

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

1. CALL TO ORDER

The Torrance City Council convened in a joint session with the Torrance Library Commission on Tuesday, November 20, 2007 at 5:34 p.m. in the Katy Geissert Civic Center Library meeting room.

ROLL CALL

Present: Councilmembers Barnett, Brewer, Nowatka, Sutherland, Witkowsky, and Mayor Scotto.

Absent: Councilmember Drevno.

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

Topics of discussion included the resumption of Sunday service at the library, the Katy Geissert Civic Center Library main floor remodel, and homework assistance programs. The Library Commission meeting was adjourned at 6:50 p.m. and the City Council recessed to Council Chambers for the regular meeting.

The City Council reconvened in City Council Chambers at 7:11 p.m. with all members present except Councilmember Drevno.

2. FLAG SALUTE/INVOCATION

Flag salute was led by Cub Scouts Webelos Pack #128.

Councilmember Witkowsky 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 15, 2007.

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

4. WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Transit Director Turner requested that the meeting be adjourned in memory of bus operator Gary Gaines who passed away on November 16.

Mayor Scotto asked that the meeting be adjourned in memory of U.S. Army First Lieutenant Matthew Ferrara, who was killed in an attack by insurgents while serving in Afghanistan on November 9.

City Clerk Herbers invited the public to view the photographs of Torrance Artist Guild member Richard Paul that are on display in the City Clerk's office through the month of November.

Mayor Scotto announced that the Jared Sidney Torrance award would be presented to former mayor Dee Hardison at the December 18, 2007 City Council meeting.

6. COMMUNITY MATTERS

A proclamation declaring the month of November 2007 as "***Torrance Education Foundation Month***" in the City of Torrance was presented to Torrance Education Foundation President Patrick Furey.

7. ORAL COMMUNICATIONS

7A. Linda Cerny, resident, reported on cat trapping policies in the City of Los Angeles and encouraged the City Council to consider adopting the same policies for the City of Torrance.

7B. Pam Ryan, General Manager of the Torrance Marriott, invited everyone to attend a tree lighting ceremony on Thursday, November 29, at 6:00 p.m. in the Zen Garden area of the hotel.

7C. Michael Wermers, reported that a sub-committee of the Airport Commission was in the process of reviewing the jet fuel policy for Torrance Airport and asked for a time extension in order to gather additional information.

Hearing no objection, Mayor Scotto extended the time frame for the gathering of information to March 1, 2008.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation

Recommendation of the **City Clerk** that City Council approve the City Council minutes of September 25, and October 9, 2007.

8B. APPROVAL OF FINAL TRACT MAP NO. 60560

Recommendation

Recommendation of the **Community Development Director** that City Council:

- 1) Approve Final Tract Map No. 60560, creating 2 lots for mixed-use development with retail building on Lot 1 and 14-unit condominium on Lot 2; subdivided by Hawthorne Newton, LLC, and located at 24510 Hawthorne Boulevard, which substantially conforms to and meets all conditions of approval of the Tentative Map; and
- 2) Abandon existing slope easement on the Final Tract Map.

8C. DISASTER COUNCIL 2006-2007 ANNUAL REPORT

Recommendation

Recommendation of the **Police Chief** and the **Disaster Council** that City Council accept and file the Disaster Council 2006-2007 annual report.

8D. AMENDMENT TO MOU WITH L.A. COUNTY METRO RE HAWTHORNE BLVD. AT SEPULVEDA BLVD. INTERSECTION CAPACITY ENHANCEMENT

Recommendation

Recommendation of the **Public Works Director** that City Council approve Amendment No. 1 to Memorandum of Understanding with the Los Angeles County Metropolitan Transportation Authority (MOU P0008082) to extend the lapsing date for the grant funds from June 30, 2007 to June 30, 2008 for the Hawthorne Boulevard at Sepulveda Boulevard Intersection Capacity Enhancement.

8E. AGREEMENT FOR EMERGENCY TELEPHONE NOTIFICATION SERVICES

Recommendation

Recommendation of the **Fire Chief** that City Council authorize extending agreement with Avtex, Inc. (C2005-154) for provision of emergency telephone notification services (CityWatch) for one year through December 20, 2008 in an amount not to exceed \$15,000. The City will have two remaining options for one-year extensions.

8F. REPAIR OF CITY HALL PARKING GATES

Recommendation

Recommendation of the **General Services Director** that City Council approve the appropriation of \$11,599.50 from the Building Maintenance Capitol Project Fund for the replacement of City Hall parking gates.

8G. AMENDMENT TO LEASE AGREEMENT WITH RIVIERA LITTLE LEAGUE

Recommendation

Recommendation of the **Parks and Recreation Commission** and **Acting Community Services Director** that City Council approve an amendment to lease agreement with Riviera Little League (C2004-225) to allow amplified sound.

8H. SALE OF SURPLUS EQUIPMENT TO TORRANCE UNIFIED SCHOOL DISTRICT

Recommendation

Recommendation of the **General Services Director** that City Council authorize the sale of two (2) surplus/obsolete equipment to the Torrance Unified School District (TUSD) for a total of \$2,003.

8I. CONTRACT WITH CITY OF INGLEWOOD FOR PARKING CITATION SERVICES

Recommendation

Recommendation of the **City Treasurer** that City Council approve a contract agreement with the City of Inglewood to provide parking citation management services for a two year period beginning November 1, 2007 through October 31, 2009 with the option of a one year extension. The contract amount for fiscal year 2007-2008 is \$42,000 and fiscal year 2008-2009 is \$42,000.

8J. AGREEMENT AMENDMENT FOR CITYWIDE TRAFFIC ANALYSIS

Recommendation

Recommendation of the **Community Development Director** that City Council:

- 1) Approve an amendment to the consultant services agreement with RBF Consulting (C2004-209) extending the term until ~~July 30, 2008~~, October 31, 2008, to complete Citywide Traffic Study; and
- 2) Authorize the expenditure of an additional not to exceed \$20,000.

8K. HOSTING OF FREE CONCERT BY UNITED STATES AIR FORCE BAND

Considered separately, see below.

8L. ALLOCATION OF ASSET FORFEITURE FUNDS TO SPECIAL PROGRAM ACCOUNT

Recommendation

Recommendation of the **Police Chief** that City Council appropriate and allocate \$25,000 in earned interest from the Asset Forfeiture Special Program account to fund the ongoing operation of the Vice and Narcotics special programs.

MOTION: Councilmember Witkowsky moved for the approval of Consent Calendar Items 8A through 8J and 8L. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember Drevno).

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

8K. HOSTING OF FREE CONCERT BY UNITED STATES AIR FORCE BAND

Recommendation

Recommendation of the **Acting Community Services Director** that City Council approve hosting a free concert performed by the United States Air Force Band of the Golden West in the James Armstrong Theatre on February 16, 2008; and offset program costs of \$1,000.

Councilmember Nowatka noted that a similar free concert performed by the United States Air Force Woodwind Quintet in March 2007 was well received and encouraged residents to mark their calendars for the February 16th concert during the President's Day holiday weekend.

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

11. PUBLIC SAFETY

11A. DISPOSITION OF RETIRED SURPLUS FIRE ENGINES

Recommendation

Recommendation of the **Fire Chief** that City Council adopt a Resolution authorizing title transfer and donation of one retired surplus fire engine to the Big Canyon Fire District, Peck, ID (Unit #118, License # E767808, VIN F1849) and one retired surplus fire engine to Beaver Fire District #1, Beaver, UT (Unit #119, License # E767809, VIN F1850).

Fire Chief Bongard reported that both the Beaver Fire District in Beaver, Utah and the Big Canyon Fire District in Peck, Idaho have volunteer fire departments and the engines to be donated will be used as front-line engines.

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

RESOLUTION NO. 2007-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE TITLE TRANSFER OF TWO RETIRED SURPLUS FIRE ENGINES TO THE BIG CANYON FIRE DISTRICT, PECK, ID AND BEAVER FIRE DISTRICT #1, BEAVER, UT

MOTION: Councilmember Sutherland moved for the adoption of Resolution No. 2007-104. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

12. ADMINISTRATIVE MATTERS

12A. RESOLUTION IN SUPPORT OF TOM BRADLEY COMMEMORATIVE STAMP

Recommendation

Recommendation of the **City Manager** that City Council adopt a Resolution in support of a Tom Bradley commemorative stamp.

Councilmember Witkowsky noted that she asked that this item be brought forward in conjunction with efforts by the California League of Cities' to have a commemorative staff issued for Tom Bradley, the former mayor of Los Angeles, who is well deserving of this honor.

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

RESOLUTION NO. 2007-105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE IN SUPPORT OF ISSUING A POSTAL STAMP IN HONOR OF MAYOR TOM BRADLEY

MOTION: Councilmember Sutherland moved for the adoption of Resolution No. 2007-105. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Drevno).

12B. APPROVAL OF CLASS SPECIFICATIONS FOR ENGINEERING MANAGER AND TRANSPORTATION PLANNING MANAGER

Recommendation

Recommendation of the **Human Resources Director** and **Civil Service Commission** that City Council:

- 1) Approve the proposed class specifications for the positions of Engineering Manager and Transportation Planning Manager;
- 2) Adopt a Resolution amending Resolution No. 2007-67 representing Executive and Management Employees to implement salary ranges for the positions of Engineering Manager and Transportation Planning Manager.

Human Resources Manager Lawrence advised that the new class specifications will replace at-will classifications of Project Manager and Transportation Planner with no change in salaries.

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

RESOLUTION NO. 2007-106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2007-67 SETTING FORTH CHANGES REGARDING THE HOURS, WAGES, AND WORKING CONDITIONS FOR EXECUTIVE AND MANAGEMENT EMPLOYEES

MOTION: Councilmember Sutherland moved for the adoption of Resolution No. 2007-106. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

12C. FIRST QUARTER BUDGET REVIEW

Recommendation

Recommendation of the **Finance and Governmental Operations Committee** that City Council:

- 1) Accept the First Quarter 2007-2008 Budget Review Report and the City Treasurer's Investment Report;
- 2) Approve the allocation of Fiscal Year 2006-2007 carryover;
- 3) Approve the program modifications for the following departments: Community Services, Finance, Human Resources, Public Works, and Transit; and
- 4) Approve the capital projects program modifications for the following departments: City Manager, Community Development, Community Services, Finance, General Services, and Human Resources.

Finance Director Tsao noted that all City departments are within budget; that overall expenditures are projected to be within budget at year end; and that revenues are on pace to reach annual budget projections. With the aid of slides, he briefly reviewed proposed program modifications, capital projects program modifications, and the recommended use of 2006-2007 year-end carryover per written material of record.

Sally Ramirez, AFSCME, Local 1117, voiced objections to the program modification that would delete a Senior Tree Trimmer position, stating that this position is currently the subject of litigation and should be retained until it is resolved. With regard to the program modification that would add a customer service representative at the West Annex Transit Center, she proposed adding a bus operator instead because this would help address understaffing and bus operators could easily provide customer assistance as they are familiar with bus schedules. She expressed concerns about the proposal to develop a new park at Lomita Boulevard and Anza, citing the demand on park maintenance crews.

Responding to Ms. Ramirez's remarks, City Attorney Fellows advised that there was no current litigation that would prevent the deletion of the Senior Tree Trimmer position. City Manager Jackson explained that the customer service representative at the West Annex Transit Center will assist with the Senior Ride Program, therefore, a bus operator was not appropriate for this position. He noted that the Lomita Boulevard right-of-way must be maintained whether or not it is developed as a park.

MOTION: Councilmember Brewer moved to accept the First Quarter 2007-2008 Budget Review Report and the Treasurer's Investment Report. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

MOTION: Councilmember Witkowsky moved for the approval of the allocation of Fiscal Year 2006-2007 carryover as noted in staff report. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

MOTION: Councilmember Brewer moved for the approval of program modifications for Community Services, Finance, Human Resources, Public Works, and Transit departments. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember Drevno).

MOTION: Councilmember Brewer moved for the approval of capital projects program modifications for City Manager, Community Development, Community Services, Finance, General Services, and Human Resources departments. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

- Councilmember Brewer abstained from that portion of the item regarding the proposed park at Lomita Boulevard and Anza.
- Councilmember Nowatka abstained from that portion of the item regarding the proposed purchase of land at 465 Crenshaw Boulevard.

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The City Council recessed from 8:20 p.m. to 8:41 p.m.

12D. ORDINANCE PLACING LIMITATIONS ON CAMPAIGN CONTRIBUTIONS

Recommendation

Recommendation of the **City Manager** that City Council

- 1) Adopt an Ordinance amending Subsection (b) of Section 4 of Article 1 of Chapter 7 of Division 1 of the Torrance Municipal Code to limit campaign contributions to “Natural Persons”; and
- 2) Approve an ordinance summary for publication.

Dee Hardison, chair of the Blue Ribbon Committee on Ethics and Integrity, reported that the committee has been working on developing an ethics code for the past year and, as part of the process, reviewed current laws and policies pertaining to individuals running for office and developed draft ordinances with recommended revisions (Agenda Items 12D through 12I). With regard to this ordinance, she explained that the committee was recommending that campaign contributions be limited to individuals (“natural persons”), thereby eliminating contributions from corporations, unions, and political action committees (PACs) in order to make the election process as transparent as possible.

City Attorney Fellows noted supplemental material consisting of correspondence from AFSCME General Counsel, Larry Weinberg, urging rejection of the proposed ordinance and the City Attorney’s response. He related his understanding that several faxes were received from various labor organizations in opposition to the ordinance.

The Council recessed from 8:50 p.m. to 9:02 p.m. so that the faxes could be copied and made available to the public.

Richard Slauson, executive secretary of the Los Angeles and Orange County Building and Construction Trades Council, stated that political action committees were developed to allow low and middle income people to have a voice in the political process and urged rejection of the proposed ordinance which would deny them this opportunity.

Jeannie Moorman, president of AFSCME, Local 1117, voiced objections to the proposed ordinance. She contended that it would make it impossible for someone with an average income to run for office and it would deny people the opportunity to pool their money to support a candidate who shares their views. In response to a comment made at the November 6 Council meeting, she clarified that union endorsements go through a committee process and are voted on by members.

Ralph Miller, president of AFSCME, Local 685, and vice president of Los Angeles Federation of Labor, urged the Council to reject the proposed ordinance, contending that it was unconstitutional and would be struck down by the courts should it be approved.

Aimee Dudovitz, legal counsel for AFSCME, referring to the City Attorney's response to the letter from AFSCME General Counsel Larry Weinberg (supplemental material), stated that while it is true that federal election law bans contributions from labor unions and corporations, these entities are allowed to participate in the election process through the use of certain segregated funds so they are not shut out entirely as this ordinance proposes to do. She stated that a similar ordinance passed by the City of San Diego was untested and would eventually be declared unconstitutional because it violates First Amendment rights.

Frank Torrez, SEIU, Local 99, urged the Council to reject the ordinance because it would deprive union members of their right to freedom of speech. He noted that general union dues may not be spent on political contributions and that union members are part of the decision making process when contributions are made.

Kurt Weideman, resident, disputed the argument that this ordinance would mean that only rich people would be viable candidates, relating his belief that small donations from a broad range of people could trump a handful of wealthy individuals and that dedicated grassroots volunteers walking precincts, making phone calls and distributing fliers are worth thousands of dollars. He voiced his opinion that the proposed ordinance would help level the playing field for candidates and put elections back in the hands of residents of Torrance. He stated that, as a future candidate who will be affected by them, he supports all of the campaign reform ordinances proposed by the Blue Ribbon Committee. He expressed the hope that the Council would gauge their effect after the election and take action to correct any errors and/or loopholes that are found.

Mark Applegate, chairman of the board of the Torrance Area Chamber of Commerce, stated that the Chamber supports all of the proposed ordinances with the exception of this one because it would take away their ability to make campaign contributions to pro-business candidates in the City of Torrance. He disputed the claim that the ordinance would level the playing field for all candidates, contending that it would instead give an unfair advantage to wealthy candidates, who could afford to finance their own campaigns.

Susan Anderson, resident, voiced objections to the proposed ordinance, stating that as a nurse she cannot afford to contribute to political campaigns and must rely on her union to advocate on her behalf.

Yves Chery, Los Angeles County Employees Retirement Association (LACERA), urged the Council to reject this ordinance and the ordinance to be considered under Item 12H, thereby keeping the political process fair and open to working class families who live in Torrance.

Cliff Numark, resident, stated that, as a candidate for City Council, he will abide by the ordinance if it is enacted, but questioned whether undue influence by unions, PACs and corporations has really been an issue in Torrance. He suggested that data from the last election showing the percentage of contributions from organizations versus individuals would be helpful in determining whether this is a problem. He related his belief that the on-line database, which provides an itemized list of contributors for each candidate, provides the desired transparency.

Mr. Chavez, AFSCME, Local 2626, City of Los Angeles employee, questioned the need for this ordinance, relating his understanding that Torrance is not a hotbed of corruption that would require this heavy handed protection.

Responding to audience members' comments, Ms. Hardison commented on the committee's efforts to develop an ethics code with high standards; noted that the bulk of campaign contributions in Torrance have always come from individuals; and maintained that eliminating contributions from organizations would not disenfranchise anyone, but would help level the playing field for all candidates.

Councilmember Witkowsky stated that she remains opposed to this ordinance as she indicated at the November 6 Council meeting. She voiced her opinion that there are adequate safeguards in existing rules and regulations, noting that campaign contributors must be disclosed in a timely fashion and this information is readily available to the public on the Internet. She pointed out that endorsements from certain organizations can have a great influence on voters and that the proposed ordinance could be easily circumvented by funneling donations from organizations through individual donors.

Councilmember Brewer expressed concerns that the proposed ordinance would shut out local businesses from the election process. He noted that candidates have the ability to choose which organizations they will accept contributions from and voters can benefit from this information.

Councilmember Barnett indicated that he was inclined to support the ordinance in the hope that claims that it would level the playing field for candidates would prove to be true. He noted that it is incredibly expensive to run for public office and this matter has been debated a number of times.

Councilmember Sutherland voiced his opinion that the ordinance goes too far and by adopting it, the City would be "throwing the baby out with the bathwater." He related his experience that contributions do not equal influence and that some candidates need contributions from PACs, unions and corporations to run a viable campaign. He expressed concerns that the ordinance would impede the ability of people to band together to support the candidate of their choice.

Councilmember Nowatka pointed out that PACs, unions and corporations could still endorse a candidate without contributing to his or her campaign; that people do not need to contribute to a campaign get a councilmember's attention; that there is a \$30,000 limit on what candidates may contribute to their own campaigns; and that most current councilmembers and those intending to run in the next election are average citizens running grassroots campaigns. He stated that a lot of time and effort has gone into the drafting of the ordinance and he believes it deserves a chance to work.

Mayor Scotto noted that he prevailed in the last election despite the fact that the union wholeheartedly supported his opponent, which clearly demonstrates that Torrance residents cannot be fooled. He reported that he received hundreds of contributions of \$50 or less and those were the most meaningful; echoed Councilmember Nowatka's remarks that no one needs to contribute to a campaign to get this Council's attention; and indicated that he supports the ordinance, understanding that if it doesn't work, it can be changed.

MOTION: Councilmember Nowatka moved to concur with the staff recommendation. The motion was seconded by Councilmember Barnett and failed to pass as reflected in the following 3-3 vote:

AYES: Councilmember Barnett, Nowatka and Mayor Scotto.
NOES: Councilmembers Brewer Sutherland and Witkowsky.
ABSENT: Councilmember Drevno.

12E. ORDINANCE LIMITING CASH CAMPAIGN CONTRIBUTIONS

Recommendation

Recommendation of the **City Manager** that City Council

- 1) Adopt an Ordinance adding a new Section 6 to Article 1 of Chapter 7 of Division 1 of the Torrance Municipal Code limiting cash campaign contributions to \$20 or less; and
- 2) Approve an ordinance summary for publication.

Dee Hardison, chair of the Blue Ribbon Committee on Ethics and Integrity, explained that this ordinance limits cash contributions to \$20 or less, requiring any amount over \$20 to be made by check or credit card. She noted that this revision was meant to address events for candidates where contributors deposit cash in a fishbowl with no accountability.

Responding to questions from the Council, Deputy City Attorney Whitham clarified that the ordinance does not affect reporting requirements and that the \$20 cash limit applies to the entire election cycle.

Jeannie Moorman, AFSCME, Local 1117, noted that there was nothing to prevent someone from putting \$20 in a fishbowl several times during an election cycle and suggested that in order to provide the transparency the Blue Ribbon Committee is striving for, the source of every dollar contributed should be reported.

Joy Brown-Price, AFSCME, Local 585, City of Los Angeles employee, urged the Council not to discount speakers from outside the City of Torrance as the Council's actions could have far-reaching effects.

David Ouwerkerk, resident, voiced objections to the ordinance, noting that he is a potential candidate for City Council. He contended that it would not improve transparency because reporting requirements remain unchanged and that it would create a bookkeeping nightmare for candidates.

Councilmember Brewer voiced support for the ordinance, noting that candidates are required to keep track of all contributions because the name of a contributor must be reported if the amount contributed reaches \$100 or more.

Councilmember Sutherland related his belief that the ordinance was not enforceable and indicated that he favored allowing no cash contributions.

Councilmember Witkowsky expressed support for the ordinance, noting that the treasurer for a campaign is required to keep track of all contributions.

Mayor Scotto stated that he agreed with Ms. Moorman that all contributions should be reported, noting that he personally kept track of everyone who contributed to his campaign and the amount contributed.

MOTION: Councilmember Witkowsky moved to concur with the staff recommendation. The motion was seconded by Councilmember Brewer.

Councilmember Nowatka offered the following substitute motion:

MOTION: Councilmember Nowatka moved to amend the ordinance to state that no cash contributions shall be permitted.

Mayor Scotto noted that some candidates hold fundraising events where food is sold for a nominal amount and setting the limit on cash at zero could preclude this type of event.

Councilmember Nowatka's motion died for a lack of a second and Councilmember Witkowsky restated her original motion.

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

ORDINANCE NO. 3698

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING A NEW SECTION 6 TO ARTICLE 1 OF CHAPTER 7 OF DIVISION 1 OF THE TORRANCE MUNICIPAL CODE REGULATING CASH CAMPAIGN CONTRIBUTIONS

MOTION: Councilmember Sutherland moved for the adoption of Ordinance No. 3698. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

12F. ORDINANCE REGULATING DISCLOSURE OF LATE CAMPAIGN CONTRIBUTIONS

Recommendation

Recommendation of the **City Manager** that City Council

- 1) Adopt an Ordinance adding a new Section 7 to Article 1 of Chapter 7 of Division 1 of the Torrance Municipal Code regulating the disclosure of late campaign contributions of \$100 or greater to within 24 hours of the time it is received; and
- 2) Approve an ordinance summary for publication.

Dee Hardison, chair of the Blue Ribbon Committee on Ethics and Integrity, advised that the proposed ordinance requires that any contributions of \$100 or more received after the closing date of the last pre-election campaign financial statement (16 days prior to the election), but before the election, must be reported within 24 hours. She noted that current regulations require that contributions of \$1,000 or more be reported.

Mayor Scotto expressed concerns that reducing the threshold for contributions that must be reported to \$100 could overwhelm the City Clerk's office with extra paperwork.

City Clerk Herbers related her experience that the last days of a campaign can be very hectic for candidates, so this change could be onerous for candidates, as well as creating extra paperwork for the City Clerk's office. She proposed requiring contributions of \$500 or more to be reported.

Councilmember Brewer indicated that he favored adopting this ordinance as proposed because a lot of money is received within the last two weeks of a campaign and he felt it was important that the names of contributors be disclosed.

Kurt Weideman, resident, stated that he concurred with the intent of this ordinance, which is to ensure that the names of contributors are disclosed before an election.

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

ORDINANCE NO. 3699

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING A NEW SECTION 7 TO ARTICLE 1 OF CHAPTER 7 OF DIVISION 1 OF THE TORRANCE MUNICIPAL CODE REGULATING THE DISCLOSURE OF LATE CAMPAIGN CONTRIBUTIONS

MOTION: Councilmember Sutherland moved for the adoption of Ordinance No. 3699. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

12G. ORDINANCE REGULATING IDENTIFICATION OF SENDERS OF CAMPAIGN INFORMATION

Recommendation

Recommendation of the **City Manager** that City Council:

- 1) Adopt an of an Ordinance adding a new Section 8 to Article 1 of Chapter 7 of Division 1 of the Torrance Municipal Code regulating the identification of senders of campaign information; and
- 2) Approve an ordinance summary for publication.

Dee Hardison, chair of the Blue Ribbon Committee on Ethics and Integrity, reported that the proposed ordinance would extend disclosure requirements set forth in State mass mailer laws to the following forms of communication: 1) 200 or more of substantially similar pieces of mail that support or oppose a candidate; 2) 200 or more substantially similar transmissions of electronic mail that support or oppose a candidate; 3) 200 or more substantially similar pieces of written material in the form of door hangers or other printed material left of private property that support or oppose a candidate; and 4) 200 or more substantially similar telephone calls that support or oppose a candidate.

Mayor Scotto stated that he was 100% in favor of this ordinance as he believes candidates should have the right to know who is making accusations against them.

Jeannie Moorman, AFSCME, Local 1117, questioned whether the disclosure requirements apply to individuals because the ordinance mentions only candidates and committees.

City Attorney Fellows advised that individuals are exempted from the ordinance.

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

ORDINANCE NO. 3700

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING A NEW SECTION 8 TO ARTICLE 1 OF CHAPTER 7 OF DIVISION 1 OF THE TORRANCE MUNICIPAL CODE REGULATING THE IDENTIFICATION OF SENDERS OF CAMPAIGN

MOTION: Councilmember Sutherland moved for the adoption of Ordinance No. 3700. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

12H. ORDINANCE PROHIBITING THE USE OF CITY BUILDINGS AND EQUIPMENT FOR POLITICAL FUNDRAISING

Recommendation

Recommendation of the **City Manager** that City Council:

- 1) Adopt an Ordinance adding Chapter 8 to Division 1 of the Torrance Municipal Code prohibiting the use of City buildings and equipment for political fundraising; and
- 2) Approve an ordinance summary for publication.

Dee Hardison, chair of the Blue Ribbon Committee on Ethics and Integrity, reported that the proposed ordinance would prohibit the use of City buildings and equipment for political fundraising.

City Attorney Fellows noted supplemental material with revisions to the proposed ordinance addressing concerns set forth in the letter from AFSCME General Council, Larry Weinberg.

Assistant City Attorney Pohl reviewed the revisions to the ordinance per written material of record (Attachment C – supplemental material).

Councilmember Sutherland stated that he supports this ordinance because allowing a fundraising event on City property could be perceived by the public as an endorsement of the candidate.

City Attorney Fellows noted a scrivener's error in Ordinance No. 3701.

Aimee Dudovitz, legal counsel for AFSCME, voiced her opinion that the use of the term "person," which is defined in the ordinance as, "individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, or any other organization or group of persons acting in concert," was overly broad and could be interpreted to mean that non-partisan organizations such as the Women's League of Voters could not accept dues from newly enrolled members at an event held in a City building.

City Attorney Fellows stated that he did not see how enrolling in a membership organization would be construed as a contribution to a political campaign.

Assistant City Attorney Pohl clarified that the proposed ordinance does not prohibit political activities, but only prohibits political fundraising.

Councilmember Witkowsky recommended that the prohibition on fundraising be included in the rental contract for City buildings to ensure that potential renters are aware of this restriction.

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

ORDINANCE NO. 3701

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
ADDING CHAPTER 8 TO DIVISION 1 OF THE TORRANCE MUNICIPAL
CODE PROHIBITING THE USE OF CITY BUILDINGS AND EQUIPMENT
FOR POLITICAL FUNDRAISING

MOTION: Councilmember Sutherland moved for the adoption of Ordinance No. 3701 as revised. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

12I. ORDINANCE RELATING TO POST EMPLOYMENT RESTRICTIONS

Recommendation

Recommendation of the **City Manager** that City Council

- 1) Adopt an Ordinance adding a new Section 14.4.4 to Article 4 of Chapter 4 of Division 1 of the Torrance Municipal Code restricting paid post employment lobbying by Department Heads and other designated management employees; and
- 2) Approve an ordinance summary for publication.

Dee Hardison, chair of the Blue Ribbon Committee on Ethics and Integrity, advised that the proposed ordinance prohibits department heads, assistants and deputies, division heads, and professional members of City Manager and City Attorney staff from lobbying post employment for a period of one year, thereby extending the current State law which prohibits city managers and councilmembers from lobbying for this period.

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 Drevno).

ORDINANCE NO. 3702

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
ADDING SECTION 14.4.4 TO THE TORRANCE MUNICIPAL CODE
RELATING TO POST EMPLOYMENT RESTRICTIONS ON
DEPARTMENT HEADS AND OTHER DESIGNATED EMPLOYEES

MOTION: Councilmember Sutherland moved for the adoption of Ordinance No. 3702. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

13. HEARINGS

13A. LOCAL AMENDMENTS TO THE CALIFORNIA FIRE CODE

Recommendation

Recommendation of the **Fire Chief** that City Council

- 1) Adopt a Resolution with finding of fact in support of certain City of Torrance local amendments to the California Fire Code, 2007 Edition;
- 2) Hold the first reading of a proposed Ordinance adopting the California Fire Code 2007 with the local amendments and
- 3) Approve an ordinance summary for publication.

Fire Marshal Carter noted that local amendments include clarification of language with regard to permits, seizure of fireworks, and fire lane markings and signage.

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

RESOLUTION NO. 2007-107

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
FINDING AND DECLARING THE EXISTENCE OF UNIQUE GEOLOGIC,
TOPOGRAPHIC, AND CLIMATIC CONDITIONS IN THE CITY OF
TORRANCE JUSTIFYING AMENDMENTS TO CERTAIN SECTIONS OF
THE 2007 EDITION OF THE CALIFORNIA FIRE CODE, INCLUDING
CERTAIN APPENDICES

MOTION: Councilmember Sutherland moved for the adoption of Resolution No. 2007-107. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

ORDINANCE NO. 3703

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AMENDING SECTIONS OF THE TORRANCE MUNICIPAL CODE
RELATING TO THE 2007 CALIFORNIA FIRE CODE

MOTION: Councilmember Sutherland moved for the adoption of Ordinance No. 3703. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

13B. LOCAL AMENDMENTS TO CALIFORNIA BUILDING CODE

Recommendation

Recommendation of the **Community Development Director** that City Council

- 1) Adopt a Resolution with finding of fact in support of certain City of Torrance local amendments to the California Building Codes, 2007 Edition;
- 2) Hold the first reading of a proposed Ordinance adopting the California Building Codes, 2007 Edition with the local amendments; and
- 3) Approve an ordinance summary for publication.

Community Development Director Gibson advised that the above actions will allow for the updating of the City's Building Code.

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

RESOLUTION NO. 2007-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE FINDING AND DECLARING THE EXISTENCE OF UNIQUE GEOLOGIC, TOPOGRAPHIC, AND CLIMATIC CONDITIONS IN THE CITY OF TORRANCE JUSTIFYING CERTAIN AMENDMENTS TO THE 2007 CALIFORNIA BUILDING STANDARDS CODE OF THE STATE OF CALIFORNIA

MOTION: Councilmember Sutherland moved for the adoption of Resolution No. 2007-108. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

ORDINANCE NO. 3704

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING CHAPTERS 1, 2, 3, AND 9 OF DIVISION 8 OF THE TORRANCE MUNICIPAL CODE. ALL OF WHICH ADOPT OR AMEND THE 2007 EDITION OF THE CALIFORNIA BUILDING CODE VOLUMES 1 AND 2 WITH APPENDICES, THE 2007 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2007 EDITION OF THE CALIFORNIA PLUMBING CODE WITH APPENDICES, AND THE 2007 EDITION OF THE CALIFORNIA MECHANICAL CODE WITH APPENDICES

MOTION: Councilmember Sutherland moved for the adoption of Ordinance No. 3704. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

The Council met as the Redevelopment Agency from 10:55 p.m. to 10:56 p.m.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Witkowsky reported on her attendance at the National League of Cities conference held in New Orleans. She expressed dismay at the lack of progress of rebuilding efforts after Hurricane Katrina.

17B. Councilmember Witkowsky congratulated the Torrance Panthers football team on their defeat of the Lynwood team and wished them luck against Downey High School.

17C. Councilmember Witkowsky warned residents against soliciting scams.

17D. Councilmember Witkowsky invited everyone to attend a Hanukah candle lighting ceremony at Del Amo Fashion Center on Tuesday, December 4, at 4:00 p.m. by Chabad of South Bay.

- 17E. Councilmember Witkowsky wished husband Mike a happy anniversary.
- 17F. Councilmember Witkowsky wished everyone a happy Thanksgiving.
- 17G. Councilmember Barnett echoed Thanksgiving wishes and encouraged participation in the 28th annual Turkey Trot on Skypark Drive at 8:00 a.m. on Thanksgiving morning.
- 17H. Councilmember Brewer invited everyone to attend the Amazing World of Ducks at the Madrona Marsh on December 9 with tickets available for \$5 per person, contact 310.782.3989 for more information. He echoed Thanksgiving wishes.
- 17I. Councilmember Nowatka wished everyone a happy Thanksgiving.
- 17J. Councilmember Nowatka encouraged everyone to attend Torrance Youth Council sponsored Christmas Boutique at Wilson Park on December 9.
- 17K. Councilmember Sutherland commented on the National League of Cities Conference in New Orleans.
- 17L. Councilmember Sutherland reported that Soka Gakkai International USA, which has been donating 10 cherry trees per year for Columbia Park, has increased the donation to 30 cherry trees per year.
- 17M. Councilmember Sutherland echoed Thanksgiving wishes.
- 17N. Mayor Scotto wished everyone a happy Thanksgiving.
- 17O. Mayor Scotto commented on the upcoming USC/UCLA football game.

18. EXECUTIVE SESSION

At 11:08 p.m., the City Council recessed to closed session to confer with the City Manager and City Attorney on agenda matters listed under 18A) Conference with Labor Negotiator, 18B) Real Property – conference with Real Property Negotiator, and 18C) Conference with Legal Counsel – Anticipated Litigation, pursuant to California Government Code §54957.6, 54956.8 and 54956.9(b)(1).

The City Council reconvened at 12:00 a.m. No formal action was taken on any matter considered in closed session.

19. ADJOURNMENT

At 12:01 a.m. on Wednesday, November 21, 2007 the meeting was adjourned to Tuesday, December 4, 2007, at 5:30 p.m. for an executive session, with regular business commencing at 7:00 p.m. **Tuesday, November 27, 2007 will be a Council dark night.**

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 15, 2008