

INDEX
TORRANCE CITY COUNCIL – NOVEMBER 9, 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	2
4. Withdrawn/Deferred or Supplemental Items	2
5. Council Committee Meetings and Announcements	2
6. <u>COMMUNITY MATTERS</u>	
6A. Resolution No. 2010-103 re Gregory Turk	2
6B. Resolution No. 2010-104 re Sam Thomas	2
6C. Resolution No. 2010-105 re Janice Nilda	2-3
7. <u>ORAL COMMUNICATIONS #1</u>	3
8. <u>CONSENT CALENDAR</u>	
8A. Acceptance/Appropriation of Donation from ExxonMobil	3, 4
8B. Agreement Amendment re North Torrance Well Field Project	3
8C. Agreements re Walteria Reservoir Slope Stability Project	3
12. <u>ADMINISTRATIVE MATTERS</u>	
12A. Agreement re Government Consulting/Advocacy Services	4
12B. Resolution Repealing/Restating TMC Bail Schedule	4-5
12C. Setting of Date for 1 st Reading of California Building Code and Fire Code Ordinances	5
12D. Resolutions re MOU for TPSA	5-6
12E. Resolutions re MOU for TPPREO	6-7
13. <u>HEARINGS</u>	
13A. EAS09-00002, CUP09-00005, VAR09-00002, WAV09-00006: Saints Archangels Michael & Gabriel Romanian Orthodox Church	7-9
17. <u>ORAL COMMUNICATIONS #2</u>	9-10
18. <u>EXECUTIVE SESSION</u>	1, 10
19. <u>ADJOURNMENT</u>	10

At 8:48 p.m., the meeting was adjourned to Tuesday, November 16, 2010 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

November 9, 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 5:39 p.m. on Tuesday, November 9, 2010 in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: Councilmember Rhilinger.

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

Mayor Scotto announced that subsequent to the posting of the agenda on November 4, 2010, the City Manager received a telephone call from a representative of AT&T Mobile and that the City Manager and the City Attorney need immediate instruction from the Council regarding the appropriate response, therefore the City Attorney has requested that this item be added to the agenda.

City Manager Jackson reported that he received a phone call on November 8, 2010 from a representative of AT&T who advised that the company had entered into a global class action settlement agreement and pursuant to the settlement, AT&T will stop collecting utility taxes on cellular internet services and will seek to recover utility user taxes collected from 2005 to 2010, which AT&T had previously remitted to the City of Torrance, in the amount of \$864,000.

In order to take action on a matter that is not on the agenda, the California Government Code requires a determination by a two-thirds vote of the Council that immediate action is necessary and that the need to take action arose subsequent to the posting of the agenda.

MOTION: Councilmember Brewer moved to add the item to the agenda pursuant to California Government Code §54956.9(b)(1). The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Rhilinger).

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

18. EXECUTIVE SESSION

At 5:42 p.m., the City Council recessed to closed session to confer with the City Manager and City Attorney on the above item and agenda matters listed under 18A) Conference with Labor Negotiator, pursuant to California Government Code § 54957.6.

The City Council reconvened at 7:03 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The flag salute was led by Public Works Director Beste.

Councilmember Barnett 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, November 4, 2010.

MOTION: Councilmember Numark 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 roll call vote (absent Councilmember Rhilinger).

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

Supplemental material was available for Items 12B, 12C, 12D and 12E. No items were withdrawn or deferred.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Mayor Scotto requested the City Council's concurrence to grant Councilmember Rhilinger an excused absence from the meeting due to illness and hearing no objection, so ordered.

6. **COMMUNITY MATTERS**

6A. **RESOLUTION NO. 2010-103 RE GREGORY TURK**

RESOLUTION NO. 2010-103

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING GREGORY TURK UPON HIS RETIREMENT FROM THE CITY AFTER THIRTY YEARS OF SERVICE

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-103. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Rhilinger).

To be presented at a later date.

6B. **RESOLUTION NO. 2010-104 RE SAM THOMAS**

RESOLUTION NO. 2010-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING SAM THOMAS UPON HIS RETIREMENT FROM THE CITY AFTER TWENTY-TWO YEARS OF SERVICE

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-104. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Rhilinger).

To be presented at a later date.

6C. **RESOLUTION NO. 2010-105 RE JANICE NILDA**

RESOLUTION NO. 2010-105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING JANICE NILDA UPON HER RETIREMENT FROM THE CITY AFTER TWENTY YEARS OF SERVICE

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-105. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Rhilinger).

To be presented at a later date.

7. ORAL COMMUNICATIONS #1

Anita Dinicola, Torrance Women's Club, announced that the club will be holding a fundraiser "Winter Wonderland Gala Dinner" on November 20, 2010, beginning at 4:30 p.m. at the clubhouse located at 1422 Engracia Avenue, with proceeds to benefit the Torrance Police Department.

8. CONSENT CALENDAR

8A. ACCEPTANCE/APPROPRIATION OF DONATION FROM EXXONMOBIL

Considered separately, see page 4.

8B. AGREEMENT AMENDMENT RE NORTH TORRANCE WELL FIELD PROJECT

Recommendation

Recommendation of the Public Works Director that City Council approve an amendment to agreement C2010-165, for design services for the North Torrance Well Field Project, in order to process the assignment of agreement from AECOM USA, Inc. to AECOM Technical Services, Inc., a California Corporation, and extend the term of the original agreement an additional 6 months, through August 31, 2011.

8C. AGREEMENTS RE WALTERIA RESERVOIR SLOPE STABILITY PROJECT

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Approve an appropriation of \$179,003 from the Water Enterprise Fund to CIP No. I-95;
- 2) Approve the plans and specifications for the WALTERIA Reservoir Slope Stability Project (B2010-17);
- 3) Accept an error in the total bid price of the lowest bidder, MG Construction & Development, Inc., that was corrected from \$305,065.80 to \$341,965.80;
- 4) Award a public works agreement to the lowest bidder, MG Construction & Development, Inc., in the amount of \$341,965.80 and authorize a 10% contingency of \$34,196.58; and
- 5) Award a contract services agreement to Geo-Environmental, Inc. in the amount of \$18,055 to provide geo-technical and inspection services.

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

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

8A. ACCEPTANCE/APPROPRIATION OF DONATION FROM EXXONMOBIL

Recommendation

Recommendation of the Community Services Director that City Council accept and appropriate \$10,000 donation from the ExxonMobil Foundation, and appropriate the funds into FEAP#727 – ExxonMobil Anniversary Grant – North Torrance Library Renovation /Enhancements.

Principal Librarian Theyer reported that ExxonMobil has generously donated \$10,000 in addition to their previous donation of \$80,000 to fund the new Homework Center at the North Torrance Library.

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

12. ADMINISTRATIVE MATTERS

12A. AGREEMENT RE GOVERNMENT CONSULTING/ADVOCACY SERVICES

Recommendation

Recommendation of the City Manager that City Council approve a services agreement with David Turch and Associates in the amount of \$60,000 to provide government consulting and advocacy services for the period of January 1, 2011 through December 31, 2011.

Assistant City Manager Giordano reported that the City has been pleased with the government consulting and advocacy services provided by David Turch and Associates and was recommending that the Council renew their contract for the period of January 1, 2011 through December 31, 2011.

Responding to questions from the Council, David Turch, of David Turch and Associates, discussed strategies for securing federal funding for the City's priority projects.

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

12B. RESOLUTION REPEALING AND RESTATING RECOMMENDED TORRANCE MUNICIPAL CODE BAIL SCHEDULE

Recommendation

Recommendation of the Finance Director and the City Treasurer that City Council adopt a Resolution repealing Resolution No. 2009-71 and restating the recommended Torrance Municipal Code bail schedule.

Finance Director Tsao reported that the State of California has increased the charges for parking fines an additional \$3.00; that the \$3.00 increase will be deducted from the City's parking fines automatically; and that staff was recommending that rates for parking offenses be increased to recover this amount.

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

RESOLUTION NO. 2010-106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
REPEALING RESOLUTION NO. 2009-71 AND ADOPTING A RESTATED
RECOMMENDED TORRANCE MUNICIPAL CODE BAIL SCHEDULE

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-106. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Rhilinger).

12C. SETTING OF DATE FOR 1ST READING OF CALIFORNIA BUILDING CODE AND FIRE CODE ORDINANCES

Recommendation

Recommendation of the Community Development Director and Fire Chief that City Council approve the date of November 23, 2010 for a public hearing to consider a proposed ordinance adopting the 2010 California Building Codes and Fire Code with local amendments.

MOTION: Councilmember Brewer moved to approve the public hearing date of November 23, 2010. The motion was seconded by Councilmember Furey and passed by unanimous roll call vote (absent Councilmember Rhilinger).

12D. RESOLUTION RE MOU FOR TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION

Recommendation

Recommendation of the City Manager that City Council:

- 1) Adopt a Resolution pursuant to Memorandum of Understanding setting forth the hours, wages, and working conditions for employees represented by the Torrance Professional and Supervisory Association (TPSA) for the period of November 9, 2010 to June 30, 2011 and repealing Resolution No. 2007-56; and
- 2) Adopt California Public Employees Retirement System (CalPERS) Resolution to reduce employer paid member contribution (EPMC).

Human Resources Manager Lawrence reported that the proposed Memorandum of Understanding for the Torrance Professional and Supervisory Association includes one major change – employees hired after the effective date of the MOU will be responsible for the employee's contribution to the California Public Employees Retirement System, which is currently 7%.

Newt Young, Torrance, expressed concerns that the change in PERS applies only to new hires and that the City continues to incur the cost of the employee's share of contributions to the retirement system for current employees.

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

RESOLUTION NO. 2010-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
IMPLEMENTING GOVERNMENT CODE SECTION 20691 RELATING TO
EMPLOYER PAID MEMBER CONTRIBUTIONS TO PUBLIC EMPLOYEES
RETIREMENT SYSTEM (CALPERS) FOR TORRANCE PROFESSIONAL
AND SUPERVISORY ASSOCIATION (TPSA)

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-109. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Rhilinger).

RESOLUTION NO. 2010-107

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE IMPLEMENTING PROVISIONS OF SECTION 414(H)(2) OF THE INTERNAL REVENUE CODE (IRC) RELATING TO EMPLOYER PAID MEMBER CONTRIBUTIONS TO PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS)

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-107. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Rhilinger).

RESOLUTION NO. 2010-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH THE HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION (TPSA), AND REPEALING RESOLUTION NO. 2007-56

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-108. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Rhilinger).

12E. RESOLUTION RE MOU FOR TORRANCE PROFESSIONAL PARK & RECREATION EMPLOYEES ORGANIZATION

Recommendation

Recommendation of the City Manager that City Council:

- 1) Adopt a Resolution pursuant to Memorandum of Understanding setting forth the hours, wages, and working conditions for employees represented by the Torrance Professional Park & Recreation Employees Organization (TPPREO) for the period of November 9, 2010 to June 30, 2011 and repealing Resolution No. 2007-50; and
- 2) Adopt California Public Employees Retirement System (CalPERS) Resolution to reduce employer paid member contribution (EPMC).

Assistant to the City Manager Sunshine reported that the proposed Memorandum of Understanding for the Torrance Professional Park & Recreation Employees Organization provides that employees hired after the effective date of the MOU will be responsible for the employee's contribution to the California Public Employees Retirement System, which is currently 7%.

Councilmember Sutherland thanked employee groups for agreeing to the change in CalPERS contributions.

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

RESOLUTION NO. 2010-111

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE IMPLEMENTING GOVERNMENT CODE SECTION 20691 RELATING TO EMPLOYER PAID MEMBER CONTRIBUTIONS TO PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS) FOR TORRANCE PROFESSIONAL PARK & RECREATION EMPLOYEES ORGANIZATION (TPPREO)

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-111. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Rhilinger).

RESOLUTION NO. 2010-110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH THE HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL PARK AND RECREATION EMPLOYEES ORGANIZATION (TPPREO), AND REPEALING RESOLUTION NO. 2007-50

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-110. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Rhilinger).

13. HEARINGS

13A. EAS09-00002, CUP09-00005, VAR09-00002, WAV09-00006: SAINTS ARCHANGELS MICHAEL & GABRIEL ROMANIAN ORTHODOX CHURCH

Recommendation

Recommendation of the Planning Commission that City Council deny the appeal and take the following action on property located at 4102 Hickman Drive:

- 1) Adopt a Negative Declaration; and
- 2) Adopt Resolutions approving a Conditional Use Permit to allow construction of an auxiliary building above an existing parking lot on site with an existing church facility, a Variance to allow less than the required lot size and parking requirements, and a Waiver of side and rear setback requirements.

Recommendation of the Community Development Director that City Council uphold the appeal and take the following action on property located at 4102 Hickman Drive:

- 1) Adopt a Negative Declaration; and
- 2) Adopt Resolutions denying a Conditional Use Permit to allow construction of an auxiliary building above an existing parking lot on site with an existing church facility, a Variance to allow less than the required lot size and parking requirements, and a Waiver of side and rear setback requirements.

EAS09-00002, CUP09-00005, VAR09-00002, WAV09-00006: Ion Cretu (Saints Archangels Michael & Gabriel Romanian Orthodox Church)

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.

With the aid of slides, Planning Manager Lodan reviewed the proposed project and shared photographs taken from various vantage points in the neighborhood. He reported that the Planning Commission originally considered the application on August 5, 2009; that the hearing was continued indefinitely so the project could be redesigned; and that the revised project was brought back on August 18, 2010 and the Commission voted unanimously to approve it. He advised that staff was recommending denial due to the requested Variance for parking and sub-standard sized lot.

Fabio Rigo de Righi and Darian Radac, Domani Architects, provided an overview of the project. They explained that the proposed multi-purpose auxiliary building is meant to provide space for people to congregate after church services and will not increase the capacity of the church and that the new parking layout will provide additional parking and improve on-site circulation.

Ion Cretu, representing Saints Archangels Michael & Gabriel Church, 4102 Hickman Drive, stated that the church, which has been at this location since 1985, has developed a special relationship with neighbors and takes pride in enhancing the neighborhood. He reported that approximately 30-35 people attend Sunday services, many of whom are elderly and do not drive.

In response to Mayor Scotto's inquiry, Mr. Cretu stated that the church has attempted to purchase the vacant lot next door for parking but the property owner was not receptive.

Ecaterina Chirica, Parish Council president, explained that the small congregation is primarily older people and is unlikely to grow and the addition will provide needed space for meal-sharing and socializing after services, which currently takes place outdoors.

Georgeta Bostean, 11982 Heritage Circle, Downey, urged the Council to approve the project, which will provide the church with much-needed space, noting that neighbors have expressed support for it at previous hearings.

Lisa Knight, Torrance, urged approval of the project. She reported that she and her husband have attended the church for the past two years and observed that church gatherings are small, quiet and respectful of surrounding residents and the neighborhood.

Returning to the podium, Mr. Cretu requested that the Council uphold the Planning Commission's decision and approve the project.

In response to Mayor Scotto's inquiry, Mr. Cretu reported that the project is expected to cost approximately \$500,000 and the church has financing in place.

Councilmember Brewer requested clarification regarding staff's recommendation that the project be denied. Planning Manager Lodan explained that staff typically does not recommend approval of any project that requires a Variance and the recommendation was not based on concerns that the project would have an adverse impact on the neighborhood.

Responding to Councilmember Furey's inquiry, Assistant City Attorney Sullivan confirmed that the condition requiring the church to provide valet service for Sunday services would run with the land and would be in effect should another church take over the property.

MOTION: Councilmember Brewer moved to close the public hearing. The motion was seconded by councilmember Furey and passed by unanimous roll call vote (absent Councilmember Rhilinger).

Councilmember Sutherland stated that the only issue in this case seems to be the parking and clearly the church is not creating problems in the neighborhood as evidenced by the lack of opposition, therefore he would support the project.

Voicing support for the project, Councilmember Numark related his belief that the new building would greatly benefit church members, while having little impact on the community since it would not substantively change the church's operation. He disclosed that he had visited the site.

MOTION: Councilmember Numark moved to deny the appeal, to adopt a Negative Declaration, and to approve the project. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Rhilinger).

Assistant City Attorney Sullivan noted that Resolutions reflecting the Council's action will be brought back for approval at a later date.

*

The City Council met as the Redevelopment Agency from 8:31 p.m. to 8:41 p.m.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Furey announced that the City will be hosting a vaccination clinic, sponsored by the Los Angeles County Department of Public Health, on Wednesday, November 10, from 10:00 a.m. to 3:00 p.m. at the Dee Hardison Sports Center Complex at Wilson Park and vaccinations for the flu, whooping cough and pneumonia will be offered free of charge.

17B. Councilmember Furey announced that the Torrance Police Department Community Affairs Division will be holding a "Tip-a-Cop" fundraiser benefiting the South Bay Special Olympics on Thursday, November 18, from 5:00-9:00 p.m. at Romano's Macaroni Grill located at 25352 Crenshaw Boulevard.

17C. Councilmember Numark invited the public to attend the 12th annual Torrance/Japan Business Partnership Reception to be held on Wednesday, November 17, from 6:00 – 8:00 p.m. at the Toyota USA Automobile Museum, located at 19600 Van Ness Avenue.

17D. Councilmember Numark announced that the Torrance Police Department will be offering the third seminar in the series "Seniors Don't Be Scammed" on Tuesday, November 16, at 10:00 a.m. at the Katy Geissert Civic Center Library on the topic of street scams and pigeon drops.

17E. Councilmember Numark requested an excused absence from the November 16, 2010 City Council meeting.

17F. Noting that he heard many positive comments about the job fair that was held last Thursday, Mayor Scotto thanked the Torrance Chamber of Commerce and the California Employment Development Department for their assistance and commended City staff involved. He requested that staff explore the possibility of holding another one as soon as possible.

17G. Mayor Scotto commended the *Daily Breeze* for recognizing outstanding women in the community at the “Women of Distinction” awards held last Thursday and thanked Councilmember Rhilinger for serving as a judge.

17H. Referring to agenda Items 12D and 12E, City Manager Jackson wanted to clarify that the agreement that was made some time ago to pay the employee’s portion of contributions to California Public Employees Retirement System came as a result of the meet and confer process and was in lieu of compensation. He explained that this arrangement was beneficial both to the City and employees at the time, but changes in the economy have caused the City to reexamine this policy with regard to new hires.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 8:48 p.m., the meeting was adjourned to Tuesday, November 16, 2010, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

Attest: /s/ Frank Scotto
Mayor of the City of Torrance

/s/ Sue Herbers
Sue Herbers
City Clerk of the City of Torrance

Approved on December 21, 2010