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TORRANCE CITY COUNCIL OCTOBER 13, 2015

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At 10:44 p.m., the meeting was adjourned to Tuesday, October 20, 2015 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

October 13, 2015

Sue Sweet
Recording Secretary

City Council
October 13, 2015

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, October 13, 2015 in the Council Chamber at Torrance City Hall.

ROLL CALL

Present: Councilmembers Ashcraft, Barnett, Goodrich, Griffiths, Rizzo, Weideman and Mayor Furey.

Absent: None.

Present: City Manager Jackson, Assistant City Manager Giordano, City Attorney Fellows, City Clerk Poirier and other staff representatives.

2. FLAG SALUTE/ INVOCATION

The flag salute was led by Councilmember Griffiths.

The non-sectarian invocation was given by Councilmember Rizzo.

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

City Clerk Poirier reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Friday, October 9, 2015.

MOTION: Councilmember Barnett 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 Griffiths and passed by unanimous vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

Agenda Item 6B was deferred to October 20, 2015; supplemental material was available for Items 6A, 8L and 12D.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember A0hcraft reported on her attendance at the League of California Cities annual conference September 30 – October 2. She advised that the following resolutions were passed: Resolution 1 - Bylaw Amendments; Resolution 2 – Pertaining to overconcentration of alcohol and drug treatment facilities in residential neighborhoods; and Resolution No. 3 - Support for SB 593 concerning the temporary rental of residential units. She reported that Resolution No. 4 – regarding compensation for prolonged electrical power outages, was sent back to the Environmental Quality Policy Committee for review due to language issues. She noted that when Resolution No. 4 was reviewed by the State Legislative Advocacy Committee, Public Works Director Beste suggested that the resolution should specify that funding should come from shareholders rather than ratepayers. With the concurrence of Council, she directed staff send a letter to the League of California Cities Environmental Quality Policy Committee expressing the City’s concerns about the financial implications to ratepayers.

Councilmember Griffiths reported that he also attended the League of California Cities Conference as a non-voting delegate and found it to be very worthwhile. He noted that he attended various seminars and learned how cities are managing issues such as e-cigarettes and drones, how city leaders can better communicate during a crisis and about the use of cameras by law enforcement.

Councilmember Griffiths reported that last Thursday the Community Planning and Design Committee held the second of two meetings to consider options for historic preservation programs in Torrance. He explained that at the first meeting, the committee voted to recommend that the City Council adopt/approve the survey of the Torrance Tract conducted by the Torrance Historical Society and at the second meeting, the committee voted to recommend that the Council direct staff to hire a historic preservation consultant to prepare a Historic Preservation Plan and Historic Preservation Ordinance that include the Mills Act and historic preservation overlay zone districts. He noted that the committee also recommended that the Council explore funding methods for such a program and it is anticipated that the committee's report and recommendations will be presented to the Council next year prior to budget hearings.

Mayor Furey, with the concurrence of Council, requested that staff reassess options for bringing back the fireworks display for the 4th of July celebration, with the analysis to include budget estimates.

Mayor Furey reported that on October 5, he had the honor of listening to eleven middle school and high school students from New Hope Academy's Global Initiatives Alliance present a concept for a competition promoting water conservation.

6. COMMUNITY MATTERS

6A. WORKSHOP ON EXXONMOBIL'S USE OF MODIFIED HYDROGEN FLUORIDE CATALYST

Recommendation

Recommendation of the City Manager that City Council conduct a workshop, receive public input, and provide direction for going forward with respect to:

- 1) Assessment of City position with respect to Exxon Mobil AQMD application;
- 2) Assessment of Modified Hydrogen Fluoride (MHF) alternatives; and
- 3) Determine position with respect to Governor's Task Force findings.

Mayor Furey noted supplemental material available at the meeting, including information from the February 14, 1995 City Council meeting on the Mobil Oil Consent Decree Modified Hydrogen Fluoride Alkylation Catalyst Evaluation.

Assistant City Manager Giordano provided an overview of the workshop and the following speakers gave presentations: Brian Ablett, ExxonMobil Plant Manager, on the Electrostatic Precipitator System and current status of refinery operations; City Attorney John Fellows, on the history of the Consent Decree that allowed the use of Modified Hydrogen Fluoride (MHF) at the refinery; Steven Maher and Dr. Geoffrey Kaiser, court appointed Safety Advisor, on the risk assessment that was performed in conjunction with the Consent Decree on the use of MHF as an alkylation catalyst; Deputy Fire Chief David Dumais, on the September 6, 2015 incident that occurred at the refinery; and Assistant Fire Chief Martin Serna, on regulatory controls over the refinery and the Governor's Task Force Report on Improving Public and Worker Safety at Oil Refineries.

City Manager Jackson reported that AQMD (Air Quality Management District) has indicated that ExxonMobil's petition to restart the refinery using an older piece of equipment is on hold so it was premature for the City to take a position at this time. He advised that since the conclusions of the Safety Advisor with regard to the use of MHF were based on science and data from 20 years ago, staff felt it was prudent to explore what the cost would be to bring the analysis up to date, possibly in collaboration with the AQMD. He noted that the Governor's Task Force's Report has been provided in draft form and staff was seeking the Council's input.

Mayor Furey expressed concerns that a member of the U.S. Chemical Safety Board discussed the results of its investigation of the February 18, 2015 explosion at the ExxonMobil refinery on a recent newscast, but failed to share the results with the City.

City Manager Jackson confirmed that the City has received no communication from the Chemical Safety Board regarding the results of its investigation.

Mayor Furey invited public comment.

Sally Hayati, Torrance Refinery Action Alliance, called for the elimination of the use of MHF at the ExxonMobil refinery as there are safer alternatives available. She expressed concerns that when it was concluded that MHF does not form an aerosol, it was only tested up to 140 degrees Fahrenheit even though refinery fires can be much hotter and the Safety Advisor's report concedes that it could form an aerosol above that temperature. She stated that MHF is a federally controlled substance, which is on the Department of Homeland Security's list of chemicals of interest for terrorist use; that it is mixed in the alkylation unit with huge quantities of explosive hydrocarbons creating a toxic bomb of sorts; and that it forms a dense, ground-hugging vapor cloud when accidentally released. Using maps to illustrate, she asserted that a release of only 2% (250 lbs.) of the MHF on-site at the refinery could create toxicity within a 3.2 mile radius if the water suppression equipment fails, putting 256,000 people at risk, and even if the water suppression equipment works at maximum capacity, most people within a radius of 1.0 – 1.4 miles would suffer serious and irreversible health effects, with those closest at risk of death. She maintained that the Safety Advisor's conclusion that MHF was no more dangerous than sulfuric acid was a minority opinion advocated by those with a financial interest in its use and the majority of the refining industry does not use MHF. She noted that in addition to sulfuric acid, which does not have off-site consequences, there are two other alternatives available: composite ionic liquid alkylation, which is in use at two refineries in China, and solid acid catalyst, which showed good results at a 2002 demo plant.

Arnold Goldstein, Torrance, reported that he has chronic lung problems as a result of dust from the February 2015 incident at the refinery; voiced his opinion that ExxonMobil is duplicitous and cannot be trusted; and related his experience that MHF is a dangerous substance with long-term health consequences for those who are exposed to it.

Maryann McFarland, Torrance, stated that hydrofluoric acid is the most deadly acid there is and urged that the refinery replace it with something safer.

Dr. Gengmun Eng, Torrance, contended that City leaders failed to protect residents of Torrance when they allowed the use of MHF at the refinery 26 years ago and urged the City to issue an injunction to immediately prevent its use or convene a citizens' independent reevaluation team to provide a counterweight to paid experts.

Jimmy Gow, Torrance, called for the Council to take action to prevent the use of MHF at the refinery rather than waiting for a disaster to occur.

Antonie Churg, Torrance, noting that she is a scientist by profession, related her belief that the studies used to support the Consent Decree have no credibility because of the state of technology at that time and offered her services to the City pro bono to help analyze the true risk of MHF. She reported that the steelworkers union that represents refinery workers did an extensive study two years ago that found that two-thirds of refineries are not optimally prepared for a disaster.

Martha Madison, Torrance Refinery Action Alliance, requested a plot plan of the refinery, detailed information about the alkylation unit's operation, and data and supporting documents submitted by ExxonMobil to the EPA so the group could perform its own analysis.

Jim Tarr, Torrance, asserted that ERPGs (Emergency Response Planning Guidelines) are not meant to be used for quantitative risk assessments as was done by the Safety Advisor in the comparison of Modified HF Alkylation Catalyst and Sulfuric Acid Alkylation Catalyst, therefore the conclusions were not valid.

Lola Unger and Pamela Thornton, League of Women Voters, expressed concerns about the refinery's failure to address violations in a timely manner. Ms. Unger called for an independent study regarding the storage of MHF at the refinery and recommended that the study panel include experts from L.A. County Building and Safety and the California Department of Toxic Substances Control Board.

Clifford Heise, Torrance, noted his concurrence with City Manager Jackson's recommendation that the risk assessment conducted by the Safety Advisor concerning MHF versus sulfuric acid be revisited, contending that the methodology was flawed as the study did not mention the fact that MHF is many magnitudes more toxic than sulfuric acid.

Donna Heise, Torrance, doubted ExxonMobil's claim that safety is its first priority in view of recent revelations about its handling of MHF leaks; expressed concerns about the refinery's failure to notify the fire department about incidents in a timely manner; and called for a review of current processes and new technology to see if MHF can be removed from the refinery.

Frances Romero, Torrance, voiced her opinion that ExxonMobil can well afford to convert the refinery to a safer process that does not involve deadly chemicals before the sale to PBF Energy is completed since it had a profit of over \$4 billion for the first quarter of 2015. She expressed concerns about the danger MHF poses to members of her large extended family who live in the North Torrance area.

Craig Sakamoto, Torrance resident and ExxonMobil employee, stated that the refinery has been in Torrance since 1929 and over the last 86 years, it has been able to adapt and improve its operations to become a safe, viable and integral part of the community that has grown up around it, a community that ExxonMobil supports both socially and economically. He further stated that he would not have moved within one mile of the refinery or worked there for 17 years if he thought it was unsafe and that he is proud of the refinery and its role in the community.

David Campbell, representing United Steel Workers Unit 675, reported that workers are concerned about the extended shutdown of the refinery, which also has an impact on the price of gasoline, but they recognize the public's concern about safety. He expressed support for the City Manager's recommendation that the risk assessment be updated to determine the best available technology. He also expressed support for the Governor's Task Force findings, noting that his organization participated in its development and they believe implementing the recommendations will result in improved safety for both workers and the public.

Clint Todd, Torrance resident and ExxonMobil employee, noted that he was speaking on his own behalf and has no leadership responsibilities at the company. He reported that he has worked for Exxon/ExxonMobil for 37 years at various locations in Europe, Asia and the United States; that he chose to work for the company because it is the best at what it does; and that he could share reams of objective criteria to support this claim if he had more time. He related his belief that ExxonMobil is the most principled, ethical, disciplined and successful organization of its size in industry. He stated that if the sale to PBF Energy is consummated, the refinery will be in good hands, because the CEO and Senior Refining Executive are former Exxon employees with whom he has worked.

Steven Goldsmith, Torrance Refinery Action Alliance, stated that the organization was not seeking to close the refinery or damage its operation, however they do want MHF to be removed and feel the notification system is in need of vast improvement. He called for the City to serve as champion for the organization and expressed concerns that the staff presentation was somewhat unbalanced. He highlighted the organization's accomplishments, including a commitment from the AQMD to review the use of MHF.

Penny Wirsing, manager of Environmental Group at ExxonMobil refinery, stated that she would not feel comfortable working at the refinery or asking the engineers in her group to work there if she felt it was unsafe and urged the community to separate the facts from emotions.

Connie Sullivan, Torrance business owner, doubted ExxonMobil's claim that safety is its number one priority since the refinery failed to correct CalOSHA safety violations that date back several years and it has not provided the requested information for 85 of 90 subpoenas issued regarding the February 2015 incident. She suggested that clearly the EPA (Environmental Protection Agency) considers MHF to be more dangerous to the community than sulfuric acid because MHF alkylation requires a review of potential off-site consequences while sulfuric acid alkylation does not. She expressed concerns that fire chief's report indicates that no refinery can be made earthquake proof and that a power outage would affect mitigation procedures.

Al Garcia, Torrance resident and longtime ExxonMobil employee, reported that he has worked in the refinery's alkylation unit for the past 18 years and considers his worksite to be very safe, noting that he would not have moved his family close to the refinery if he thought he was putting them at risk. He explained that he is part of the management team that investigates incidents and acts as a liaison to government agencies and offered his assurance that the company has been forthright in dealing with the investigation of the February 2015 incident.

Rick Stigler, ExxonMobil employee, related his experience that there is a strong emphasis on safety at the refinery and that ExxonMobil is a good corporate citizen that encourages employees to volunteer for the betterment of the community.

Joe Galliani, Torrance resident and organizer of South Bay 350 Climate Action Group, called attention to a *Los Angeles Times* article from Sunday, October 11, maintaining that it proves that ExxonMobil has lied to the public, shareholders and the government about the damage its products do since internal reports acknowledge the impact of burning fossil fuels on global warming contrary to the company's official position. He contended that ExxonMobil has a practice of lying and covering up unsafe operations in Torrance and elected officials and the fire department have been played for chumps. He asserted that the company's refineries are polluting the air of surrounding communities and it was indisputable that their continued operation will result in a climate crisis. He voiced his opinion that City leaders were unprepared to deal with this issue and have placed "all our financial eggs in a con man's basket."

Al Muratsuchi, Torrance, acknowledged the contributions of ExxonMobil to the community, but stated that he was disturbed by what he has learned since the February 2015 incident, including the fact that the company was fined over \$500,000 for 19 serious and willful violations of workplace safety standards and has refused to cooperate with federal investigators who are trying to get to the bottom of the February incident. He questioned whether the ongoing use of a highly toxic chemical in a densely populated suburban community should be allowed to continue when it appears that there are commercially viable alternatives. He suggested that the sale of the refinery presents an opportunity for the new owner to earn the trust of the community and demonstrate that they're putting public safety over profits by eliminating the use of MHF.

Sherry Lear, Torrance business owner, expressed support for the City Manager's recommendation that the risk assessment be updated to take into account new technology and for the Governor's Task Force findings. She expressed concerns that the scientific information presented was done 20 years ago and that members of the Torrance Refinery Action Alliance were not allowed to be part of the formal presentation. She suggested that any outrage should be directed at ExxonMobil for endangering the community and not the Chemical Safety Board for failing to share the results of their investigation with the City.

Amie Altamuir, Torrance resident and TUSD teacher/administrator, questioned whether an analysis has been done to determine if air quality has improved since the refinery shut down operations as this would be an effective way to gauge the refinery's impact on the environment. She expressed disappointment that the staff presentation focused on a risk assessment done 20 years ago rather than a discussion of newer alternatives to MHF. She reported that she was in the classroom with students when the February incident occurred and while they were eventually directed to shelter in place, there was a definite lack of communication.

Jim Gilliam, Torrance resident and ExxonMobil employee, stated that too much attention has been focused on the MHF alkylation system and he felt there were better places to spend money at the refinery rather than changing this system.

Edward Hart, operator of the MHF alkylation system at the ExxonMobil refinery, provided background information about his work experience and gave a detailed account of what occurred at the September 6, 2015 incident involving an MHF leak at the refinery.

Al Treadborn, Torrance Refinery Action Alliance, stated that according to a report entitled "A Risk Too Great – Hydrofluoric Acid," no industrial process risks more lives from a single accident than alkylation using hydrogen fluoride in oil refining and noted that according to recent figures, it would cost ExxonMobil only one day's profit to convert the alkylation system to something safer. He reported that the most recent attempt in California to use MHF in the refining process was in Bakersfield in 2008 and Kern County officials rejected the request despite the testimony of experts, including Steven Maher, who tried to convince them that the chemical was benign. He encouraged the City to contact Kern County for information on this topic.

Ryan Mand, Torrance, stated that he thought ExxonMobil workers who had spoken were sincere, but that does not change the fact that MHF is a dangerous chemical. He urged patience since change takes time and there are a lot of factors to be considered.

Steven Flansing, Harbor City, suggested that in addition to accidents, the City should be concerned about the potential that MHF storage tanks at the refinery could be targeted by terrorists.

The City Council briefly recessed from 8:32 p.m. to 8:39 p.m.

Mayor Furey encouraged everyone to read the agenda material in its entirety because it provides a wealth of information, much of which has not been covered at the workshop.

Mohsen Nazemi, Deputy Executive Director of the SCAQMD (South Coast Air Quality Management District), reported that after the February 18, 2015 explosion in the Electrostatic Precipitator System (ESP), ExxonMobil approached his agency about the possibility of restarting operations using the old ESP and mitigating the increase in emissions this would cause. He explained that the decision on this will be made by the SCAQMD hearing board, which is a quasi-judicial independent body, and so far a hearing has not been scheduled because an agreement regarding the conditions under which ExxonMobil would be allowed to operate has not been reached.

At City Manager Jackson's request, Mr. Nazemi provide background information about the AQMD's adoption of Rule 1410 in 1990 that would have required the phasing out of the use MH had it not been struck down on a technicality. He explained that subsequently ExxonMobil developed modified HF and was allowed to use it only after it was demonstrated that it was no more dangerous than sulfuric acid and a number of mitigation measures were put into effect, including requirements that there be HF sensors, water suppression equipment, and a rapid evacuation system. He noted that HF sensors at the ExxonMobil refinery are directly connected to the SCAQMD office so they were immediately notified of the September 6 incident and had inspectors on the scene within one hour. He stated that representatives of his agency have met with the Torrance Refinery Action Alliance a number of times and the AQMD has committed to revisiting the risk analysis that was done 20 years ago and exploring possible alternatives to MHF.

Councilmember Weideman asked if the AQMD has the authority to require refineries to change to an alternative chemical process, and Mr. Nazemi responded that he believes it does have the authority via the rule-making process although it would be subject to legal challenge.

Councilmember Goodrich noted that ExxonMobil did not follow the proper procedure in reporting the most recent MHF incident to the fire department and asked about compliance with regard to the other 21 MHF incidents that have occurred since 2010.

Assistant Fire Chief Dumais advised that ExxonMobil has complied with reporting requirements for the most part, but there have been instances where the fire department has requested that ExxonMobil employees be retrained before they are put back in decision-making positions and the refinery has complied.

Councilmember Goodrich stated that it's no secret that he has been disappointed by ExxonMobil's safety lapses and the company's response to them, however, he is encouraged by the new company PBF Energy, which made the effort to contact him on the day of the announced sale. He asked about ExxonMobil's efforts to notify the public about the proper procedure should the Community Alert Siren sound.

Mr. Ablett advised that the company notifies new residents every six months about safety procedures; that the information is also included in a quarterly newsletter; and that the company is working with the fire department on a way to re-communicate sheltering in place guidelines to residents.

Councilmember Goodrich related his understanding that ExxonMobil has failed to supply the requested information in subpoenas issued by federal agencies investigating the February 2015 explosion.

Mr. Ablett responded that ExxonMobil has provided 130,000 pages of documents to the Chemical Safety Review Board and continues to communicate with them on a daily basis.

Councilmember Goodrich suggested that the overflow crowd in Council Chambers was evidence that the community felt there was a credibility gap with regard to ExxonMobil's actions.

Mr. Ablett offered his assurance that the company was not hiding anything.

Councilmember Griffith stated that he was shocked to learn that the AQMD is automatically notified when there is a MHF leak, while the Torrance Fire Department must wait to be notified by the refinery. Relating his understanding that ExxonMobil is appealing the 19 Cal/OSHA violations, he indicated that he was particularly concerned about willful safety violations, but would await the results of the appeal and he was also concerned about claims that ExxonMobil has failed to comply with subpoenas. He expressed an interest in learning exactly how much MHF is stored at the refinery, how much is being consumed on a regular basis, and about alternatives currently available to MHF. He stated that he was not in favor of allowing the refinery to operate with the old ESP and preferred to wait until all the other issues have been resolved.

Councilmember Rizzo voiced his opinion that it was important to reexamine alternatives to MHF regardless of the cost since the last risk assessment was done over 20 years ago and this is the primary concern of residents. He recommended that consultants used in the past not be part of the process as the City needs a fresh look at this issue. He expressed support for the Governor's Task Force findings.

Councilmember Weideman stated that he was not satisfied with continuing the status quo or doing nothing and offered his comments on the City Manager's recommendations. With regard to the ExxonMobil AQMD application to restart operations, he reported that he would be in favor of writing a recommendation against it if the matter is brought to hearing. He indicated that he was fully supportive of the findings in the Governor's Task Force Report and highlighted the section stating that refineries should be encouraged to implement inherently safer systems and

infeasibility should not be based on cost. He recommended that staff explore alternatives to MHF in partnership with the AQMD and related his belief members of the City Council did not sell out when they approved the use of MHF in the 1990s, but rather did their best to protect the interests of residents based on the knowledge and technology available at that time.

Councilmember Ashcraft stated that she thought the workshop had fulfilled its purpose; thanked ExxonMobil for participating and all those who had commented; and emphasized that the Council shares their concern about safety. She expressed support for the City Manager's recommendation, noting that a lot more information is needed before a solution can be found.

Mayor Furey offered his assurance that the Council was going to insist on a safe environment for the community and related his belief that ExxonMobil was also committed to this goal. He noted that he has been involved in this issue for many years since he lives only 14 houses away from the refinery and moved in shortly before a refinery explosion in September 1987, which led him to become involved in local government.

MOTION: Councilmember Rizzo moved to direct staff to monitor the ExxonMobil AQMD application/petition regarding the conditions under which the refinery would be allowed to resume operations and how they would affect the City of Torrance. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

MOTION: Councilmember Rizzo moved to direct staff to explore partnering with AQMD for the purpose of looking at alternatives to MHF. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

MOTION: Councilmember Rizzo moved to direct staff to become aggressively involved in responding the Governor's Task Force Report on Improving Worker and Public Safety at Oil Refineries regarding the City's concerns and factors the City would like included in the report. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

6B. PROCLAMATION RE "NATIONAL ARTS AND HUMANITIES MONTH"

Item was deferred to October 20, 2015.

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Agenda Item 18 was considered out of order at this time.

18. EXECUTIVE SESSION

At 9:16 p.m., the City Council recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 18A) Conference with Legal Counsel – Existing Litigation; and 18B) Real Property – Conference with Real Property Negotiator pursuant to California Government Code §54956.9(d)(1) and 54956.8.

The City Council reconvened at 9:37 p.m. with all members present. No formal action was taken on any matter considered in closed session.

7. ORAL COMMUNICATIONS #1

7A. Jeff Dill, President of Western Region, PBF Energy, stated that the company recognizes that it must earn the trust of this community and it is committed to being a positive influence and running the refinery and other assets they will be acquiring safely, reliably and in an environmentally responsible manner, noting that the sale is expected to be completed in the first half of 2016.

7B. Georgan Griswold, Torrance Rose Float Association, offered a reminder about TRFA's Halloween dinner-dance/fundraiser on Saturday, October 24, being catered by the Torrance Fire Department.

7C. Kathleen Davis, Torrance Women's Club, announced that the club will be hosting a dinner/fundraiser, which will included entertainment and a live auction, benefitting Torrance Fire Station No. 1 on Saturday, October 17, at 4:00 p.m. at their clubhouse located at 1422 Engracia Avenue.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation

Recommendation of the City Clerk that City Council approve the City Council minutes of September 15 and September 22, 2015.

8B. LIBRARY COMMISSION 2014-2015 ANNUAL REPORT

Recommendation

Recommendation of the Library Commission and the Community Services Director that City Council accept and file the 2014-2015 Library Commission annual report.

8C. ACCEPTANCE/APPROPRIATION OF 2015 EDWARD BRYNE MEMORIAL JUSTICE ASSISTANCE GRANT

Recommendation

Recommendation of the Chief of Police that City Council:

- 1) Authorize the acceptance of the 2015 Edward Byrne Memorial Justice Assistance Grant in the amount of \$13,846;
- 2) Establish a trust fund for the deposit of grant monies; and
- 3) Appropriate and allocate the grant monies, and any interest on the funds to the Police Cadet program.

8D. PURCHASE ORDER FOR ASPHALT PAVER

Recommendation

Recommendation of the Public Works Director that City Council award a purchase order to Nixon-Eqli Equipment Company of Ontario, CA for one (1) model year 2016 Leeboy 7000 Asphalt Paver in the amount of \$121,376.95 (including sales tax).

8E. FEE AGREEMENT RE LEGAL SERVICES

Recommendation

Recommendation of the City Attorney that City Council approve a fee agreement with Rutan & Tucker, LLP of Costa Mesa, CA, to provide legal services in the case of Tiffany Garcia v. City of Torrance, for a total amount not to exceed \$95,000.

8F. FEE AGREEMENT RE LEGAL SERVICES

Recommendation

Recommendation of the City Attorney that City Council approve a fee agreement with Rutan & Tucker, LLP of Costa Mesa, CA, to provide legal services relating to the City of Torrance massage ordinance, for a total amount not to exceed \$70,000.

8G. AGREEMENT AMENDMENT RE VAN NESS AVENUE WATER WELLS

Recommendation

Recommendation of the Public Works Director that City Council approve a second amendment to the consulting services agreement with Quantum Quality Consulting Inc., of Torrance, CA (C2014-046) in the amount of \$11,595 for additional design services, for a new not to exceed agreement amount of \$154,975.

8H. JULY 2015 AND AUGUST 2015 MONTHLY INVESTMENT REPORTS

Recommendation

Recommendation of the City Treasurer that City Council accept and file the monthly investment reports for the months of July 2015 and August 2015.

8I. AGREEMENT AMENDMENT RE MACHADO LAKE STORMWATER MONITORING

Recommendation

Recommendation of the Public Works Director that City Council approve a third amendment to the contract services agreement with Northgate Environmental Management, Inc. of Laguna Hills, CA (C2011-186) extending the term through October 31, 2016 to provide Machado Lake stormwater monitoring.

8J. AGREEMENT AMENDMENT RE HAWTHORNE BOULEVARD AND CRENSHAW BOULEVARD WATER MAIN REPLACEMENT PROJECTS

Recommendation

Recommendation of the Public Works Director that City Council approve an amendment to the consultant services agreement with CivilSource Inc. of Irvine, CA (C2015-049) in the amount of \$13,765 to provide additional design services, thereby increasing the agreement to a new not to exceed amount of \$176,760.

8K. VETERANS DAY CELEBRATION PROGRAM

Considered separately, see pages 11-12.

8L. AGREEMENT RE ANIMAL LICENSING SERVICES

Considered separately, see page 12.

MOTION: Councilmember Weideman moved to approve Consent Calendar Items 8A through 8J. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

Consent Calendar Items 8J and 8K were considered separately at this time.

8K. VETERANS DAY CELEBRATION PROGRAM

Recommendation

Recommendation of the Armed Forces Day Committee that City Council approve a week long Veterans Day Celebration program from November 3 through November 11, 2015 to align with the United States of America Vietnam War 50th Commemoration Commemorative Partner Program for an amount not to exceed \$5,000.

Management Associate Le briefly highlighted events to be held in conjunction with the Veterans Day Celebration taking place from November 3 through November 10, 2015.

Councilmember Weideman, chair of the Armed Forces Day Committee, related his belief that this recognition of veterans was long overdue.

In response to Councilmember Ashcraft's inquiry, Finance Director Tsao reported that funding for the program will come from the Council Recognition Budget, which currently has a balance of \$10,000.

MOTION: Councilmember Ashcraft moved to concur with the Committee's recommendation. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

8L. AGREEMENT RE ANIMAL LICENSING SERVICES

Recommendation

Recommendation of the Chief of Police that City Council approve an agreement with PetData, Inc. of Irving, TX for animal licensing services in an amount not to exceed \$147,000 (approximately \$49,000 annually) for the term of October 14, 2015 through October 13, 2018.

Councilmember Griffiths questioned whether this contract was put out for competitive bidding, and Administrative Analyst Sentinella advised that PetData is the only company that provides on-line licensing for municipalities.

Councilmember Ashcraft clarified that the cost of this service is taken out of animal licensing fees (\$4.10 per license) so there is no actual cost to the City.

MOTION: Councilmember Griffiths moved to approve the agreement. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

10. PLANNING AND ECONOMIC DEVELOPMENT

10A. APPROVAL OF CALIFORNIA PACE YGRENE PROGRAM

Recommendation

Recommendation of the Torrance Environmental Quality and Energy Conservation Commission and the Community Development Director that City Council:

- 1) Adopt Resolutions supporting City of Torrance participation in the California Property Assessed Clean Energy (PACE) Ygrene Program; and
- 2) Approve an amendment to a joint powers agreement adding the City of Torrance as a member of the California Home Finance Authority (CHFA) to permit the provision of Ygrene services within the City.

Deputy Community Development Director Cessna reported that this action will allow property owners to finance improvements to their property for purposes of renewable energy generation, energy efficiency, water conservation, and electric vehicle charging infrastructure through an assessment on their property taxes.

Councilmember Weideman noted that this financing opportunity is already offered to residents via the PACE HERO program.

A representative of Ygrene (no name given) explained that the title to the property is less encumbered with the Ygrene program and the program offers financing for commercial properties, multi-family residential units, and churches, in addition to single-family residences, and has a lower minimum of \$5,000. He emphasized that the company was not seeking exclusivity and related his belief that the competition would benefit Torrance property owners.

Councilmember Griffiths stated that he was on the Environmental Quality and Energy Conservation Commission three years ago when it vetted the PACE HERO program and was a huge fan of it; that he recently spoke with a HERO representative at the League of California Cities Conference and learned that the program has been very successful in Torrance; and that he was pleased that this program will offer property owners another choice.

MOTION: Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Griffiths and passed by unanimous vote.

RESOLUTION NO. 2015-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HOME FINANCE AUTHORITY PACE PROGRAM TO FINANCE RENEWABLE ENERGY GENERATION, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO

MOTION: Councilmember Rizzo moved to adopt Resolution No. 2015-73. The motion was seconded by Councilmember Goodrich and passed by unanimous vote.

RESOLUTION NO. 2015-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HOME FINANCE AUTHORITY COMMUNITY FACILITIES DISTRICT NO. 2014-1 (CLEAN ENERGY) TO FINANCE RENEWABLE ENERGY IMPROVEMENTS, ENERGY EFFICIENCY AND WATER CONSERVATION IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO

MOTION: Councilmember Rizzo moved to adopt Resolution No. 2015-74. The motion was seconded by Councilmember Goodrich and passed by unanimous vote.

12. ADMINISTRATIVE MATTERS

12A. REALLOCATION OF EMERGENCY SERVICES COORDINATOR TO EMERGENCY SERVICES MANAGER

Recommendation

Recommendation of the Civil Service Commission and the Human Resources Administrator that City Council approve the reallocation of the incumbent Emergency Services Coordinator to the classification of Emergency Services Manager.

Human Resources Manager Lawrence reviewed the staff recommendation.

MOTION: Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Griffiths and passed by unanimous vote.

12B. ACCEPTANCE/APPROPRIATION OF NATIONAL INSTITUTE OF JUSTICE PRIZE AWARD

Recommendation

Recommendation of Police Chief that City Council:

- 1) Accept the National Institute of Justice Ultra High Speed Apps Challenge second place prize award; and
- 2) Appropriate and allocate the award in the amount of \$50,000 for electronic tablets for criminal investigations.

Police Lieutenant Stark reported that the National Institute of Justice issued a national challenge soliciting proposals for ultra-high speed data applications aimed at improving criminal justice services in September 2013; that CIT Analyst James Toomey developed a mapping application that bridged electronic tablet technology with detailed interior maps of local infrastructures, such as schools, retail centers and corporate campuses, to assist first responders; and that Mr. Toomey's proposal was one of five proposals to advance to Phase II of the competition and was subsequently awarded the second place prize of \$50,000 in July 2015. He noted that staff was recommending that the award be used to purchase electronic tablets for criminal investigations.

Mayor Furey thanked Mr. Toomey for his efforts.

Police Chief Matsuda congratulated Mr. Toomey on the well-deserved award, noting that he will be formally recognized at the Torrance Police Department awards ceremony next year.

MOTION: Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Griffiths and passed by unanimous vote.

12C. ACQUISITION OF EASEMENT INTERESTS RE 3756-3758 PACIFIC COAST HWY.

Recommendation

Recommendation of the City Attorney and Public Works Director that City Council:

- 1) Conduct a hearing for the purposes of permitting comment from the owners or other parties with interests in the property that is being considered for acquisition for the purposes of the Pacific Coast Highway (SR-1) at Hawthorne Boulevard (SR-107) Intersection Improvement Project ("Project") located at 3756-3758 Pacific Coast Highway (APN 7534-002-008); and
- 2) Adopt a resolution making the appropriate findings and authorizing the City Attorney and Special Counsel to proceed with preparing and filing necessary actions to acquire the interests in property necessary for the project to proceed by way of eminent domain.

Mayor Furey announced that this was the time and place for a hearing on this matter, noting that the property interests proposed to be acquired are legally described in the resolution attached to the staff report, which will be made part of the record of this proceeding.

David Cosgrove, Rutan & Tucker, outside legal counsel, provided background information about the Pacific Coast Highway at Hawthorne Boulevard Intersection Improvement Project for which the City has undertaken the role of Lead Agency. He advised that staff was recommending that the Council adopt a resolution necessity, which must be passed before any public entity can exercise the power of eminent domain to acquire property for public improvement projects. He explained that the subject property is located at the southwest corner of Pacific Coast Highway and Hawthorne Boulevard; that it is improved with a single building constructed in 1948: that the site was formerly occupied by a Verizon store, which has been relocated with the City's assistance; and that an agreement was reached to relocate the other tenant, Pacific Star Line Window and Tint, after the staff report was prepared. He briefly reviewed the findings contained in the resolution of necessity. He noted that this item was continued from the September 22, 2015 City Council meeting at the request of the property owner's legal counsel.

Robert Parsons, 3424 Carson Street, legal counsel for the property owner, thanked the Council for granting the continuance. Noting that CCP (California Code of Civil Procedure) §1245.230 requires a balancing of the greatest good with the least private injury, he explained that the City owns property abutting his clients' property; that intersection improvements can proceed while still leaving his clients' commercial building intact; and that the project could be completed with no private injury if the City gave his clients enough space to meet parking and other Code requirements via a Lot Line Adjustment. He stated that the staff report fails to mention that his clients made three proposals: to append the property to the south, to append the property to the west, and to purchase outright the property to the west. He contended that the City's appraisal not reliable, because the encumbrances on the property exceed it by 150%, and that the premise that \$687,000 is the baseline against which the cost of the Lot Line Adjustment must be measured was incorrect. He asserted that the Council could not make an informed decision without exploring the options he has mentioned and that adopting the resolution without doing so may rise to the level of a gross abuse of discretion. He emphasized that his clients are good

people and want to retain their property so they can continue to generate jobs and taxes for the City of Torrance.

Mr. Cosgrove advised that many of the options mentioned by Mr. Parsons have already been addressed in the staff report and some of the discussions about them took place during settlement conferences so not all the details were included. He explained that if there is a challenge to the findings upon which the resolution of necessity is based, Caltrans requires that those objections be reviewed through a two-step hearing process and recommended that the consideration of the resolution be tabled until this process is completed.

Shweta Jhangiani, owner of the subject property, stated that she had no objections to the intersection improvement project and respects the eminent domain process, and was just seeking a fair resolution, which would be fair market value for her property or the acquisition of additional land for parking so her building can remain a viable commercial building. She noted that the property generates \$93,000 a year and it is an investment for her family's future.

At Councilmember Ashcraft's request, Mr. Cosgrove provided clarification regarding the Jhangianis' most recent proposal and why the City does not believe it is a viable option.

MOTION: Councilmember Barnett moved to close the public hearing. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

MOTION: Councilmember Weideman moved to table the resolution to a date uncertain until the matter has been adjudicated by Caltrans. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

12D. CANCELLATION OF PURCHASE ORDER WITH CURRENT VENDOR/ NEW PURCHASE ORDER FOR READY MIX CONCRETE AND SLURRY MIX

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Authorize the cancellation purchase order with Catalina Pacific Concrete of Torrance, CA, (P.O. 2016-264); and
- 2) Award purchase order to A & A Ready Mix Concrete Inc., of Newport Beach, CA. in an amount not to exceed \$533,775 (\$177,925 annually), for ready mix concrete Class "A", Class "C" and slurry mix (B2015-15) on an as needed basis for the period from October 14, 2015 to August 12, 2018.

Street Operations Manager Cooper reported that staff was recommending the cancellation of the purchase order with Catalina Pacific Concrete because the company has not been able to make deliveries in a timely manner, which has resulted in delays in the completion of work thereby inconveniencing residents, and approval of a new purchase order with A & A Ready Mix Concrete, the company that was the second lowest bidder when the contract was originally awarded.

MOTION: Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Griffiths and passed by unanimous vote.

12E. APPROVAL OF 2015-2016 PRIORITY PROJECTS

Recommendation

Recommendation of the City Council Federal Legislative Advocacy Committee that City Council approve and concur with the Committee's recommendation of the 2015-2016 Priority Projects.

Mayor Furey, chair of the Federal Legislative Advocacy Committee, reported that the committee met on October 8, 2015 to discuss 2015-2016 Priority Projects and the following were selected based on the greatest regional impact and the feasibility of funding: 1) I-405 at 182nd Street/Crenshaw Boulevard Operational Improvements (Public Works); 2) Body Video Cameras and Storage System (Police); 3) Training on Fair and Impartial Policing, Mental Illness and Homelessness (Police); and 4) Rubber Wheel Trolley – Red Car Line Circulator (Transit). He noted that staff was directed to develop brochures for each priority project; to schedule meetings with Congressman Lieu and Congresswoman Waters to acquaint them with the projects, and to coordinate meetings with agencies, committees and legislators during the upcoming trip to Washington, D.C. to seek funding for the projects.

Councilmember Barnett, member of Federal Legislative Advocacy Committee, commended staff for their efforts to sort through the many proposed projects and come up with the four projects that offer the best opportunity for funding.

Mayor Furey commented that he also thought staff did in excellent job and believes the committee's trip to Washington, D.C. is going to be very successful.

MOTION: Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

12F. PURCHASE ORDER FOR CONCRETE, MIXES AND SS-1H EMULSION

Recommendation

Recommendation of the Public Works Director that City Council award a purchase order to Sully-Miller Contracting Company dba Blue Diamond Materials of Brea, CA, in an amount not to exceed \$2,750,000 (\$550,000 per year) for asphalt concrete, mixes and SS-1H emulsion (B2015-27), on an as requested basis for a five (5) year period from October 18, 2015 to October 17, 2020.

Street Operations Manager Cooper reported that these materials are used for street maintenance, noting that City crews complete nearly 10 acres of road repairs on an annual basis.

MOTION: Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Griffiths and passed by unanimous vote.

16. SECOND READING ORDINANCES

16A. SECOND AND FINAL READING OF ORDINANCE NO. 3787

ORDINANCE NO. 3787

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA,
AMENDING THE TORRANCE MUNICIPAL CODE ESTABLISHING THE SOCIAL SERVICES
COMMISSION

MOTION: Councilmember Rizzo moved to adopt Ordinance No. 3787. The motion was seconded by Councilmember Goodrich and passed by unanimous vote.

17. ORAL COMMUNICATIONS

17A. Councilmember Ashcraft congratulated West High sophomore Sanath Devalapurkar on winning first place in the European Union Contest for Young Scientists. She noted that he was the first to win from the United States and the youngest ever winner and that Bert Lynn Middle School teacher Vasanthi Bhaskar served as a mentor.

17B. Councilmember Barnett announced that the Torrance Sister City Association was seeking applicants for its 2016 Adult Leader Program, which entails chaperoning up to eight high school students on a trip to Kashiwa, Japan in July 2016, with additional information at www.torrancesistercity.org.

17C. Councilmember Griffiths congratulated Simon Companies on the successful grand opening held last weekend of the north extension of Del Amo Fashion Center, which includes the new Nordstrom's.

17D. Councilmember Griffiths announced a "Sweat for a Cause" fundraiser benefitting the Royal Family Kids charity to be held at the Torrance Batting Cages on Saturday, October 17, beginning at 9:30 a.m.

17E. City Manager Jackson commended staff for their efforts in facilitating the grand opening of Del Amo Fashion Center.

17F. Mayor Furey reported that he spoke with the CEO of Simon Companies who offered kudos to City staff and said that Torrance was the best city he has ever worked with.

17G. Mayor Furey requested an excused absence for the October 20, 2015 City Council meeting.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 9.

19. ADJOURNMENT

At 10:44 p.m., the meeting was adjourned to Tuesday, October 20, 2015 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

Attest:

/s/R. Poirier

Rebecca Poirier
City Clerk of the City of Torrance

/s/ Patrick J. Furey

Patrick J. Furey
Mayor of the City of Torrance

Approved on November 17, 2015

Sue Sweet
Recording Secretary

City Council
October 13, 2015

