

September 1, 2009

**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 7:01 p.m. on Tuesday, September 1, 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: City Manager Jackson, Deputy City Attorney Sullivan, City Clerk Herbers, and other staff representatives.

2. FLAG SALUTE/INVOCATION

The flag salute was led by former councilmember Hope Witkowsky.

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, August 27, 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 WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS – None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Rhilinger requested excused absences for the September 15, and September 22, 2009 City Council meetings.

Councilmember Furey announced that the 11th Annual Employee Variety Show will be held on Saturday, September 12, at 7:00 p.m. with proceeds to benefit the Torrance Relay for Life in 2010. Tickets available for \$15 at the Armstrong Theatre box office.

Fire Chief Racowski reminded the public that the ExxonMobil Torrance Refinery monthly Community Alert Siren testing would take place on Wednesday, September 2, at approximately 11:30 a.m.

Fire Chief Racowski provided a brief overview of the assistance provided by the Torrance Fire Department during the latest brush fires.

Deputy Police Chief Browne reported that the Torrance Police Department provided assistance for the Rancho Palos Verdes area fire and officers also assisted in evacuating the La Canada area as part of a mutual aid agreement.

6. COMMUNITY MATTERS

6A. PROCLAMATION RE “NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH”

Mayor Scotto presented a proclamation declaring the month of September 2009 as **National Alcohol and Drug Addiction Recovery Month** in the City of Torrance to Mauricio Jaimerena, Education Coordinator, of the National Council on Alcoholism and Drug Dependence of the South Bay.

6B. RECOGNITION OF TORRANCE LITTLE LEAGUE ALL-STAR TEAM

Mayor Scotto recognized the 11/12 year-old All-Star Team of the Torrance Little League for winning the District 27, Section 4, Division III Championship. Certificates were presented to Manager Manuel Olloque; Coaches Mike Aros, Tony Budrovich, Art Escutia, Ken Irvine, and Frank Miuccio; Team moms Camelia Olloque and Noelle Budrovich; and players David Aros, Reid Budrovich, Joey Chenoweth, Ian Escutia, Dominic Haynes, Andrew Irvine, Nick Miuccio, Masata Okawa, Manuel Olloque, Tommy Nash, Austin Reyes, and Robert Vivas.

7. ORAL COMMUNICATIONS #1

7A. Linda Cessna and the Torrelles invited everyone to attend the 11th Annual Employee Variety Show on Saturday, September 12, at 7:00 p.m. at the Armstrong Theatre.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation

Recommendation of the City Clerk that City Council approve the City Council minutes of June 23, July 7, July 14, and July 21, 2009.

8B. PURCHASE OF SEWER LIFT STATION PUMPS

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Appropriate \$80,304.07 from the Sewer Enterprise Fund; and
- 2) Authorize a sole source purchase of five (5) ESSCO sewer lift station pumps from ESSCO Engineers Sales-Service Co. Inc. of Los Angeles in the amount of \$80,304.07 including sales tax and delivery.

8C. JULY 2009 MONTHLY INVESTMENT REPORT

Recommendation

Recommendation of the City Treasurer that City Council accept and file the monthly investment report for July 2009.

**8D. PURCHASE ORDER FOR T-SHIRTS, SWEATSHIRTS, COLLARED SHIRTS
JERSEYS AND JACKETS**

Considered separately, see below.

MOTION: Councilmember Numark moved to approve Consent Calendar Items 8A through 8C. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

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

**8D. PURCHASE ORDER FOR T-SHIRTS, SWEATSHIRTS, COLLARED SHIRTS
JERSEYS AND JACKETS**

Recommendation

Recommendation of the Community Services Director that City Council award a purchase order to Custom Embroidery & Screen Printing by Icon of Torrance, CA (B2009-32) for the purchase of T-shirts, sweatshirts, collared shirts, jerseys and jackets on an as requested basis in an amount not to exceed \$100,00.

Business Manager Minter reported that this item covers the cost of T-shirts and sweatshirts for participants in sports programs, day camps and other events, such as the annual Turkey Trot, where the cost is offset by fees paid by participants, and it also covers clothing for Recreation Services staff and volunteers so they are easily recognizable at City events.

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

12. ADMINISTRATIVE MATTERS

12A. APPOINTMENT OF TORRANCE CENTENNIAL COMMITTEE

Recommendation

Mayor will announce appointment of members to the Torrance Centennial Committee with the City Clerk to administer the oath of office to members present.

Mayor Scotto reported that the Torrance Centennial Committee was being formed to help plan the celebration to commemorate the City's 100th anniversary, which will begin on January 1, 2012 and end on October 21, 2012. He thanked everyone who applied to be on the committee, noting that those who were not selected would still have an opportunity to serve on subcommittees.

Mayor Scotto appointed the following members to the Centennial Committee: Hubert Chan, Melanie Dreike, Donna Duperron, Stephanie Ernster, Judith Gibson, Keri Gilbert, Dee Hardison, Debbie Hays, Sue Herbers, Barbara Heughins, Mary Hoffman, Kathryn Joiner, Tammy Kahn, Daniel Lee, Don Lee, Dr. Laurie Love, Kristin Matsuda, Gail Morgan, Frances Mullan, Terri Nishimura, Janet Payne, Michelle Polcari, Tom Rische, Pat Sandt, Cindy Scotto, Dr. John Stecker, Stuart Sunshine, Marifrances Trivelli, and Stephanie Yee and Councilmembers Barnett, Brewer, and Rhilinger.

Deputy City Clerk Poirier administered the oath of office.

Jennifer Johnson, Redondo Beach, offered suggestions for the centennial celebration.

12B. PURCHASE OF INDUSTRIAL LAND PARCEL AT 465 CRENSHAW BLVD.

Recommendation

Recommendation of the City Manager that City Council approve the real property purchase and sale agreement and escrow instruction by and between the City and PPG Industries, Inc for the purchase of the industrial land parcel at 465 Crenshaw Boulevard, Torrance, CA, and appropriate \$17,990,000 (\$17,650,000 for property acquisition plus not to exceed \$340,000 in fees and expenses).

Assistant City Manager Giordano reported that staff was recommending that the Council approve the purchase agreement for a 15-acre land parcel at 465 Crenshaw Boulevard, with 5 acres to be dedicated to a new regional transit center and the remaining acreage to be used for other purposes. She explained that the purchase would be funded by Certificates of Participation at an estimated annual debt service of \$1.2- \$1.5 million, which has been included in the City's Operating Budget. She noted that the City has applied for state and federal grants for the purchase of the regional transit center portion, which if awarded, will reduce the annual debt service.

Responding to questions from the Council, Henry Stiepel, legal counsel for the City, provided clarification regarding restrictions on the use of the property. He confirmed that the parcel may not be used for residential development and this restriction will remain in place should the City sell the property in the future. He also confirmed that the possibility that the site contains toxic substances has been thoroughly investigated and that an environmental insurance policy will be obtained to cover the City should a problem be discovered.

Mayor Scotto discussed the possibility that the portion of the parcel not used for the transit center could eventually be sold at a profit to offset the cost of the transit center land. He voiced his opinion that this was an ideal location for a transit center because it is away from residences and close to the freeway and rail lines. He noted that Torrance has been without a transit center since the former one closed at Del Amo Fashion Center.

Transit Director Turner explained that the proposed transit center would provide a regional hub for passengers to make connections with other transit lines; that it would include amenities such as restrooms and vending machines; and that it would allow for the Metro Green Line to be extended to Torrance in the future, which is something the City has been lobbying for.

Rick Marshall, Torrance, voiced his opinion that the purchase of this property was not a prudent use of the City's limited resources during this time of economic downturn, noting that the City's careful fiscal management has helped it avoid difficulties currently facing other cities. He asked if a traffic study had been done for the project; questioned how the City could take on this large debt without a vote of residents; and requested assurance that taxes would not be increased as a result of this purchase.

Finance Director Tsao advised that taxes will not be increased as a result of this purchase therefore a vote of residents is not required.

Assistant City Manager Giordano explained that a traffic study will be conducted as part of the Environmental Impact Report that must be prepared to proceed with the grant application. She stressed the need for long-term planning to address transportation issues.

City Manager Jackson noted that while the City will be incurring more debt, it will also be acquiring a major asset, which is likely to appreciate. He pointed out that the purchase price was considerably less than the \$25 million the property was appraised at in September 2007.

In response to Councilmember Numark's inquiry, Transit Director Turner confirmed that the Green Line was more likely to be extended if the City owns this parcel because it makes the project more viable.

Councilmember Sutherland related his belief that the City was unlikely to find an ideally situated parcel of this size again and that it was a good time to purchase the property since the cost was now 30% less than when the City began negotiations.

Councilmember Brewer, echoed by Councilmember Furey, voiced support for the purchase of this property.

Robert Thompson, president of Madrona Homeowners Association, expressed concerns that the transit center would bring unwanted traffic and people into the Madrona neighborhood. He suggested that any consideration of the transit center should be delayed until the Del Amo Boulevard extension project has been completed.

Mayor Scotto explained that the Council was only considering the purchase of the property at this time and there will be a public hearing on the transit center if the project goes forward.

Charles Deemer, Torrance, related his understanding that the City was considering using a portion of the property to build a fire department training facility in conjunction with El Camino College.

City Manager Jackson reported that several potential uses have been discussed, however, the transit center is the only portion for which the use has been designated. He noted that any project will be subject to public review.

Newt Young, Torrance, received clarification regarding the financing of the purchase.

MOTION: Councilmember Rhilinger moved to approve the property purchase and sales agreement. The motion was seconded by Councilmember Furey and passed by unanimous roll call vote.

12C. RECONSIDERATION OF ORDINANCE NO. 3720

Recommendation

Recommendation of the City Manager that City Council:

- 1) Reconsider Ordinance No. 3720 relating to message therapy in the City of Torrance;
- 2) Provide direction to staff on changes to the ordinance pertaining to massage therapy regulations in the City of Torrance; and
- 3) Adopt a minute order staying the effective date of Ordinance No. 3720, if City Council makes changes to Ordinance No. 3720.

Mayor Scotto noted that he requested that Ordinance No. 3720 be brought back for reconsideration to better define the businesses to be regulated.

Councilmember Numark reported that Ordinance No. 3720 was adopted to enhance existing regulations pertaining to massage therapy to make the regulations easier to enforce, however, the scope of the Ordinance includes businesses that offer massage as an adjunct to their services, such as spas, gyms and hotels, and restrictions on hours of operation could hinder these businesses, therefore, he was proposing to amend §35.14.050 by eliminating the last sentence as follows:

~~“No licensee, and no nonexempt massage business or establishment, or massage business or establishment described in paragraph (1) of subdivision (b) of Section 4612 of the California Business and Professions Code, will provide massage therapy to the public for compensation between the hours of 9:00 p.m. and 8:00 a.m. of the following day. The massage business or establishment must close, and all patrons must leave the massage business or establishment, by 9:00 p.m.~~

Councilmember Rhilinger questioned whether any gyms or hotels in Torrance currently offer massage therapy.

Deputy City Attorney Sullivan advised that Torrance’s two major hotels, the Torrance Marriott and the Doubletree Hotel do not offer massage, but the new Miyako Hotel plans to offer this service when it opens; and that the only gym licensed to provide massage therapy is the West End Racquet Club, which is open until 11:00 p.m.

Councilmember Furey stated that he supported the amendment, but felt that zoning restrictions should also be explored because the Ordinance does not address the proliferation of massage parlors, which is the primary concern of residents.

Mayor Scotto questioned whether the amendment would take effect immediately, should the Council approve it. Deputy City Attorney Sullivan advised that the amendment may not be approved at this meeting because it was not included in the agenda item, but the effective date of the Ordinance (September 10, 2009) could be stayed until the amendment has been approved.

City Manager Jackson recommended that the Council allow the Ordinance to go into effect so the City will be in conformance with State law and have staff return with the amendment for consideration at a future Council meeting.

Councilmember Brewer requested that an amendment also be brought back for consideration regarding the elimination of subsection (c) of §35.14.060, which requires that the State certificate number of massage technicians be included in all advertisements.

Councilmember Furey asked that restrictions on the hours of operation be revisited, relating his belief that such restrictions do not address the core problem because illicit activities can take place at any time of the day and restricting the hours of operation could create a hardship for existing legitimate businesses.

A brief discussion ensued regarding the issues to be considered when the matter is brought back, and it was the consensus of the Council to limit the discussion to the amendment of §35.14.050, as proposed by Councilmember Numark, because Councilmembers were unlikely to change their position on the other issues.

Mayor Scotto invited public comment.

Maureen Gray, a massage technician/holistic practitioner, noted that the healing power of touch is well documented; voiced objections to sections of the Ordinance that associate massage therapy with illicit activities; and expressed concerns about the Ordinance's impact on her practice. She suggested that requiring clients to provide legal identification showing their name, address and birth date could make them uncomfortable and the handling of these records could lead to legal issues involving privacy regulations. She related her understanding that there are existing regulations to address illegal activities so the new regulations are unnecessary.

Newt Young, Torrance, expressed concerns that the Ordinance does not address the issue of opaque windows that he raised at an earlier meeting, and Mayor Scotto advised that the Council directed staff to explore this issue and return with a recommendation at a later date.

Mr. Young also expressed concerns that the section on minimum lighting requirements, §35.14.080(c), refers to California Building Code §1205.3, which is very convoluted and hard to understand. Referring to §35.14.140(c), which states that notification of suspension or revocation of a massage establishment's Business License may be sent by first-class mail, he related his belief that such notification should be either delivered in person or by certified mail. He voiced his opinion that no appeal should be allowed once a business's license has been revoked.

Mayor Scotto noted that everyone is entitled to due process.

Deputy City Attorney Sullivan advised that staff would return with the revision to §35.14.050 as directed by the Council.

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The City Council met as the Redevelopment Agency from 9:28 p.m. to 9:29 p.m.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Barnett reported on his attendance at the Downtown Block Party and the concert in the park at Columbia Park, noting that both events were very enjoyable and well attended.

17B. Councilmember Brewer echoed comments regarding the Block Party and the concert at Columbia Park.

17C. Councilmember Brewer announced a concert performance by Deuces Wild on Saturday, September 5, from 5:00 to 8:00 p.m. at 1261 Cabrillo Avenue.

17D. Councilmember Brewer announced that the North High School Class of 1969 would be holding their 40th high school reunion on Saturday, September 19, at the Ayers Hotel in Hawthorne, with additional information available by contacting Deborah Blair Porter at Deborah.Blair.Porter@gmail.com.

17E. Councilmember Furey echoed comments regarding the Downtown Block Party and the concert at Columbia Park.

17F. Councilmember Furey encouraged attendance at the 11th Annual Employee Variety Show on Saturday, September 12 at 7:00 p.m. at the Armstrong Theatre, with tickets available for \$15 at the box office.

17G. Councilmember Numark echoed comments regarding the Downtown Block Party and thanked Donna Duperron for organizing the event.

17H. Councilmember Numark wished everyone a happy Labor Day and expressed appreciation to City staff.

17I. Councilmember Rhilinger echoed comments regarding the Block Party event.

17J. Councilmember Rhilinger reported that she would be out of town and unable to attend the Employee Variety Show and noted that if CitiCable was recording, additional funds could be raised by selling copies of the event.

17K. Councilmember Sutherland asked that staff look into procedures for the removal of dead animals on the weekend as L.A. County does not offer this service. He noted that he personally encountered two dead skunks on El Prado last weekend and thanked Police Sergeant Vutokic for removing them.

City Manager Jackson acknowledged the constraints on weekend service and offered to have staff explore other options.

17L. Mayor Scotto echoed comments regarding the Downtown Block Party and thanked all the volunteers involved and residents for attending.

17M. Mayor Scotto encouraged everyone to attend the 11th Annual Employee Variety Show on September 12 at the Armstrong Theatre.

17N. Maureen Gray (no address given) expressed concerns regarding the flu season and asked everyone to exercise personal responsibility for good health.

17O. Newt Young, Torrance, noted that the crime log section of the *Daily Breeze* has not listed statistics for Torrance for the past three weeks.

17P. City Clerk Herbers invited staff and public to view the watercolors of Torrance Artist Guild member Elaine Baldwin on display in the City Clerk's office for the month of September.

18. EXECUTIVE SESSION – None.

19. ADJOURNMENT

At 9:43 p.m., the meeting was adjourned to Tuesday, September 15, 2009, at 5:30 p.m. for an executive session, with regular business commencing at 7:00 p.m. in the Council Chamber. **Tuesday, September 8, 2009 will be a Council dark night.**

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers,
City Clerk of the City of Torrance

Approved on November 24, 2009