

November 17, 2009

**MINUTES OF AN ADJOURNED REGULAR  
MEETING OF THE TORRANCE CITY COUNCIL**

**1. CALL TO ORDER**

The Torrance City Council convened in joint session with the Torrance Youth Council at 5:30 p.m. on Tuesday, November 17, 2009 in the West Annex Commission Room at Torrance City Hall.

**ROLL CALL**

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

Absent: None.

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

Topics of discussion included Middle School Assemblies; Volunteer Partnership between Middle School and High School Clubs; Participation in Junior Leadership Torrance Program; Adopt-A-Family; Talent Show for the Senior Citizens Center; and Social Networking Opportunities (TYC on Face Book)

At 6:44 p.m., the Torrance Youth Council meeting was adjourned and the City Council recessed.

At 7:04 p.m., the City Council reconvened in the Council Chambers with all members present.

**2. FLAG SALUTE/INVOCATION**

The flag salute was led by John Bailey.

Councilmember Rhilinger gave the non-sectarian invocation.

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

City Clerk Herbers reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, November 12, 2009.

**MOTION:** Councilmember Rhilinger moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Furey and passed by unanimous roll call vote.

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 WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS**

Agenda Item 18 Executive Session was withdrawn.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Councilmember Barnett reported that the Ad Hoc Commission Review Committee met on November 16 and an item would be presented to the City Council shortly.

Councilmember Barnett announced that the next Centennial Committee meeting would be held Monday, November 23, at 6:00 p.m. in the Katy Geissert Civic Center Library meeting room.

Councilmember Numark announced that a public workshop regarding the Bishop Montgomery sump would be held on Wednesday, November 18, at 7:00 p.m. at Anza Elementary, 21400 Ellinwood Drive.

Councilmember Brewer announced that a Citizen Development and Enrichment Committee meeting would be held Monday, December 7, at 4:30 p.m. in the Third Floor Assembly Room to discuss consolidating the City election with TUSD.

Mayor Scotto asked that the meeting be adjourned in memory of retired fire captain Sam Martin, who passed away November 3 and retired firefighter Denny Haas, who passed away November 13.

6. **COMMUNITY MATTERS**

6A. **PROCLAMATION RE “TORRANCE EDUCATION FOUNDATION MONTH”**

Mayor Scotto presented a proclamation declaring the month of **November 2009** as **Torrance Education Foundation Month** in the City of Torrance to Torrance Education Foundation President Mary Hoffman and board members.

7. **ORAL COMMUNICATIONS #1**

**7A.** Sandra Carter, director of Happy Face Preschool, Ariel Avenue, reported that T-Mobile was planning to install a 55-foot high cell phone tower at 2540 Sepulveda Boulevard, which is directly adjacent to the preschool. She voiced objections to the cell tower, citing potential health hazards, safety risks and aesthetics. She questioned why Torrance has not enacted restrictions specifying a minimum distance between schools and cell phone towers as has been done in other cities.

**7B.** Newt Young, Southwood Sunray Homeowners Association, echoed concerns about the proposed cell phone tower adjacent to Happy Face Preschool and related his belief that this was a very inappropriate location. He urged the Council to have the Planning Commission review applications for cell phone towers instead of the Telecommunications Committee

**7C.** Mike Klint, Torrance, voiced objections to the proposed cell tower next to Happy Face Preschool and suggested that a better location for the tower would be in the strip mall at Crenshaw and Sepulveda.

**7D.** Phil O'Connor, Torrance, recommended that the Council consider adopting an ordinance restricting the placement of cell phone towers.

**7E.** John Bailey, president of Southeast Torrance Homeowners Association, reported that T-Mobile has an existing 52-foot high cell phone tower adjacent to residences in southeast Torrance and has proposed increasing its height to 62 feet. He expressed

concerns that T-Mobile could continue to raise the height of this tower because apparently there are no height limits in the C-3 Zone. He requested that the Council transfer the responsibility of approving cell phone towers from the Telecommunications Committee to the Planning Commission and suggested that the City consider charging a royalty for cell phone towers as is done for petroleum pipelines.

**7F.** Dick Browning, Torrance, reported on a recent incident where paramedic assistance was requested and response was delayed because paramedics were dispatched to the wrong location. He maintained that recent budget cuts to public safety had endangered the community and urged that corrective action be taken.

**7G.** Bonnie Mae Barnard, Save Historic Old Torrance, invited everyone to attend Save Historic Old Torrance's 4<sup>th</sup> annual Christmas Grand Tea to be held on Saturday, December 5, at the Zamperini house, 2028 Gramercy Avenue, with information available at [www.savehistoricoldtorrance.com](http://www.savehistoricoldtorrance.com). She also invited the public to attend the Heritage Square Designer Holiday Home Tour, on weekends November 27 through January 3, with information at [www.heritagesquare.org](http://www.heritagesquare.org).

**7H.** Susan Minccio, Torrance, requested that notices of Telecommunications Committee hearings on cell phone tower applications be sent out at least 10 business days prior to the hearings; that the notices include photographs/renderings and a clear description of the proposed construction; that the full staff report be available on-line before the meeting; and that the total number of antennas a pole can accommodate be listed. She expressed concerns about the proliferation of cell phone towers and urged that more restrictions be placed on them.

**7I.** Steve Busch, Torrance, on behalf of Belmar Homeowners Association, requested that the police department regularly patrol Belmar so that officers can become familiar with the gated community. He requested information regarding the reason for the 17% increase in residential water rates.

**7J.** Harry Stuver, Torrance, requested the City's assistance in dealing with nuisances associated with the Redondo Pistol Range.

**8. CONSENT CALENDAR**

**8A. LEASE AMENDMENT RE 1520 GREENWOOD AVENUE**

**Recommendation**

Recommendation of the City Manager that City Council approve third amendment to lease by and between the City of Torrance (City) and the Torrance Unified School District (TUSD) for a portion of certain real property located at 1520 Greenwood Avenue within Greenwood Park.

Considered separately, see page 5.

**8B. PURCHASE OF HONDA ACCORD EX SEDANS**

**Recommendation**

Recommendation of the General Services Director that City Council authorize issuance of a purchase order to Scott Robinson Honda of Torrance, CA in the amount of \$61,117.52 including sales tax and tire fees, to furnish two (2) 2010 Honda Accord EX Sedans (w/V6 Engine) (B2009-43).

**8C. SALE OF SURPLUS/OBSOLETE VEHICLES**

**Recommendation**

Recommendation of the General Services Director that City Council:

- 1) Authorize the sale of one (1) surplus/obsolete vehicle to the Torrance Unified School District (TUSD) for a total of \$1,400; and
- 2) Authorize Ken Porter Auctions, of Gardena, CA to facilitate the sale of thirteen (13) surplus/obsolete vehicles.

**8D. AGREEMENT EXTENSION FOR EMERGENCY TELEPHONE NOTIFICATION SERVICES**

**Recommendation**

Recommendation of the Fire Chief that City Council authorize the Fire Chief to exercise the option to extend the agreement with Avtex Solutions LLC, dba Avtex, (C2005-154) for provision of emergency telephone notification services for one year through December 20, 2010 in the amount of \$13,000 for a new not to exceed total of \$67,000. This is the last option for the City for a one-year extension.

**8E. CONTRACT AMENDMENT RE AIRPORT HANGAR RECONSTRUCTION PROJECT**

**Recommendation**

Recommendation of the General Services Director that City Council:

- 1) Approve a contract amendment in the amount of \$4,497.94 with DLG Electric and Construction, Inc. (C2009-174) for a total contract amount of \$46,497.94; and
- 2) Appropriate \$4,497.94 from the Airport Enterprise Fund into the Airport Hangar Reconstruction Project (FEAP #722).

**8F. AGREEMENT AMENDMENT FOR RESTORATION/ ENHANCEMENT OF MADRONA MARSH**

**Recommendation**

Recommendation of the Public Works Director that City Council approve an amendment to the agreement with Moffatt & Nichol Engineers (C2008-225) in the amount of \$13,125, for a total not to exceed amount of \$195,276, and extend the term an additional 12-month period through November 25, 2010, to provide additional final design services for Restoration and Enhancement of the Madrona Marsh.

**8G. AGREEMENT RE FLUORIDATION FACILITY DESIGN/CONSTRUCTION SERVICES SUPPORT**

**Recommendation**

Recommendation of the Public Works Director that City Council:

- 1) Approve transfer of \$32,410 from the Professional Services Account of the Water Operations Fund to increase the total project cost of the Fluoridation Project, FEAP #702; and
- 2) Approve a consulting services agreement in the amount of \$32,410 with Williams-McCaron, Incorporated, WMI, Water Process Engineering, for fluoridation facility design and construction services support, for a term of 18 months.

**MOTION:** Councilmember Numark moved for the approval of Consent Calendar Items 8B through 8G. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

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

**8A. LEASE AMENDMENT RE 1520 GREENWOOD AVENUE**

**Recommendation**

Recommendation of the City Manager that City Council approve third amendment to lease by and between the City of Torrance (City) and the Torrance Unified School District (TUSD) for a portion of certain real property located at 1520 Greenwood Avenue within Greenwood Park.

Assistant to the City Manager Sunshine reported that the proposed amendment would extend the lease for the Greenwood Park property with TUSD for three years at a cost of \$15,747 per year with annual CPI adjustment of 3%.

Councilmember Numark proposed eliminating the CPI adjustment because the City has no practical use for this property other than to lease it to the school district.

Councilmember Sutherland noted that the school district already receives a discounted price for the lease of the property.

City Manager Jackson reported that the City purchased this property from the school district at full value and subsequently agreed to lease a portion of it back to them. He recommended that if the Council decides to eliminate the CPI adjustment, the full amount be charged and then rebated to the school district for purposes of bookkeeping.

Michael Wermers, TUSD School Board member, thanked the Council for considering the elimination of the CPI adjustment, noting that the district is very short of funds at this time.

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

**MOTION:** Councilmember Numark moved to rebate the 3% CPI adjustment for the term of the lease. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

**10. PLANNING AND ECONOMIC DEVELOPMENT**

**10A. TOURISM BUSINESS IMPROVEMENT DISTRICT**

**Recommendation**

Recommendation of the City Manager that City Council adopt a Resolution of Intention to create a Tourism Business Improvement District (TBID), declare the intention to levy an assessment on lodging businesses within the district, and fix a time and place for a public meeting and a public hearing thereon and give notice thereof.

Management Associate Fulton provided an overview of the proposed Tourism Business Improvement District (TBID). She explained that the TBID would be funded by an assessment of 1% of gross short-term room rental revenue at lodging businesses with more than 50 rooms within the boundaries of Torrance, with the funding to be used for the purpose of tourism promotion and community marketing. She noted that the agenda item includes a petition in support of the TBID signed by lodging businesses that would pay over 50% of the total annual assessment. She advised that staff was recommending that a public meeting on this matter be held on Tuesday, December 8, 2009 at 7:00 p.m. and a public hearing on Tuesday, January 12, 2010 at 7:00 p.m.

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

**RESOLUTION NO. 2009-108**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
DECLARING ITS INTENTION TO ESTABLISH THE TORRANCE TOURISM  
BUSINESS IMPROVEMENT DISTRICT (TTBID) AND FIXING THE TIME AND  
PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND  
GIVING NOTICE THEREOF

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2009-108. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

**12. ADMINISTRATIVE MATTERS**

**12A. APPOINTMENT OF DEPUTY CITY ATTORNEY III**

**Recommendation**

Recommendation of the City Attorney that City Council appoint Tatia Strader to the position of Deputy City Attorney III.

City Attorney Fellows noted that Tatia Strader was hired by the City in 2001 and is currently the City's principal labor and employment lawyer.

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

Ms. Strader expressed appreciation for the appointment and thanked her colleagues and family for their support.

The City Council briefly recessed from 8:10 p.m. to 8:21 p.m.

**12B. LETTER OF SUPPORT FOR DEPARTMENT OF PUBLIC HEALTH TOBACCO CONTROL AND PREVENTION PROGRAM**

**Recommendation**

Recommendation of the Community Services Director that City Council approve the submission of a letter supporting Los Angeles County's efforts to obtain American Recovery and Reinvestment Act (ARRA) grant funding for the Department of Public Health Tobacco Control and Prevention Program.

Andrew Orpe, Community Services Department, reported that the City would be eligible for up to \$25,000 in funding if the grant is approved, which could be used to post "No Smoking" signs in City parks should the City decide to adopt an ordinance prohibiting smoking in City parks similar to the one already in effect at Torrance Beach.

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

**12C. RELOCATION OF OVERHEAD POWER LINES RE DEL AMO BOULEVARD EXTENSION PROJECT**

**Recommendation**

Recommendation of the Public Works Director that City Council:

- 1) Authorize the expenditure for a service request to Southern California Edison Company to relocate overhead power lines and 14 power poles in the amount of \$406,045.35 (Total cost is \$411,045.35 which includes \$5,000 previously paid during the design phase); and,
- 2) Authorize a 5% contingency in the amount of \$20,552.27.

Lauren Soblano, Public Works Department, reported that the power lines and poles need to be relocated because they are in the path of the Del Amo Boulevard extension. She noted that the possibility of undergrounding the utilities was explored but was determined not to be feasible because of the constraints of the property and the limits of the easement acquired for this purpose.

Robert Thompson, president of Madrona Homeowners Association, stated that members look forward to the completion of the Del Amo Boulevard extension and suggested that access be provided to the site recently purchased by the City for a proposed Transit Center.

Ruben Ordaz, Torrance, expressed concerns that Del Amo Boulevard has become a speedway thereby endangering neighborhood children. He reported that large trucks are ignoring restrictions and traveling on the portion of Del Amo Boulevard between Van Ness and Crenshaw Boulevard.

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

**12D. AGREEMENT FOR REROUTING OF WATER AND SEWER LINES RE DEL AMO BOULEVARD EXTENSION**

**Recommendation**

Recommendation of the Public Works Director that City Council:

- 1) Approve the plans and specifications for the Del Amo Boulevard Extension, T-30 – Phase 1 reroute of two water and two sewer pipelines, (B2009-37);
- 2) Award a public works agreement in the amount of \$1,485,260 and for a term of two years to Blois Construction, Inc.; and
- 3) Authorize a 5% contingency in the amount of \$74,263.

Engineering Manager Overstreet reported that Blois Construction was the lowest responsible bidder and the bid amount was 17% under the engineer's estimate. She noted that the Public Works Department initiated the City's first "green" bidding process with this project, which involved posting the specifications and plans for the project in PDF format on the City's website thereby reducing the amount of paper documents provided by the City, reducing staff time spent preparing documents and responding to requests for information, and expediting the distribution of information to perspective bidders. She stated the process was well received and Public Works plans to continue using this process for future projects.

Councilmember Numark commended the Public Works Department for establishing the green bidding process.

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

**12E. RESOLUTIONS AMENDING TFFA AND TFCOA MEMORANDA OF UNDERSTANDING; SAFETY MANAGEMENT PAY RESOLUTION; AND EXECUTIVE AND MANAGEMENT EMPLOYEES RESOLUTION**

**Recommendation**

Recommendation of the City Manager that City Council:

- 1) Adopt Resolutions pursuant to Memoranda of Understanding amending Resolution No. 2009-29 setting forth hours, wages and working conditions for employees represented by the Torrance Fire Fighters Association (TFFA) and Resolution No. 2009-37 for employees represented by the Torrance Fire Chief Officers Association (TFCOA); and
- 2) Adopt Resolutions amending Safety Management Employees Resolution No. 2009-30 for the Deputy Fire Chief and Executive and Management Employees Resolution No. 2009-94 regarding hours, wages, and working conditions.

Assistant to the City Manager Chaparyan reported that the proposed Resolutions implement budget reductions that were agreed to by all the employee organizations involved.

In response to Councilmember Brewer's inquiry, Assistant to the City Manager Chaparyan confirmed that the budget reductions would not affect any services provided to the public, including 911 emergency response.

Councilmember Sutherland noted that changes include reducing the size of the HazMat Team, which will enable the City to enhance paramedic services.

Mayor Scotto disputed the claim made earlier under "Orals" that budget reductions were affecting the City's ability to respond to 911 calls.

Tim Cummings, vice president of Torrance Fire Fighters Association, detailed the concessions made by the TFFA in order to balance the City's budget and expressed the hope that HazMat Team staffing would be returned to its former level once the budget permits.

Councilmember Sutherland noted that budget reductions were made in every City department and it was done in a way that preserved jobs, when many other cities were having to lay-off employees.

Mayor Scotto pointed out that other City departments suffered deeper budget cuts than Police and Fire and both departments have enjoyed substantial pay increases under this Council.

Councilmember Furey thanked TFFA and TFCOA for their willingness to work with staff to arrive at an agreement that achieved the \$684,600 budget reduction.

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

**RESOLUTION NO. 2009-109**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2009-29 SETTING FORTH CHANGES REGARDING THE HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEE REPRESENTED BY TORRANCE FIRE FIGHTERS ASSOCIATION (TFFA)

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2009-109. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

**RESOLUTION NO. 2009-110**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2009-37 SETTING FORTH CHANGES REGARDING THE HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY TORRANCE FIRE CHIEF OFFICERS ASSOCIATION (TFCOA)

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2009-110. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

**RESOLUTION NO. 2009-111**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2009-30 SETTING FOR CHANGES REGARDING THE WAGES FOR SAFETY MANAGEMENT EMPLOYEES

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2009-111. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

**RESOLUTION NO. 2009-112**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2009-94 SETTING FORTH CHANGES REGARDING THE HOURS, WAGES, AND WORKING CONDITIONS FOR EXECUTIVE AND MANAGEMENT EMPLOYEES

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2009-112. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

**12F. RESTATED TORRANCE MUNICIPAL BAIL SCHEDULE**

**Recommendation**

Recommendation of the Finance Director and the City Treasurer that City Council adopt a Resolution repealing Resolution No. 2008-85 and adopting a restated recommended Torrance Municipal Code Bail Schedule.

Assistant Finance Director Flewellyn reported that staff was recommending that parking citations be increased by \$4.50 to cover the pass through amount remitted to the County and the State.

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

**RESOLUTION NO. 2009-71**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
REPEALING RESOLUTION NO. 2008-85 AND ADOPTING A RESTATED  
RECOMMENDED TORRANCE MUNICIPAL CODE BAIL

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2009-71. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

**13. HEARINGS**

**13A. VACATION OF ALLEY SOUTH OF WINLOCK ROAD**

**Recommendation**

Recommendation of the Community Development Director that City Council conduct a public hearing and adopt a Resolution ordering the vacation of the public alley south of Winlock Road and west of Tandem Way.

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.

Mayor Scotto, echoed by Councilmember Sutherland, reported that he visited the site but did not speak with anyone.

Councilmember Rhilinger disclosed that she spoke with residents at the site, but nothing was discussed beyond the information in the staff report.

Councilmember Brewer, echoed by Councilmembers Furey, Numark and Barnett, reported that he drove around the site, but did not get out of his vehicle.

Civil Engineer Symons reported that property owners at 3252 and 3304 Winlock Road have applied to have the alley between their parcels vacated because it serves no purpose other than to provide access to their garages. Using photographs to illustrate, he explained that adjacent residents on Whiffletree Lane in Country Hills have indicated that their gardeners use the alley when they clear debris from the hillside and drainage swale to the rear of their properties, however this blocks access to the applicants' garages on Winlock Road. He noted that the applicants will be required to construct curb, gutters, sidewalk and new driveway aprons across the vacated alley.

Responding to questions from the Council, Civil Engineer Symons reported that the property owners at 3252 and 3304 Winlock Road own the underlying fee to the alley property; that the City has a street easement that encumbers the property; and that this process would remove the encumbrance and make the land available for their use. He confirmed that there is no access to the drainage swale from the alley because it is separated from the swale by a chain link fence. He advised that County Hills CC&Rs require that each property owner with frontage on the swale maintain it and they have gates in the fence along the rear of their properties for this purpose. He stated that staff has not been able to ascertain the original purpose of the alley, but it appears that it might have been intended to provide a connection with roadways in the Country Hills development, which was built approximately 25 years after the homes on Winlock Road.

City Manager Jackson clarified that that in most cases, property owners own the property to the midline of the street adjacent to their property; that this area is discounted by the tax assessor when determining the parcel's value because of the street easement; and that the property would be reassessed if the easement is vacated.

Civil Engineer Symons read an email received just prior to the meeting from the resident at 3308 Winlock Road in support of the proposed vacation.

Raymond Petty, 3309 Whiffletree Lane, noted that he has lived at this address since 1977 and provided background information about the Country Hills development. He contended that the alley was intended to be a service road for the swale and stressed the importance of maintaining the slope and the swale to protect the integrity of the hillside.

In response to Councilmember Numark's inquiry, Mr. Petty related his understanding that the fence separating the alley from the swale was built by the City.

City Manager Jackson stated that it was unlikely that the City would have constructed a fence on private property and since the chain link fence runs continuously along the rear of properties on Winlock, he surmised that it was probably built by the developer of Country Hills to define the property line as a condition of approval.

Councilmember Numark questioned the lack of a gate on this fence, if the alley was intended to be a service road for the maintenance of the swale.

Mr. Petty responded that he recently learned that he could put a gate on this fence.

Referring to staff's photographs, Councilmember Brewer noted that portions of the drainage swale appear to be full of debris and questioned how the City would access the swale to clean it out if property owners fail to maintain it.

Community Development Director Gibson advised that staff would seek permission from adjacent property owners to access the swale.

Councilmember Numark asked if there are similar unused alleys in Torrance and if so, whether approving this vacation would lead to a rash of other applications for vacation.

City Manager Jackson reported that there are similar situations throughout the City with the highest concentration along Calle de Arboles where there are streets that match up with streets in Palos Verdes separated by a fence.

Civil Engineer Symons stated that it was likely that the City will continue to receive applications for vacation, noting that this application and another application on Plum Street have been in the works for some time.

Councilmember Rhilinger noted that installing a gate in the chain link fence adjacent to the alley would not be a solution to maintaining the swale because vehicles parked there would block access to the applicants' garages.

Patricia Hood, 3304 Winlock Road, applicant, urged the Council to approve the vacation since its only purpose is to provide access to her and her neighbor's garages. She explained that the alley is a nuisance because people use it as a turn-around and she is disturbed by noise from vehicles and headlights flashing into her house during nighttime hours.

Mayor Scotto stated that he views this easement as an asset and believes the City should be paid for area being vacated since once it has been added to the applicants' properties, their property values will increase.

Ms. Hood related her understanding that there is typically no remuneration when cities release street easements because the underlying property is already owned by the resident.

Mayor Scotto reported that the City is charging for a 24-inch strip of property in another area of the City. He cautioned that a third-party may own an interest in the property to be vacated and may seek compensation for it.

City Manager Jackson explained that in the 1920s and 1930s an individual retained ownership to the underlying property when City streets were constructed and this property may or may not be affected.

Councilmember Numark questioned whether the City typically charges residents when streets are vacated.

Civil Engineer Symons reported that the City charges for staff time and other expenses associated with vacation of the easement, but not for the property itself.

City Manager Jackson clarified that the strip of property Mayor Scotto was referring to is a right-of-way and the City owns the underlying property.

In response to Councilmember Brewer's inquiry, City Attorney Fellows confirmed that the City could charge for the property being vacated.

Steven Petri reported that he formerly owned the property at 3252 Winlock Road for approximately 9 years and recalled that the alley was used for the removal of green waste from the adjacent hillside only a couple of times.

Matthew Wadell, 3255 Winlock Road, stated that he has lived at this address for 2½ years and he has never seen anyone use the alley to maintain the hillside or the swale. He noted that there is a gate on Tandem Way that could be used for access to maintain the swale.

Lonny Hood, 3304 Winlock Road, applicant, related his understanding that the gate on Tandem Way is used by the City to maintain the swale area below the park.

Councilmember Brewer questioned whether Whiffletree residents could use the gate on Tandem Way in order to clean out the swale and City Manager Jackson stated that he would have to research this issue.

Councilmember Brewer stated that he would be inclined to support the vacation as long as there is other access for maintaining the swale because the alley disrupts the aesthetics along Winlock Road and seems to have no purpose.

Ms. Hood reported that her family cleaned up the swale behind their property because it was filled with debris and they were concerned about flooding. She expressed the hope the Country Hills would enforce its CC&Rs and require adjacent residents to clean up their areas of the swale.

In response to Mayor Scotto's inquiry, Civil Engineer Symons provided clarification regarding the location of utility easements running through the alley. He explained that the applicants could not build structures over the easements, but they could landscape the area.

**MOTION:** Councilmember Brewer moved to close the public hearing. The motion was seconded by Councilmember Numark and passed by unanimous roll call vote.

Councilmember Numark expressed support for approving the vacation because the existing fence does not provide access to the swale, there appears to be no regular public use of the alley, and not charging for the vacated land was consistent with the City's past practices.

Councilmember Rhilinger stated that she saw no reason to retain the easement for the alley because it cannot be used to maintain the swale without blocking the applicants' garages and there is a gate to access the swale on Tandem Way.

Councilmember Furey voiced support for vacating the alley, noting that it receives very little public use and it was clearly not intended to provide access for Country Hills residents to maintain the hillside and swale because that development was built 25 years after homes on Winlock Road. He pointed out that this was not a gift of public property because the City does not own the underlying land.

**MOTION:** Councilmember Furey moved to concur with the staff recommendation to approve the vacation of the alley. The motion was seconded by Councilmember Rhilinger and passed by a 6-1 vote, with Mayor Scotto dissenting.

#### **RESOLUTION NO. 2009-113**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ORDERING THE VACATION OF THE PUBLIC ALLEY SOUTH OF WINLOCK ROAD AND WEST OF TANDEM WAY

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2009-113. The motion was seconded by Councilmember Brewer and passed by a 6-1 vote, with Mayor Scotto dissenting.

#### **13B. CONTRACT FOR ENERGY CONSERVATION PROJECTS**

##### **Recommendation**

Recommendation of the General Services Director that City Council:

- 1) Conduct a public hearing to consider a sole source energy service contract with Johnson Controls, Inc; and
- 2) Adopt a Resolution authorizing the award of a sole source energy service contract to Johnson Controls Inc. as conditioned, per Government Code Section 4217.12 for energy conservation projects.

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.

Facility Services Manager Landis briefly reviewed the benefits of the proposed sole source energy service contract. He noted that the sole source contract will allow energy conserving projects to be completed much faster than using the traditional bidding process; that the projects will be funded by an ARRA (American Recovery and Reinvestment Act) Energy Efficiency and Conservation Block Grant and a loan from the California Energy Commission; and that the savings generated will exceed the cost of the projects including financing over the term of the contract. He reported that staff will meet with Johnson Controls Inc. before the contract is finalized to work out the details, including a measurement and verification plan to quantify energy savings. He explained that contract will include provisions to reduce risk to the City and ensure competitive pricing and the work will be performed as a turnkey project, with no changes to the contract other than City requested changes. He estimated that the contract will be brought back for the Council's approval in late January or early February.

Frank Mann, Johnson Controls Inc., provided background information about the company and reviewed the process used to ensure competitive pricing.

Responding to questions from the Council, Mr. Mann reported that the projects will take approximately 12-18 months to complete and confirmed that energy savings will be guaranteed.

Councilmember Numark encouraged staff to work with Torrance Unified School District to see if they could realize savings under this contract.

Facility Services Manager Landis related his understanding that the TUSD has its own contractor and may not work with any other company.

As no one from the public came forward to speak, the public hearing was closed.

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

Councilmember Sutherland voiced objections to the process for approving sole source contracts, relating his belief that it was impossible to determine whether this company was offering the best contract without having proposals from other companies to compare it to.

**MOTION:** Councilmember Rhilinger moved to concur with the staff recommendation. The motion was seconded by Councilmember Barnett and passed by a 6-0 vote with Councilmember Sutherland abstaining.

#### **RESOLUTION NO. 2009-114**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
AUTHORIZING THE CITY OF TORRANCE TO AWARD A SOLE SOURCE  
ENERGY SERVICE CONTRACT TO JOHNSON CONTROLS INC.

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2009-114. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

#### **17. ORAL COMMUNICATIONS #2**

**17A.** Councilmember Furey announced that for the sixth year in a row, Toyota Motor Sales USA Inc. has agreed to provide a Toyota Prius to be raffled off at Torrance Education Foundation's Celebrate Education dinner to be held on May 8, 2010. He noted that raffle tickets will be \$20 and the proceeds will benefit Torrance Education Foundation programs and many organizations within the Torrance Unified School District.

**17B.** Councilmember Numark announced that Torrance Transit will be offering free Shoppers Special bus service beginning on November 28 through December 20 every Saturday and Sunday from 10:00 a.m. to 6:00 p.m. on Hawthorne Boulevard from Del Amo Circle East to Artesia Boulevard, with additional information available at 310.618.2020 or [www.TorranceCA.gov](http://www.TorranceCA.gov).

**17C.** Councilmember Numark, with the concurrence of Council, requested that the Police Department look into amending the City's graffiti ordinance to incorporate measures recently passed by the City of Gardena to aid in the prosecution of vandals.

**17D.** Councilmember Sutherland reported that Torrance's radio station CitiSounds is now 100% solar powered.

**17E.** Councilmember Sutherland reported that he and Councilmember Numark recently attended a banquet where Torrance was recognized by the L.A. Economic Development Corporation as being one of the most business-friendly cities.

**17F.** Councilmember Barnett asked that staff look into complaints that large trucks are driving on sections of Del Amo Boulevard where they are prohibited and suggested the possibility of adding/re-positioning signage.

**17G.** Councilmember Barnett encouraged the public to attend the Torrance Theatre Company's production of *A Christmas Story* on November 20, 21 and 22 at the Armstrong Theatre, with additional information available by calling box office at 310.781.7171.

**17H.** Councilmember Brewer announced that the Torrance Police Department will be holding a "Tip-a-Cop" event at the Macaroni Grill on Thursday, November 19, from 5:30-9:00 p.m.

**17I.** Mayor Scotto requested that staff prepare an item for the Traffic Commission exploring the possibility of installing a stop sign, traffic signal, or push button activated signal, mid-block on Del Amo Boulevard.

**17J.** Mayor Scotto requested that staff prepare an agenda item on the possibility of creating a cell phone tower ordinance.

**17K.** Mayor Scotto noted that concerns brought up earlier by a resident under "Orals" about delayed response to a 911 call were being investigated.

**17L.** Mayor Scotto commented on the Council's joint meeting with the Youth Council held earlier in the evening, noting that the Youth Council is doing many great things and has very ambitious plans.

**17M.** City Attorney Fellows commented on the USC football team's win the previous Saturday.

**18.** **EXECUTIVE SESSION**  
Executive Session was withdrawn.

**19.** **ADJOURNMENT**  
At 11:00 p.m., the meeting was adjourned to Tuesday, November 24, 2009 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  
Sam Martin and Denny Haas***

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

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

Approved on January 26, 2010

Sue Sweet  
Recording Secretary