

INDEX
TORRANCE CITY COUNCIL – SEPTEMBER 14, 2010

<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	1-2
4. Withdrawn/Deferred or Supplemental Items	2
5. Council Committee Meetings and Announcements	2
<u>6. COMMUNITY MATTERS</u>	
6A. Resolution No. 2010-86 re Edward Raymond Abreu	2
6B. Proclamation re “National Preparedness Month”	2
<u>7. ORAL COMMUNICATIONS #1</u>	
<u>8. CONSENT CALENDAR</u>	
8A. July 2010 Investment Report	3
8B. Parks and Recreation Commission 2009-2010 Annual Report	3
8C. Purchase Order for Ford Brand Repair Parts	3
8D. Appropriation of Asset Forfeiture Funds for Forensic Light Source	3
8E. Appropriation of Asset Forfeiture Funds to Miscellaneous Projects Acct.	3
8F. Rejection of Bid for Sodium Fluoride Chemical Feed Systems	3
8G. Contract Amendment re One Stop Permit Center	3
8H. 2010-2011 Position Reduction Severance Packages	4
8I. Agreement re Youth Theatre Classes and Camps	4
<u>12. ADMINISTRATIVE MATTERS</u>	
12A. Urgency Ordinance re Moratorium on Issuance of Permits/Licenses for New Massage and Acupuncture Establishments	4-6
12B. Determination City-owned Property Not Required for Public Purpose	6
12C. Granting of Easement to Southern California Edison	6-7
12D. Cancellation of Purchase Order/New Purchase Order re Street Sweepers	7
12E. Letter of Opposition re Changing of Long Beach Airport’s Airspace Designation	7-8
<u>17. ORAL COMMUNICATIONS #2</u>	
<u>18. EXECUTIVE SESSION</u>	
<u>19. ADJOURNMENT</u>	

At 8:22 p.m., the meeting was adjourned to Tuesday, September 21, 2010 at 5:30 p.m. for a joint meeting with the Library Commission in the Katy Geissert Civic Center Library meeting room, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

September 14, 2010

**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 5:32 p.m. on Tuesday, September 14, 2010 in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: Councilmember Numark.

Also 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 City Attorney on agenda matters listed under 18A) Conference with Labor Negotiator, 18B) Conference with Legal Counsel – Existing Litigation, 18C) Public Employee Performance Evaluation, and 18D) Conference with Real Property Negotiator, pursuant to Government Code § 54957.6, 54946.9(a), 54956.7(b)(1), and 54956.8.

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

*

City Manager Jackson reported that as the Finance Director closed the books on the 2009 - 2010 fiscal year, it became apparent that City revenues continue to be impacted by the ongoing recession. He explained that the City was able to close the fiscal year balanced through the use of year end savings from the expenditure side and the deferment of certain fund transfers, however the effects of reduced revenues will carry forward into the current budget year and that a \$5.5 million reduction in revenues is anticipated and the approved budget will have to be modified to offset this reduction. He stated that he believes modifications can be made using currently vacant positions, modifying certain fund transfers, adjusting specific fees and by working with City employees and employee organizations to suspend or defer certain wage and benefit packages on a short-term basis. He advised that staff will be working with employees, employee organizations, and City departments to develop a package of modifications which will be presented to the City Council for its consideration at the first meeting in October. He stressed the need to address the budget modifications in a timely manner since the City is already three months into this fiscal year.

2. FLAG SALUTE/INVOCATION

The flag salute was led by student Matthew Levy, Rolling Hills Covenant School. 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, September 9, 2010.

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 Sutherland and passed by unanimous roll call vote (absent Councilmember Numark).

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

None.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Mayor Scotto asked for City Council concurrence that Councilmember Numark be granted an excused absence from tonight's City Council meeting.

City Clerk Herbers announced that Commissioner Certification Training will be held on Wednesday, October 27, and notification will be sent to commissioners, those on the interest list and those who have previously taken classes by the end of the week. She noted that reservations are required for the class and all prospective candidates for commissions/boards must be certified to be eligible appointment. For more information call 310.618.2870 or 310.618.5880 or visit the City's Website under Boards and Commissions.

City Clerk Herbers invited staff and public to view the pastels of Torrance Artist Guild member Mary Pichette on display in the City Clerk's office for the month of September.

Councilmember Barnett asked that the meeting be adjourned in memory of Library employee Sherry Lovato, who passed away on September 10.

Councilmember Sutherland asked that the meeting also be adjourned in memory of former Torrance resident Mark Linnell, who passed away on September 5.

6. **COMMUNITY MATTERS**

6A. **RESOLUTION NO. 2010-86 RE EDWARD RAYMOND ABREU**

RESOLUTION NO. 2010-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING **EDWARD RAYMOND ABREU** UPON HIS RETIREMENT FROM THE CITY AFTER TWENTY-NINE YEARS OF SERVICE

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-86. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote (absent Councilmember Numark).

To be presented at a later date.

6B. **PROCLAMATION RE "NATIONAL PREPAREDNESS MONTH"**

Mayor Scotto presented a proclamation declaring the month of September as **National Preparedness Month** in the City of Torrance to Police Lieutenant Mark Athan, who provided an overview of the City's disaster preparedness programs.

7. **ORAL COMMUNICATIONS #1**

7A. Nathan Mintz, candidate for State Assembly, discussed his qualifications for this office; highlighted his plans to cut waste in Sacramento, improve the climate for businesses, and return local control; and requested support for his candidacy.

8. CONSENT CALENDAR

8A. JULY 2010 INVESTMENT REPORT

Recommendation

Recommendation of the City Treasurer that City Council accept and file the monthly investment report for July 2010.

8B. PARKS AND RECREATION COMMISSION 2009-2010 ANNUAL REPORT

Recommendation

Recommendation of the Parks and Recreation Commission and the Community Services Director that City Council accept and file the Parks & Recreation Commission 2009-2010 Annual Report.

8C. PURCHASE ORDER FOR FORD BRAND REPAIR PARTS

Recommendation

Recommendation of the General Services Director that City Council authorize an annual purchase order with Power Ford of Torrance, CA in an amount not to exceed \$65,000 to purchase Ford brand repair parts for light trucks, passenger and emergency vehicles on an as requested basis, effective October 28, 2010 through October 27, 2011.

8D. APPROPRIATION OF ASSET FORFEITURE FUNDS FOR FORENSIC LIGHT SOURCE

Recommendation

Recommendation of the Police Chief that City Council appropriate and allocate \$18,864.20 of asset forfeiture funds for the purchase of a Spex Forensics Mini Crime Scope 400W forensic light system.

8E. APPROPRIATION OF ASSET FORFEITURE FUNDS TO MISCELLANEOUS PROJECTS ACCOUNT

Recommendation

Recommendation of the Police Chief that City Council:

- 1) Authorize increasing the asset forfeiture Miscellaneous Projects account limit from \$25,000 to \$40,000; and
- 2) Appropriate and allocate \$36,009.81 of asset forfeiture funds to the Miscellaneous Projects account for replenishment.

8F. REJECTION OF BID FOR SODIUM FLUORIDE CHEMICAL FEED SYSTEMS

Recommendation

Recommendation of the Public Works Director that City Council reject the sole bid received on August 12, 2010 for the Installation of Sodium Fluoride Chemical Feed Systems for the Robert W. Goldsworthy Desalter and Well No. 9 (FEAP #702) (B2010-14), which was \$99,840 higher than the State grant funding for the project.

8G. CONTRACT AMENDMENT RE ONE STOP PERMIT CENTER

Recommendation

Recommendation of the General Service Director and Community Development Director that City Council approve contract amendment with Avi-Con dba CA Construction (C2009-080) in the amount of \$96,538.69 with a new not to exceed contract amount of \$939,538.69 for construction of the One Stop Permit Center (FEAP #295).

8H. 2010-2011 POSITION REDUCTION SEVERANCE PACKAGES

Recommendation

Recommendation of the City Manager that City Council approve severance packages for certain employees voluntarily separating from employment as a result of the 2010/2011 position reductions.

8I. AGREEMENT RE YOUTH THEATRE CLASSES AND CAMPS

Recommendation

Recommendation of the Community Services Director that City Council approve a one year contract service agreement with StarLight Productions for a not to exceed amount of \$58,009.70 to provide youth theatre classes, theater production classes and camps.

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

12. ADMINISTRATIVE MATTERS

12A. URGENCY ORDINANCE RE MORATORIUM ON ISSUANCE OF PERMITS/ LICENSES FOR NEW MASSAGE AND ACUPUNCTURE ESTABLISHMENTS

Recommendation

Recommendation of the City Attorney, the Chief of Police, the Community Development Director and the Finance Director that City Council:

- 1) Adopt an interim urgency Ordinance enacting a moratorium on the issuance of any permits or licenses for new massage and acupuncture establishments; and
- 2) Approve a summary of the interim urgency ordinance for publication.

City Attorney Fellows advised that in 2009, the California legislature enacted statutes that severely limit the ability of local agencies to regulate massage businesses and massage technicians (SB 731); that the City modified its procedures for licensing massage businesses/technicians in response to this legislation, however, these procedures have not been effective in controlling criminal activity associated with this type of business; that legislation (AB 1822) introduced in February 2010 would have returned the licensing of massage businesses and technicians to local control, but this provision has been eliminated from the pending legislation; and that staff was recommending that the Council adopt the proposed urgency Ordinance establishing a moratorium on the issuance of business licenses/permits for massage and acupuncture establishments for 45 days so that staff can prepare a report on measures to be taken to alleviate the over-concentration of this type of establishment.

Torrance Police Lieutenant Mike Jezulin, Vice and Narcotics Division, reported on the proliferation of massage and acupuncture establishments in Torrance and discussed undercover operations conducted at 37 establishments over the past 18 months, which resulted in 13 arrests for lewd conduct, 5 arrests for prostitution, and 63 citations for various violations of the Torrance Municipal Code. He reported that as a result of these enforcement efforts, 11 massage and acupuncture businesses were shut down, however, 6 reopened at the same location under new ownership and 4 new ones have opened so the number of these businesses has remained fairly constant.

Councilmember Sutherland asked about the possibility of zoning restrictions.

Community Development Director Gibson advised that staff intends to survey other cities to see how they regulate this land use and will explore various options, including classifying massage/acupuncture establishments as a medical use and imposing spacing requirements.

Councilmember Furey expressed support for the moratorium, noting that the Police Department is expending a lot of manpower on this issue but making little headway since businesses that are closed quickly reopen under new management.

City Attorney Fellows reported that even though an urgency Ordinance does not require public notice, staff sent out 170 notification letters to operators of massage/acupuncture establishments and property owners who lease to them. He noted that the letter to property owners informs them of California's Red Light Abatement law, which includes severe penalties for landlords who continue to lease to the same type of business after a tenant has had a business license revoked for violating state or local laws. He stressed the need to inform landlords when the City takes action against a tenant and to encourage them to vet prospective tenants to ensure that they intend to run a legitimate business.

Councilmember Brewer related his belief that penalizing landlords per the Red Light Abatement law might be an effective way to deal with the problem. He requested clarification regarding the process for extending the moratorium, which was provided by City Attorney Fellows.

Voicing support for the urgency Ordinance, Councilmember Rhilinger noted that operators of illicit establishments seem to be getting more and more blatant as six of the seven acupuncture establishments that were the subject of undercover operations did not even have acupuncture equipment or supplies on the premises.

Mayor Scotto emphasized the importance of moving forward with the urgency Ordinance as the City seems to be losing ground despite spending a lot of resources on enforcements efforts.

Police Chief Neu estimated that the Police Department has spent over \$80,000 investigating massage/acupuncture establishments since April 2009.

Gustavo Batista, owner of Just Massage, 22926 Hawthorne Boulevard, stated that he plans to sell his business and expressed concerns that the moratorium could delay the sale for an extended period of time.

City Attorney Fellows advised that no business licenses for massage or acupuncture establishments can be issued during the moratorium regardless of whether it is a new business or the transfer of an existing one, however, action could be taken to grandfather in pending applications. He related his understanding that there are two transfers pending, as well as three new applications.

Mayor Scotto indicated that he was inclined to allow the pending transfers, and City Attorney Fellows recommended that the Council approve the 45-day moratorium and an item regarding the transfers will be brought back at a later date.

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

ORDINANCE NO. 3728

AN INTERIM ZONING ORDINANCE OF THE CITY OF TORRANCE ADOPTED AS AN URGENCY MEASURE ESTABLISHING A TEMPORARY MORATORIUM ON ISSUANCE OF PERMITS AND BUSINESS LICENSES FOR MASSAGE AND ACUPUNTURE ESTABLISHMENTS

MOTION: Councilmember Furey moved to adopt Ordinance No. 3728. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote (absent Councilmember Numark).

MOTION: Councilmember Brewer moved to approve the ordinance summary for publication. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote (absent Councilmember Numark).

12B. DETERMINATION THAT CERTAIN CITY-OWNED PROPERTY IS NOT REQUIRED FOR PUBLIC PURPOSE

Recommendation

Recommendation of the City Manager that City Council adopt a Resolution determining that City-owned property located between 2063 and 2101 Del Amo Boulevard (APN 7352-005-911) is surplus and is not required for City purposes and that it is in the public interest to sell the property for \$368,000.

Assistant to the City Manager Sunshine reported that the Council authorized the sale of this property on July 13, 2010 and the proposed Resolution is necessary in order to complete the sale.

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

RESOLUTION NO. 2010-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DETERMINING THAT CERTAIN CITY-OWNED PROPERTY NOT REQUIRED FOR CITY PURPOSES AND THAT SALE OF THE PROPERTY IS IN THE PUBLIC INTEREST (APN 7532-005-911)

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-89. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote (absent Councilmember Numark).

12C. GRANTING OF EASEMENT TO SOUTHERN CALIFORNIA EDISON

Recommendation

Recommendation of the Community Development Director that the City Council adopt a Resolution authorizing the Mayor and City Clerk to execute and attest a Grant of Easement to Southern California Edison Company for underground electrical systems and appurtenances along the north side of Airport Drive within airport property near the intersection of Zamperini Way and Airport Drive.

Assistant to the City Manager Sunshine reported that the easement is necessary for the undergrounding of utilities in conjunction with the Robinson Helicopter expansion.

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

RESOLUTION NO. 2010-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST TO AN EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY FOR UNDERGROUND ELECTRICAL SYSTEMS AND APPURTENANCES

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-89. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote (absent Councilmember Numark).

12D. PURCHASE ORDER AND APPROPRIATION FOR STREET SWEEPERS

Recommendation

Recommendation of the General Services Director that City Council:

- 1) Cancel City of Torrance purchase order #2009-1075 in the amount of \$236,225.90 to Haaker Equipment Company of La Verne, CA for one (1) propane-fueled street sweeper;
- 2) Authorize a purchase order to Haaker Equipment Company in the amount of \$827,003.57 (\$275,667.85 each) including sales tax, to furnish two (2) new propane-fueled Elgin "Crosswind J" Street Sweeper Trucks and one (1) new CNG-fueled Elgin "Crosswind J" Street Sweeper Truck as a cooperative purchase with the City of Glendale, CA (Ref: City of Glendale Bid # 6000015440);
- 3) Appropriate and transfer \$48,206.60 from the Sanitation Enterprise Fund to the Fleet Services Vehicle Replacement Fund;
- 4) Appropriate \$778,796.97 from the Fleet Services Vehicle Replacement Fund balance.

General Services Director Ballew noted that the staff report contains the additional information requested by the Council at the August 10, 2010 meeting concerning pricing differences between chassis types and bid specifications.

Councilmember Sutherland, echoed by Mayor Scotto, stressed the need for staff to carefully review bid specifications in the future to ensure that the correct vehicle is manufactured.

Mayor Scotto related his understanding that there are federal grant funds available for the purchase of this type of vehicle, and General Services Director Ballew confirmed that staff was looking into this.

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

12E. LETTER OF OPPOSITION RE CHANGING LONG BEACH AIRPORT'S AIRSPACE DESIGNATION

Recommendation

Recommendation of the General Services Director that City Council approve the submission of a letter to the Federal Aviation Administration (FAA) opposing the Long Beach Airport proposed airspace change to Class C designation.

Facility Operations Manager Megerdichian advised that the FAA is considering changing the airspace around Long Beach Airport from Class D to Class C, which is considerably more restrictive, and staff was recommending that the Council submit a letter opposing this change because it could greatly increase the number of General Aviation flights over Torrance, Redondo Beach and the Palos Verdes Peninsula thereby creating more noise and pollution and potentially increasing safety risks.

Karen Fitch, Torrance, expressed support for submitting a letter opposing this change.

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

17. ORAL COMMUNICATIONS #2

17A. Councilmember Sutherland thanked past and present City employees who participated in the Employee Variety Show benefiting the American Cancer Society.

17B. Councilmember Barnett also thanked employees for their efforts to raise funds for this worthwhile cause and commended Councilmember Furey and Councilmember Sutherland for their performances in the Employee Variety show.

17C. Councilmember Brewer commended everyone involved in the Employee Variety Show.

17D. Councilmember Furey echoed comments on the Employee Variety Show.

17E. Councilmember Furey reported that earlier in the day at the Katy Geissert Civic Center Library, he had the honor of presenting a proclamation to newsman Stan Chambers, who recently retired after 63 years at KTLA.

17F. Councilmember Furey encouraged participation in Coastal Clean-up Day on Saturday, September 25, from 9:00 a.m. to noon at Miramar Park, 201 Paseo de la Playa, with additional information available at 310.618.5990.

17G. Councilmember Rhilinger commended past and present City employees for their efforts to raise funds for the American Cancer Society.

17H. Councilmember Rhilinger announced that Southern California Edison, in conjunction with the South Bay Environmental Services Center, will be offering a free lamp exchange where people may exchange up to 10 lamps in working condition for more energy efficient models in the K-Mart parking lot located at 19330 Hawthorne Boulevard on September 18 and 19, from 8:00 a.m. to 1:00 p.m.

17I. Councilmember Rhilinger congratulated her mother on celebrating her 86th birthday today.

17J. Mayor Scotto commended everyone involved in the Employee Variety Show.

17K. Mayor Scotto requested that staff arrange for the Torrance Babe Ruth 13-year old All Stars to be recognized at a Council meeting for winning their World Series.

17L. Mayor Scotto reported that the Big Band Senior Dance held at the Torrance DoubleTree Hotel on Friday, September 10, was very successful with 250 seniors in attendance. He thanked sponsors and those who helped organize the event.

17M. Mayor Scotto noted that questions have come up regarding holding casino nights and bingo games as fundraisers. He explained that casino nights are regulated by the State of California and a summary of the guidelines for this type of fundraiser will be posted on the City's website with a link to the Attorney General's website for more detailed information. He advised that while the City has the authority to adopt a Bingo Ordinance, which would allow non-profit organizations to hold bingo games as fundraisers, the State requires that an audit be conducted of each operation at the City's expense, therefore he was recommending that the Council delay consideration of a Bingo Ordinance at this time due to the financial impact of meeting State oversight requirements.

17N. Mayor Scotto recommended that two areas along Hawthorne Boulevard that are exhibiting physical and economic blight – between Sepulveda Boulevard and Lomita Boulevard and between Torrance Boulevard and Del Amo Boulevard – become study areas. With the concurrence of Council, he requested that data be assembled for use by the Community Planning and Design Committee in the development of economic plans for both of the areas with the goal of attracting new businesses.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADOURNMENT

At 8:22 p.m., the meeting was adjourned to Tuesday, September 21, 2010 at 5:30 p.m. for a joint meeting with the Library Commission in the Katy Geissert Civic Center Library meeting room, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

***Adjourned in Memory of
Sherry Lovato and Mark Linnell***

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers
City Clerk of the City of Torrance

Approved on October 19, 2010