

**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 6:04 p.m. on Tuesday, November 18, 2008 in City Council Chambers 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.

Mayor Scotto announced that subsequent to the posting of the agenda on November 20, 2008, the City Attorney's office received information affecting the following cases: Mitchell/Bedford v. City of Torrance, et al. Case No. CV08-00694 DSF (RZx) and Dugan v. City of Torrance, et al. Case No. CV08-04157 ABC (SSx). The City Attorney has requested that the City Council consider adding this item to the agenda.

In order to take action on an item not posted on the agenda, the California Government Code requires a determination by a two-thirds vote of the Council that immediate action is required 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. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

The matter was considered as part of the closed session agenda, pursuant to Government Code Sections 54954.2(b)(2) and 54956.9(a).

Mayor Scotto announced that subsequent to the posting of the agenda, the City's Labor Negotiator received information which requires immediate instruction from the City Council concerning the following employee organizations: 1) Torrance Professional & Supervisory Association, 2) Engineers Association, and 3) Torrance Fiscal Employees Association. The City's Labor Negotiator has requested that the City Council consider adding the item to agenda.

**MOTION:** Councilmember Brewer moved to add the item to the agenda. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

The matter was considered as part of the closed session agenda, pursuant to Government Code Sections 54954.2(b)(2) and 54956.6.

Agenda Item 18 was considered out of order at this time

**18. EXECUTIVE SESSION**

The City Council immediately recessed to closed session to confer with the City Manager and City Attorney on the above items and agenda matters listed under 18A) Conference with Labor Negotiator, 18B) Conference with Legal Counsel – Anticipated Litigation, 18C) Real Property – Conference with Real Property Negotiator, and 18D) Conference with Legal Counsel – Existing Litigation, pursuant to California Government Code § 54957.6, 54956.9(c), 54956.8 and 54956.9(a).

The City Council reconvened at 7:08 p.m.

**2. FLAG SALUTE/INVOCATION**

The flag salute was led by Councilmember Brewer.

Councilmember Furey 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 20, 2008.

**MOTION:** Councilmember Sutherland 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 Numark and passed by unanimous roll call vote.

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

City Clerk Herbers announced that supplemental material was available on Agenda Item 12D.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Councilmember Sutherland reported that the Finance and Governmental Operations Committee had met earlier to review the first quarter 2008-2009 Budget and revenues and expenditures were in line with projections unlike some California cities that are experiencing serious shortfalls due to the economic downturn.

Mayor Scotto announced a joint meeting of the City Council and the Environmental Quality and Energy Conservation Commission on Tuesday, December 9, 2008 at 5:30 p.m. in the West Annex Commission Meeting Room.

Fire Chief Racowschi announced that the Exxon Mobil Torrance Refinery monthly Community Alert Siren testing would take place on Wednesday, December 3, 2008 at 11:30 a.m.

Councilmember Numark announced a meeting of the City Council Transportation Committee on Thursday, December 11, at 5:00 p.m. in the 3<sup>rd</sup> Floor Assembly Meeting Room, with topics to include advertising on city buses.

Councilmember Brewer announced a joint meeting of the Citizen Development and Enrichment Committee and the Torrance Unified School District in the 3rd Floor Assembly Room on Wednesday, December 10, at 4:00 p.m.

7. **ORAL COMMUNICATIONS #1** – None.

8. **CONSENT CALENDAR**

8A. **PURCHASE ORDER FOR AUDIO/VISUAL EQUIPMENT**

**Recommendation**

Recommendation of the City Manager that City Council:

- 1) Appropriate \$60,095.77, including 5% (\$2,861.70) contingency; and
- 2) Authorize a purchase order to Bill's Sound & Security, Costa Mesa, CA to furnish and install audio/visual equipment at Katy Geissert Library for \$57,234.07 (B2008-58).

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

**Recommendation**

Recommendation of the General Services Director that City Council:

- 1) Authorize the sale of two (2) surplus/obsolete vehicles/equipment to the Torrance Unified School District (TUSD) for a total of \$858; and
- 2) Authorize Ken Porter Auctions, of Gardena, CA to facilitate the sale of twenty-eight (28) surplus/obsolete vehicles.

8C. **CONSULTING SERVICES AGREEMENT RE MADRONA MARSH ENHANCEMENT AND RESTORATION PROJECT**

**Recommendation**

Recommendation of the Public Works Director that City Council award a consulting services agreement in the amount of \$182,151 to Moffatt & Nichol of Long Beach, CA to provide final design consulting services for the Madrona Marsh Restoration and Enhancement Project, CIP No. I-77.

8D. **ACCEPTANCE/APPROPRIATION OF DONATIONS FOR SERVICE DESKS FOR BRANCH LIBRARIES**

Considered separately, see pages 4-5.

8E. **AGREEMENT FOR CONVERSION OF MICROFICHE PERMIT RECORDS**

**Recommendation**

Recommendation of the Community Development Director that City Council approve a consulting services agreement with Convert-A-Doc, Inc. for conversion of microfiche permit records to digital format in amount not to exceed \$75,000.

**8F. PURCHASE ORDER FOR CNG-FUELED CAB AND CHASSIS**

**Recommendation**

Recommendation of the General Services Director and Public Works Director that City Council:

- 1) Authorize the sole-source purchase of one (1) 2009 Compressed Natural Gas (CNG) fueled Peterbilt 320 Cab and Chassis with a Heil 7000 Automated Side-Loader Refuse Collection Body from Rush Peterbilt Truck Center of Pico Rivera, CA in the amount of \$329,185.81, including sales tax and tire fees; and
- 2) Appropriate and transfer \$329,185.81 from the Sanitation Enterprise Fund to the Fleet Services Vehicle and Equipment Replacement Fund.

**8G. AGREEMENT FOR LEASE/OPERATION OF WILSON PARK BATTING CAGES**

**Recommendation**

Recommendation of the Community Services Director that City Council:

- 1) Approve a concession agreement with Tyler Sports, Inc., for the lease and full operation of the Wilson Park batting cages (RFP B2008-52);
- 2) Reduce appropriations in the Parks and Recreation Enterprise Fund expenditure budget by \$40,500 (1.5 FTE Sr. Recreation Leaders) for staff and by \$28,700 for materials/supplies and contracts for a total reduction of \$69,200.;
- 3) Reduce in the Parks and Recreation Enterprise Fund revenue budget by \$33,000 for a net budget reduction of \$36,200; and
- 4) Approve the one time use of funds in the amount of \$31,350 for improvements that will separate the functions of the batting cage facility.

**MOTION:** Councilmember Rhilinger moved for the approval of Consent Calendar Items 8A through 8C and 8E through 8G. The motion was seconded by Councilmember Furey and passed by unanimous roll call vote.

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

**8D. ACCEPTANCE/APPROPRIATION OF DONATIONS FOR SERVICE DESKS FOR BRANCH LIBRARIES**

**Recommendation**

Recommendation of the Community Services Director that City Council:

- 1) Accept and appropriate a donation, not to exceed \$75,000 for the purchase of four new services desks for the El Retiro, Henderson, North Torrance, and WALTERIA libraries from the Friends of the Torrance Library;
- 2) Accept and appropriate a donation of \$5,605 from the Torrance Public Library Foundation; and
- 3) Appropriate \$11,269.52 from the Library Trust Fund for the purchase of a service desk for the Southeast library.

Councilmember Barnett thanked the Friends of the Torrance Library and the Torrance Public Library Foundation for their generous donations.

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

**12. ADMINISTRATIVE MATTERS**

**12A. COUNCIL DARK NIGHTS**

**Recommendation**

Recommendation of the City Manager that City Council declare the following Tuesdays as City Council Dark Nights from January 1 through June 30, 2009: January 6, January 20, February 17, March 17, March 31, May 26, and June 30.

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

**12B. ORDINANCE GRANTING PIPELINE FRANCHISE**

**Recommendation**

Recommendation of the City Manager that City Council adopt an Ordinance granting Pacific Pipeline System, LLC a pipeline franchise to replace expired Franchise Ordinance No. 3116 to construct, lay, operate, test, maintain, use, renew, repair, replace, move, change the size and number of, and remove or abandon in place a system of pipelines and appurtenances, for the purpose of conducting, transporting, conveying and carrying gas, oil, petroleum products and water, on, along, in, under and across public streets, ways, alleys and places within the City of Torrance.

Assistant to the City Manager Sunshine reported that the proposed ordinance would replace an expired franchise ordinance; that the initial term is 25 years, with options for 10-year extensions; and that the rates are set by the California Public Utilities Commission and include annual CPI adjustments.

**ORDINANCE NO. 3715**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE GRANTING PACIFIC PIPELINE SYSTEM, LLC A PIPELINE FRANCHISE TO REPLACE EXPIRED FRANCHISE ORDINANCE NO. 3116 TO CONSTRUCT, LAY, OPERATE, TEST, MAINTAIN, USE, RENEW, REPAIR, REPLACE, MOVE, CHANGE THE SIZE AND NUMBER OF, AND REMOVE OR ABANDON IN PLACE A SYSTEM OF PIPELINES AND APPURTENANCES, FOR THE PURPOSE OF CONDUCTING, TRANSPORTING, CONVEYING AND CARRYING GAS, OIL, PETROLEUM PRODUCTS AND WATER, ON, ALONG, IN, UNDER AND ACROSS PUBLIC STREETS, WAYS, ALLEYS AND PLACES WITHIN THE CITY OF TORRANCE

**MOTION:** Councilmember Sutherland moved for the adoption of Ordinance No. 3715. The motion was seconded by Councilmember Numark and passed by unanimous roll call vote.

City Clerk Herbers noted that an ordinance summary for publication would be submitted for approval next week at the second and final reading of the ordinance.

**12C. RESOLUTION DECLARING SUPPORT FOR ENERGY PARTNERSHIP**

**Recommendation**

Recommendation of the City Manager that City Council adopt a Resolution declaring the City's support for an energy partnership between Southern California Edison and the South Bay Cities Council of Governments.

Management Aide Elmore reported that Southern California Edison and South Bay Cities Council of Governments will be renewing their energy partnership for 2009-2011 and SCE has asked that each city within the partnership adopt a resolution endorsing the partnership and the goals of the program.

**RESOLUTION NO. 2008-120**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
DECLARING THE CITY'S SUPPORT FOR AN ENERGY PARTNERSHIP  
BETWEEN SOUTHERN CALIFORNIA EDISON AND THE SOUTH BAY CITIES  
COUNCIL OF GOVERNMENTS

**MOTION:** Councilmember Sutherland moved for the adoption of Resolution No. 2008-120. The motion was seconded by Councilmember Numark and passed by unanimous roll call vote.

**12D. AGREEMENTS FOR CONSTRUCTION AND INSPECTION SERVICES FOR WALTERIA AND BEN HAGGOTT RESERVOIR REHABILITATION PROJECT**

**Recommendation**

Recommendation of the Public Works Director that City Council:

- 1) Approve the plans and specifications for the Walteria and Ben Haggott Reservoir Rehabilitation, Phase 1, CIP No. S-31 (B2008-59);
- 2) Award a public works agreement to the lowest bidder, Slater Waterproofing, Inc., in the amount of \$413,882;
- 3) Authorize a 5% contingency in the amount of \$20,694.10 for this project;
- 4) Award a contract services agreement to Project Partners, Inc. in the amount of \$43,560 for inspection services for this project; and
- 5) Appropriate \$150,000 from Water Enterprise Fund to Walteria and Ben Haggott Reservoir Rehabilitation, S-31.

Engineering Manager Dettle noted that the project includes the repair of cracks and waterproofing of the Walteria Reservoir, which is beneath the Las Canchas tennis courts, and the work will be coordinated with the Las Canchas Tennis Club. He confirmed that the project would have no impact on the City's water supply.

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

**12E. FUNDING REQUEST FOR TORRANCE ELEMENTARY TREE PLANTING PROJECT**

**Recommendation**

Recommendation of the City Manager that City Council authorize the Public Works Department to provide asphalt cuts for the planting of trees at Torrance Elementary School. Expenditure: Not to exceed \$1,000.

Mayor Scotto announced, that subsequent to the posting of the agenda, City staff received information that the Torrance Elementary Green Team was requesting a total contribution of \$7,713.60; that because this materially changes the original item, the City Attorney has recommended that this modification be treated as a new matter; and that the City Manager believes immediate action is necessary due to the timeframe involved.

In order to take action on an item not posted on the agenda, the California Government Code requires a determination by a two-thirds vote of the Council that immediate action is required 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 § 54954.2(b)(2). The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

Management Associate Jones reviewed the request from the Torrance Elementary Green Team that the City provide a total of \$7,713.60 in labor costs and services for a tree planting project at Torrance Elementary School (per supplemental material). She reported that the school received a grant to plant 42 trees on the campus to teach students about the environment and students, parents, teachers, businesses and the local community have donated their time, talent and financial support. She noted that funding of \$3500.00 is available in the Community Events Support Budget, but additional sources of funding will have to be identified for the balance of \$4213.60 if the Council approves this item.

City Manager Jackson noted that the City will have to obtain authorization from the Torrance Unified School District to perform this work.

Debbie Hays, Torrance Elementary Green Team, stated that the Green Team would be grateful for any support the City could provide and the \$7,713.60 request was a wish list. She introduced Karen Jackson, the Torrance Elementary teacher who obtained the grant; Jean Welsome, Green Team President; and Carrie Lang, Tree Care Coordinator.

Ms. Lang thanked the Council for considering the Green Team's request for funding. She reported that the project will cost approximately \$8,500.00; that Cal Fire has agreed to match up to \$4,500.00 in donations of cash and labor; and that fundraising efforts have netted approximately \$2,700.00.

In response to Mayor Scotto's inquiry, Ms. Lang confirmed that the City could donate \$1,900.00 in cash and the project would be totally funded.

Mayor Scotto voiced his opinion that the cash donation was preferable because it would eliminate any liability issues with regard to City employees and equipment.

A brief discussion ensued, and Councilmember Brewer, echoed by Councilmember Sutherland, expressed concerns about setting a precedent by funding this project when there are so many other schools and worthwhile organizations in need of funding. Councilmember Sutherland noted that the City has a grant program administered by the Parks and Recreation Commission whereby non-profit organizations can apply for grants of up to \$2500.00.

**MOTION:** Councilmember Furey moved to approve a donation of \$1000.00 to the Torrance Elementary Green Team, with funding to come from the Community Events Support budget. The motion was seconded by Councilmember Barnett and passed by a 6-1 roll call vote, with Councilmember Sutherland dissenting.

Ms. Hays expressed appreciation for the donation and invited the Council to attend the tree planting on Saturday, December 12.

**17. ORAL COMMUNICATIONS #2**

**17A.** Councilmember Sutherland reported that approximately 1000 people were tested the previous Saturday to try to find a stem cell match for two ailing police officers and commended all who participated.

**17B.** Councilmember Sutherland commented on the upcoming Thanksgiving holiday, noting that he has many things to be thankful for.

**17C.** Councilmember Barnett reported that he attended the 14<sup>th</sup> annual Middle School Leadership Conference on November 20 and commended all involved.

**17D.** Councilmember Brewer announced that the Southeast Torrance Branch Library would close for renovations on January 1, 2009 and that the public was invited to attend a meeting at the library on Wednesday, December 10, 2008 to hear the details.

**17E.** Councilmember Furey announced that the Tip-a-Cop event at the Macaroni Grill on November 19 raised \$3,647 for the South Bay Special Olympics.

**17F.** Councilmember Furey announced a fundraiser at Barnes & Noble in Torrance on Monday, December 8, 2008 from 9:00 a.m. to 11:00 p.m., with 10% of the purchases made using the Coupon Code 430454 to be donated to the Torrance Education Foundation.

**17G.** Councilmember Numark invited the public to participate in the 29<sup>th</sup> annual Turkey Trot on Thanksgiving morning, with staging in the Sam's Club parking lot on Skypark Drive. He noted that the event also includes a canned food drive.

**17H.** Councilmember Rhilinger announced a fundraiser on Tuesday, December 2, 2008 from 11:00 a.m. to 9:00 p.m. at the China Tea House for two police officers fighting cancer, Torrance Officer Steve Kroesen and Manhattan Beach Officer Mark Vasquez, with 30% of sales being donated to these two families.

17I. Mayor Scotto wished everyone a happy Thanksgiving.

17J. Brad Moylan, chair of the Youth Council, expressed an interest in having the Youth Council represented at the joint meeting of the Citizen Development and Enrichment Committee and the Torrance Unified School District on December 10, and Mayor Scotto confirmed that the Youth Council could send a representative.

18. **EXECUTIVE SESSION**

At 8:06 p.m., the City Council recessed to closed session to continue consideration of matters listed under Agenda Item 18, Executive Session.

The City Council reconvened at 10:08 p.m. No action was taken on any matter considered in closed session.

19. **ADJOURNMENT**

At 10:08 p.m., the meeting was adjourned to Tuesday, December 9, 2008 at 5:30 p.m. for a joint meeting with the Environmental Quality and Energy Conservation Commission, with the regular meeting commencing at 7:00 p.m. in the Council Chambers. Tuesday, December 2, 2008 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 27, 2009