the concerns he has heard from the community are related to geographical locations and the proliferation of massage establishments.

Councilmember Barnett indicated that he was also concerned about the proliferation of massage establishments, especially near schools.

Deputy City Attorney Sullivan advised that the Council could enact the proposed Ordinance, which will not take effect until January 1, 2010, and continue to explore zoning restrictions.

With regard to advertising requirements, Councilmember Rhilinger suggested that massage establishments be allowed to refer consumers to their website for a listing of massage therapists' State Certificate numbers rather than listing them all in their ads.

Police Chief Neu confirmed that Councilmember Rhilinger's suggestion would accomplish the goals of this provision of the Ordinance.

Referring to Newt Young's comments, Councilmember Furey asked about the possibility of requiring windows in a massage establishment's reception area to be clear.

Deputy City Attorney Sullivan advised that SB 731 has limited the City's ability to regulate massage establishments, therefore, such a requirement would have to apply to all businesses city-wide.

The Council resumed discussion about the possibility of amending hours of operation.

Councilmember Rhilinger noted that day spas like DuBunne and Burke Williams perform other services besides massages so it was conceivable that they could end massages at 8:00 p.m. and still continue to be open for other services until 10:00 p.m.

Councilmember Numark pointed out that the Ordinance requires that all customers leave the facility at the specified closing hour so this would have to be modified if day spas are allowed to have a later closing time.

It was the consensus of the Council to delay taking action on the proposed Ordinance for one week so a survey could be conducted of massage establishments' hours of operation in Torrance and neighboring cities. Additionally staff was directed to look into modifying advertising requirements regarding the listing of State Certificate numbers and the possibility of allowing day spas to have a later closing time.

Councilmember Numark asked that staff reconsider his suggestion that only the Police Chief be allowed to summarily suspend a massage establishment's license, relating his belief that any administrative issue could be dealt with via the License Review Board suspension process. He recommended that massage establishments in Torrance be informed about new requirements in the Ordinance.

Assistant Finance Director Flewellyn advised that letters will be sent to all massage establishments informing them of changes once the Ordinance has been approved.

Mayor Scotto requested that staff look into the possibility of imposing a limitation on the number of massage establishments in Torrance for future consideration.

Councilmember Rhilinger voiced support for exploring the possibility of zoning restrictions and prohibiting opaque windows in reception areas.

Mayor Scotto announced that no action would be taken at this time and invited interested parties to attend next week's Council meeting.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Numark invited the public to attend the Torrance Block Party in Old Torrance on Sunday, August 30, from 10:00 a.m. to 6:00 p.m. benefiting RSVP (Retired Senior and Volunteer Program).

17B. Councilmember Numark, with the concurrence of Council, requested that Leadership Torrance Alumni Association be honored for its "Torrance Saves Lives" program.

17C. Mayor Scotto, with the concurrence of Council, appointed an ad hoc committee consisting of Councilmembers Barnett (chair), Furey and Sutherland to look into the possibility of consolidating City commissions to allow for the more effective use of limited staff resources.

Councilmember Barnett announced that a meeting of City Council Ad Hoc Committee for Commission Review has been tentatively scheduled for Monday, August 31, 2009 at 7:00 p.m. in Council Chambers.

Mayor Scotto requested that commissioners be notified of the meeting by letter and that staff liaisons make an announcement at upcoming commission meetings.

City Clerk Herbers noted that the Council was scheduled to make appointments to fill vacancies on the Environmental Quality Commission and the Water Commission at next week's Council meeting. It was the consensus of the Council to delay taking action on these appointments.

17D. Newt Young, Torrance, announced that Southeast Torrance Homeowners Association and Southwood Sunray Homeowners Association will be hosting a free showing of the movie *Singing in the Rain* at Hickory Park on August 1, 2009 from 8:00-10:00 p.m.

18. EXECUTIVE SESSION

None.

19. ADJOURNMENT

At 8:57 p.m., the meeting was adjourned to Tuesday, August 4, 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 22, 2009