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TORRANCE CITY COUNCIL – OCTOBER 1, 2013

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At 9:36 p.m., the meeting was adjourned to Tuesday, October 8, 2013 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

**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 5:30 p.m. on Tuesday, October 1, 2013 in the Council Chamber at Torrance City Hall.

ROLL CALL

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

Absent: Councilmember Numark.

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 – Existing Litigation, and 18C) Real Property – Conference with Real Property Negotiator pursuant to California Government Code §54957.6, 54956.9(d)(1) and 54956.8.

The City Council reconvened at 7:00 p.m. with all members present except Councilmember Numark. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/ INVOCATION

The flag salute was led by Youth Council member Hantao “Willy” Wang.

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, September 27, 2013.

MOTION: Councilmember Furey 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 Brewer and passed by unanimous vote (absent Councilmember Numark).

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

No items were withdrawn or deferred.

5. COMMITTEE MEETINGS AND ANNOUNCEMENTS

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

Councilmember Barnett announced that a City Council Strategic Plan Committee meeting will be held on Tuesday, October 8, at 4:00 p.m. in the Council Chamber, which will include an update on the plan and a progress report on accomplishments to-date.

City Clerk Herbers reminded voters of the November 5 election for seats on the Torrance Unified School District and the El Camino Community College District Boards of Trustees. She noted that registration closes on Monday, October 21; that Sample Ballot booklets will be mailed starting September 26; and that Vote-By-Mail (VBM) ballots may be requested October 7 through October 29, with additional information available at www.lavote.net.

City Clerk Herbers announced that a candidate forum sponsored by the League of Women Voters will be held on Tuesday, October 23, at 6:30 p.m. in the meeting room at Zamperini Airport and that candidate statements are available at www.SmartVoter.org.

City Clerk Herbers announced that a Commissioner Certification class will be held on Thursday, October 24. She noted that certification is required in order to apply for appointment to a commission in January 2014 and interested parties can reserve a space online at www.TorranceCa.gov/commissionercert.htm, with additional information about Torrance Commissions available at <http://www.torranceca.gov/8752.htm>.

City Clerk Herbers invited staff and public to view the works of Torrance Artist Guild member Jane Godachy on display in the City Clerk's office for the month of October.

Mayor Scotto reported that the federal government shutdown has had no immediate impact on the City of Torrance.

Mayor Scotto asked that the meeting be adjourned in memory of Water Commissioner Deane Haddon who passed away September 24.

6. COMMUNITY MATTERS

6A. PROCLAMATION RE WILLIAM JOHNSON

Mayor Scotto presented a proclamation to **William Johnson** of the General Services Department honoring him upon his retirement from the City after nineteen years of service.

General Services Director Ballew commended Mr. Johnson for his dedicated service and wished him well in his retirement.

6B. PROCLAMATION RE "FIRE PREVENTION WEEK"

Mayor Scotto presented a proclamation declaring October 6 through October 12 as **Fire Prevention Week** in the City of Torrance to Fire Prevention Specialist Laura Bednar. Ms. Bednar announced that there will be a Safety Fair at Del Amo Fashion Center sponsored by Sears on Friday, October 4, and Saturday, October 5, from 10:00 a.m. to 3:00 p.m., which will include information about this year's theme "Preventing Kitchen Fires."

6C. PROCLAMATION RE "FAMILY HISTORY MONTH"

Mayor Scotto presented a proclamation declaring the month of October as **Family History Month** in the City of Torrance to South Bay Genealogical Society President Lisa Schumacher and member Connie Morretti. He thanked them for researching his family's roots as part of last year's Centennial celebration.

6D. PROCLAMATION RE “NATIONAL ARTS AND HUMANITIES MONTH”

Mayor Scotto presented a proclamation declaring the month of October as **National Arts and Humanities Month** in the City of Torrance to Cultural Arts Commissioners Dale Korman and Benito Miranda. Ms. Korman announced that the Excellence in Arts Awards will be presented on Sunday, October 20, at 3:00 p.m. in the Toyota Meeting Hall.

7. ORAL COMMUNICATIONS #1

7A. Suzan Hubert and Bobbie Snyder, Friends of Madrona Marsh, announced that the annual Moonlight Magic fundraising celebration will be held on Saturday, October 19, 2013 at 5:00 p.m. at the Ken Miller Recreation Center and Torino Plaza.

7B. Bob Chiota and Joel Massa, South Bay Bocce Courts Project, announced that a fundraiser will be held at the California Pizza Kitchen located in Rolling Hills Plaza on October 24, with 20 percent of food and drink sales to be donated with presentation of flyer.

7C. Gavin Wasserman, West Torrance Homeowners Association, announced a clean-up project at Towers Elementary School.

7D. Gavin Wasserman, Torrance, noted that Kenneth Bae, West High class of 1988, has been imprisoned in a North Korea labor camp for almost a year and encouraged everyone to contact their legislators and request their assistance in obtaining his release.

7E. Mark Stephenson, Torrance, expressed concerns about unfunded liabilities for pension costs with CalPERS; contended that the City could be bankrupted when new accounting/reporting standards take effect July 1, 2015; and called for comprehensive annual reports to be prepared for FY2013-2014 per GASB 68 reporting requirements.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation

Recommendation of the City Clerk that City Council approve the City Council minutes of September 10, 2013.

8B. PURCHASE OF CNG FUELED AUTOMATED SIDE LOADER REFUSE TRUCKS

Recommendation

Recommendation of the General Services Director and Public Works Director that City Council authorize the sole-source purchase of two (2) 2014 CNG fueled Peterbilt 320 refuse trucks with Heil 7000 automated side loader bodies from Rush Truck Center of Pico Rivera, CA in the amount of \$693,223.36 (including sales tax).

8C. ACCEPTANCE/APPROPRIATION OF GRANT FUNDS FOR LIBRARY PROGRAMS

Recommendation

Recommendation of the Community Services Director that City Council accept and appropriate three grants from the California State Library totaling \$13,350 for various Library programs.

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

12. ADMINISTRATIVE MATTERS

12A. APPOINTMENT OF DEPUTY CITY ATTORNEY II

Recommendation

Recommendation of the City Attorney that City Council appoint Gillian Studwell to the position of Deputy City Attorney II.

City Attorney Fellows reviewed Gillian Studwell's qualifications for the position of Deputy City Attorney II, noting that she served as an intern in 2006 and has been employed full-time by the City since passing the bar in 2007.

Ms. Studwell introduced herself to the Council.

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

12B. AGREEMENT RE TREE MAINTENANCE SERVICE

Recommendation

Recommendation of the Public Works Director that City Council award a contract services agreement to West Coast Arborists of Anaheim, CA in an amount not to exceed \$705,000, to furnish tree maintenance service at various locations throughout the city (RFP B2013-36) for a period of three years from October 1, 2013 to September 20, 2016. The contract has two additional one-year options at a cost of \$235,000 per year for October 1, 2016 to September 30, 2018 with a five-year cost of \$1,175,000.

Public Works Director Beste reported that the Public Works Department uses a tree service to maintain larger trees that require specialized equipment; that an RFP (Request for Proposal) was issued to solicit proposals and two were received; and that staff evaluated the proposals and determined that West Coast Arborists was the most qualified to provide this service.

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

12C. URGENCY ORDINANCE RE MORATORIUM ON PERMITS FOR UNATTENDED DONATION COLLECTION BINS

Recommendation

Recommendation of the City Attorney, the Community Development Director and the Finance Director that City Council adopt an Interim Urgency Ordinance enacting a moratorium on the issuance of any permits or licenses for new unattended donation collection bins and approve an ordinance summary for publication.

Planning Manager Lodan stated that this item was being brought forward at the Council's request due to concerns about the proliferation of unattended donation collection bins. He explained that the Torrance Municipal Code does not specifically address donation collection bins, however, staff has been applying related sections in the Recycling Facilities Ordinance, which require a Conditional Use Permit for this type of use. He reported that none of the existing unattended donation collection bins throughout Torrance are permitted; that a CUP application for bins at Del Amo Fashion Center was denied by the Planning Commission; and that several bins have been removed through Code Enforcement efforts.

Assistant City Attorney Sullivan advised that the proposed Urgency Ordinance would impose a 45-day moratorium on the issuance of permits for unattended donation collection bins and staff will use this time to explore options for regulating them.

Mayor Scotto invited public comment.

Peter Kelley, representing Planet Aid, a non-profit corporation, provided background information about the company, which operates 20,000 donation collection bins nationwide and collects 50,000 tons of clothing/shoes annually in order to support programs to end poverty throughout the world. He reported that Planet Aid currently manages 23 bins in Torrance, which will collect approximately 56 tons of clothing this year, and discussed the benefits of textile recycling. He stated that the company supports the City's efforts to regulate these bins and would like to work with staff to create an ordinance that encourages recycling while protecting the interests of the City of Torrance, noting that the company has submitted a sample ordinance for consideration.

Mayor Scotto stated that he had reviewed the sample ordinance and liked the fact that it calls for companies to file with the State so the City receives credit for textiles diverted from landfills.

Murtaza Haji, CEO of Angel Bins, provided background information about the for-profit textile recycling company, noting that the business started in Torrance in 1992 as a one-man operation and now employs 80 people. He explained that the company partners with non-profit organizations and donates a certain dollar amount per bin/per year to the Torrance Education Foundation for bins in Torrance. He reported that he has been working with staff for almost a year to try to obtain a Conditional Use Permit for unattended donation collection bins and urged the Council to adopt an ordinance that allows legitimate operators to place bins in Torrance.

In response to Mayor Scotto's inquiry, Mr. Haji reported that the company currently has 9 bins in Torrance, 4 at Del Amo Fashion Center and 5 at Torrance schools.

Henry Rogers, representing Use Again, a for-profit textiles recycling company, provided background information about the company. He reported that Use Again diverted 6.3 million pounds of used textiles from landfills in 2012 thereby generating revenue streams for US businesses and non-profits and fueling local economies in emerging countries. He noted that currently only 15% of discarded textiles are recycled and the remaining 85% goes into landfills. He submitted a model ordinance drafted by the Secondary Materials and Recycled Textiles Association (SMART) designed to regulate for-profit and non-profit textile recyclers.

In response to Mayor Scotto's inquiry, Mr. Rogers reported that the company has 6 bins in Torrance and has a Torrance Business License to operate them.

Mark Stephenson, Torrance, requested clarification regarding the regulation of donation recycling bins, which was provided by staff.

Julie Dover, CEO of Goodwill SOLAC (Southern Los Angeles County), reported that the organization accepts donations at its two stores in Torrance and operates seven attended bins in other cities, but it does not operate unattended bins. She reported that the Torrance locations have generated approximately 7.2 million pounds of recyclables over the past five years and hopes to recycle even more in the future. She contended that unattended donation collection bins pose a potential health and safety hazard because those managing them do not have the necessary qualifications to safely dispose of batteries, paint, fluorescent lights and other toxic materials that are sometimes placed in bins.

Janet McCarthy, president of Goodwill SOLAC (Southern Los Angeles County), provided background information about Goodwill, a non-profit organization which uses funds generated from donated goods to provide job training and other services to help people in need become productive members of society. She noted that in 2012, Goodwill provided career training for more than 6.7 million people nationwide and more than 216,000 people obtained meaningful employment as a result of Goodwill programs. Additionally, she noted that last year Goodwill employed 27 individuals in Torrance and provided industry-specific training and employment placement for 29 Torrance residents.

In response to Mayor Scotto's inquiry, Ms. McCarthy reported that donations have decreased at Goodwill stores with the proliferation of unattended bins and people who place items in these bins are often under the impression that they are donating to non-profit organizations like Goodwill due to misleading language on the bins.

Carl Kemp, Goodwill SOLAC, reported that there is an epidemic of unattended bins and they are blight magnets often surrounded with refuse that is not salvageable, which cities must then dispose of. He suggested that the City can receive credit for recyclables donated to Goodwill without all the problems created by unattended bins. He urged the Council to enact the moratorium and allow Goodwill to work with staff on an ordinance that will keep Torrance clean and safe.

Helen Najar, Goodwill SOLAC Board of Trustees, discussed the negative impact unattended donation collection bins have on real estate values due to the blight associated with them.

Councilmember Weideman, echoed by Councilmember Furey, expressed support for the moratorium to allow staff to explore options for regulating unattended donation collection bins.

Mayor Scotto emphasized that it may take more than 45 days to study this issue, in which case the moratorium will be extended. He asked that staff do a thorough inventory of existing bins in Torrance.

MOTION: Councilmember Sutherland moved to concur with the staff recommendation and approve an ordinance summary for publication. The motion was seconded by Councilmember Furey and passed by unanimous vote (absent Councilmember Numark).

URGENCY ORDINANCE NO. 3766

AN INTERIM ZONING ORDINANCE ADOPTED AS AN URGENCY
MEASURE ESTABLISHING A TEMPORARY MORATORIUM ON
UNATTENDED DONATION COLLECTION BINS

MOTION: Councilmember Furey moved to adopt Urgency Ordinance No. 3766. The motion was seconded by Councilmember Sutherland and passed by unanimous vote (absent Councilmember Numark).

13. HEARINGS

13A. RESOLUTION APPROVING 2014-2021 GENERAL PLAN HOUSING ELEMENT AND ORDINANCE ESTABLISHING STANDARDS FOR EMERGENCY SHELTERS

Recommendation

Recommendation of the Community Development Director and the Planning Commission that City Council:

- 1) Adopt a Resolution approving updates to the General Plan Housing Element for the 2014-2021 planning period;
- 2) Approve the addendum to the General Plan Final Environmental Impact Report (SCH No. 2008111046);
- 3) Adopt an Ordinance amending the Torrance Municipal Code to allow emergency shelters in the M-2 Heavy Manufacturing Zone and establish standards for regulating emergency shelters; and
- 4) Approve an ordinance summary for publication.

Mayor Scotto announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

The City Council took a brief recess from 8:41 p.m. to 8:54 p.m.

Planning Manager Lodan provided background information about the General Plan Housing Element, noting that it is required to be updated periodically to comply with State housing law and respond to changes in population and housing demand. He emphasized the importance of having the Housing Element certified by the California Department of Housing and Community Development (HCD) because this allows the City to compete for grants and ensures that the City's General Plan is legally adequate.

In a PowerPoint presentation, Laura Stetson, MIG, Inc., City consultant, reviewed the Regional Housing Needs Assessment (RHNA) component of the Housing Element and discussed the policies and programs designed to help meet the objectives listed in the Housing Element. She outlined the procedure for formal adoption.

Planning Manager Lodan reported that the Planning Commission held a public hearing on the Draft Housing Element on May 1, 2013 and comments from the hearing have been incorporated into the document presented this evening. He advised that HCD has determined that the Draft 2014-2021 Housing Element complies with State housing law, however, it cannot be certified until a zoning amendment has been completed to permit emergency shelters for the homeless per Senate Bill 2 (SB2) and the proposed Ordinance would allow these shelters in the M-2 Zone by right as long as they meet certain standards.

Mayor Scotto commented positively on the Housing Element and thanked staff for their efforts. He asked about the consequences should a property that has been identified as a potential housing site to satisfy the City's RHNA (Regional Housing Needs Assessment) be developed for some other use.

Planning Manager Lodan advised that nothing would need to be done until the Housing Element is updated in eight years at which time the RHNA will be revised and issue of potential sites will be revisited.

Councilmember Sutherland expressed concerns about the State's burdening the City with the cost of preparing an updated Housing Element and intruding on local housing issues by dictating an unrealistic RHNA for what is essentially a built-out city.

Councilmember Weideman stated that he was pleased that the Housing Element was now on an eight-year cycle instead of a four-year cycle and asked if the RHNA process was on the same cycle, and Ms. Stetson confirmed that it is. He noted that the City's RHNA is significantly less than for the prior period.

In response to Councilmember Barnett's inquiry, Planning Manager Lodan confirmed that the City is only required to show capacity for its RHNA (1450 housing units), but is under no obligation to construct them.

Mayor Scotto noted that Torrance's population is projected to grow from 145,000 people in 2010 to 162,775 people in 2030 and future Councils are going to have to grapple with the task of accommodating them.

Mayor Scotto invited public comment.

Charles Deemer, Torrance, requested clarification regarding the operation of emergency shelters, which was provided by staff.

Leilani Kimmel-Dagostino, Torrance, asked about the Meta workforce housing project in downtown Torrance, which is currently in development, and the impact on the City's RHNA.

Planning Manager Lodan advised that City received credit for the Meta project in the previous cycle since it was approved in 2013.

MOTION: Councilmember Brewer moved to close the public hearing. The motion was seconded by Councilmember Weideman and passed by unanimous vote (absent Councilmember Numark).

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

RESOLUTION NO. 2013-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
APPROVING UPDATES TO THE GENERAL PLAN HOUSING
ELEMENT FOR THE 2014 TO 2021 PLANNING PERIOD.

LUS13-00003: CITY OF TORRANCE

MOTION: Councilmember Furey moved to adopt Resolution No. 2013-70. The motion was seconded by Councilmember Weideman and passed by unanimous vote (absent Councilmember Numark).

ORDINANCE NO. 3766

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
ADDING SECTION 91.2.170 TO THE TORRANCE MUNICIPAL CODE
RELATING TO EMERGENCY SHELTERS AND AMENDING SECTION
91.31.1 RELATING TO PERMISSIBLE USES IN THE M-2 HEAVY
MANUFACTURING DISTRICT

MOTION: Councilmember Furey moved to adopt Ordinance No. 3766. The motion was seconded by Councilmember Brewer and passed by unanimous vote (absent Councilmember Numark).

17. ORAL COMMUNICATIONS #2

17A. Councilmember Furey discussed the critical shortage of foster homes in Torrance and throughout Los Angeles County and encouraged residents to attend an informational meeting on becoming a foster parent on Wednesday, October 16, from 6:00 – 8:00 p.m. in the Toyota Automotive Museum, 19600 Van Ness, with additional information available by calling 888.811.1121.

17B. Councilmember Sutherland submitted a plaque recognizing the City of Torrance as a Healthy Eating Active Living (HEAL) City for 2012, which was presented at the League of California Cities conference in Sacramento.

17C. Councilmember Sutherland commented on the partisanship among legislators in Washington, D.C., that has led to the shutdown of the federal government.

17D. Mayor Scotto shared a quote from the Dalai Lama from the meeting agenda.

17E. Mayor Scotto, with the concurrence of Council, requested that staff arrange a Commissioner Appreciation event at the end of January to honor past and present commissioners.

17F. Charles Deemer, Torrance, commented on a recent airplane accident at Santa Monica Airport, which has reignited the debate about shutting the airport down.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 9:36 p.m., the meeting was adjourned to Tuesday, October 8, 2013 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

***Adjourned in Memory of
Deane Haddon***

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 October 22, 2013