

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

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 5:32 p.m. on Tuesday, December 16, 2008 in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: Councilmember Rhilinger.

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

Mayor Scotto announced that subsequent to the posting of the agenda, the City received a confidential mediator's settlement proposal regarding the acquisition of various interests in the Dow Chemical property located at 305 Crenshaw Boulevard, Torrance, CA, to facilitate construction of the Del Amo Extension Project. The City Attorney has requested that the City Council consider adding this item to the agenda because immediate instruction is needed. In order to take action on a matter that is not on the agenda, the California Government Code requires a determination by a two-thirds vote of the Council that immediate action is necessary and that the need to take action arose subsequent to the posting of the agenda.

MOTION: Councilmember Brewer moved to add the item to the closed session agenda pursuant to Government Code § 54954.2(b)(2) and 54956.8. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Rhilinger).

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

18. EXECUTIVE SESSION

The City Council immediately recessed to closed session to confer with the City Manager and City Attorney on the above item and agenda matters listed under 18A) Conference with Labor Negotiator, 18B) Conference with Legal Counsel – Existing Litigation, 18C) Conference with Legal Counsel – Liability Claims, and 18D) Real Property – Conference with Real Property Negotiator, pursuant to California Government Code § 54957.6, 54956.9(a), 54956.9(b)(1)(3)(c) and 54956.8.

The City Council reconvened at 7:07 p.m. No formal action was considered on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The flag salute was led by Torrance Unified School District Board President Al Muratsuchi.

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, December 11, 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 (absent Councilmember Rhilinger).

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

City Manager Jackson announced that Agenda Item 12A was being deferred to a later date.

Community Development Director Gibson reported that the appellant (Michael Stark) in Item 13A has withdrawn his appeal because the applicant (Providence Health System/ Little Company of Mary) has agreed to make minor changes to the parking garage which address the concerns of residential neighbors to the north of the project.

Mayor Scotto noted supplemental material available on Agenda Items 8H, 9A and 13A.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS – None.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2008-121 RE SANTIAGO CARRERAS

RESOLUTION NO. 2008-121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING POLICE SERGEANT **SANTIAGO CARRERAS** UPON HIS RETIREMENT FROM THE CITY AFTER TWENTY-EIGHT YEARS OF SERVICE

MOTION: Councilmember Sutherland moved for the adoption of Resolution No. 2008-121. The motion was seconded by Councilmember Numark and passed by unanimous roll call vote (absent Councilmember Rhilinger).

To be presented at a later date.

6B. RESOLUTION NO. 2008-122 RE STEVEN HANKS

RESOLUTION NO. 2008-122

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
HONORING POLICE OFFICER **STEVEN HANKS** UPON HIS RETIREMENT
FROM THE CITY AFTER TWENTY-SEVEN YEARS OF SERVICE

MOTION: Councilmember Sutherland moved for the adoption of Resolution No. 2008-122. The motion was seconded by Councilmember Numark and passed by unanimous roll call vote (absent Councilmember Rhilinger).

To be presented at a later date.

7. ORAL COMMUNICATIONS #1

7A. Al Muratsuchi, Torrance Unified School District Board president, thanked the Mayor and Council for supporting the recently approved TUSD Bond Measures Y and Z. He reported that the School Board was now accepting applications for the Citizen Oversight Committee that will be created to ensure that bond funds are spent wisely and only on those projects listed in the measures. He noted that the application and a list of the committee's responsibilities are available on the TUSD website, www.TUSD.org or can be obtained by calling the TUSD superintendent's office at 310.972.6001 and that the deadline to file an application is January 26, 2009, with appointments to be made at the February 2, 2009 School Board meeting.

7B. Diane Moss, Malibu, urged the Council to support the resolution opposing the proposed construction of the OceanWay Secure Energy LNG project by Woodside Natural Gas (Agenda Item 12A) when the matter is brought back in January, citing concerns about the environmental impact, security risks and safety hazards.

7C. Jonathon Beutler, Torrance, echoed concerns about the OceanWay LNG project.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation

Recommendation of the City Clerk that City Council approve the City Council minutes of September 23, September 30, October 7, October 14, and October 21, 2008.

8B. PURCHASE OF ANNUAL SOFTWARE MAINTENANCE/SUPPORT FOR CITYWIDE FINANCIAL SYSTEM

Recommendation

Recommendation of the Communications and Information Technology Director that City Council approve the purchase of annual software maintenance and support from New World Systems of Troy, MI, in the amount of \$46,620.

8C. AMENDMENT TO AGREEMENT RE CRENSHAW BLVD. REHABILITATION PROJECTS

Considered separately, see page 5.

8D. WATER COMMISSION 2007-2008 ANNUAL REPORT

Recommendation

Recommendation of the Water Commission and the Public Works Director that City Council accept and file the Water Commission 2007-2008 Annual Report.

8E. AGREEMENT FOR CONSTRUCTION OF PILOT WELL NO. 10

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Approve the plans and specifications for Construction of Pilot Well No. 10;
- 2) Appropriate \$217,180 from the Water Enterprise Fund and approve a project budget for Pilot Well No. 10;
- 3) Accept the error in the total bid price of the lowest bidder, Layne Christensen Company, that was corrected from \$166,000 to \$165,700, and agreed by the bidder;
- 4) Award a contract services agreement to Layne Christensen Co. in the amount of \$165,700 and authorize a 10% contingency in the amount of \$16,570 for construction of the Well No. 10 Pilot Hole; and
- 5) Approve a First Amendment to consulting services agreement with Boyle Engineering (C2008-012) to increase the amount by \$34,910, for an amended not to exceed amount of \$388,508, and extend the term of the agreement by six (6) months.

8F. AGREEMENT RE PROMOTING WATER CONSERVATION PROGRAMS

Recommendation

Recommendation of the Water Commission and the Public Works Director that City Council approve entering into an agreement with the South Bay Cities Council of Governments (SBCCOG) to provide marketing, promotional and community outreach services for the implementation of water conservation programs in the amount of \$18,750 for the period of January 1, 2009 through June 30, 2010.

8G. MEMORANDUM OF UNDERSTANDING FOR PROPOSITION C 40% DISCRETIONARY FUNDS - MOSIP

Recommendation

Recommendation of the Transit Director that City Council approve a Memorandum of Understanding (MOU) with the Los Angeles County Metropolitan Transportation Authority (Metro) for the allocation of Proposition C 40% Discretionary funds for the period from July 1, 2008 to June 30, 2018 for the Municipal Operator Service Improvement Program (MOSIP).

8H. REJECTION OF BIDS TO FURNISH CITY'S FUEL REQUIREMENTS

Recommendation

Recommendation of the General Services Director that City Council authorize the rejection of all bids received under Bid Number B2008-37, a bid to furnish the City's fuel requirement for a period of three (3) years.

MOTION: Councilmember Brewer moved for the approval of Consent Calendar Items 8A, 8B and 8D through 8H. The motion was seconded by Councilmember Furey and passed by unanimous roll call vote (absent Councilmember Rhilinger).

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

8C. AMENDMENT TO AGREEMENT RE CRENSHAW BLVD. REHABILITATION PROJECTS

Recommendation

Recommendation of the Public Works Director that City Council approve a First Amendment that extends the term until December 31, 2010 for consulting services agreement with Psomas (C2007-059) for engineering design services related to the Crenshaw Boulevard Rehabilitation, T-22 (182nd Street to 190th Street) and Crenshaw Boulevard Rehabilitation, T-51 (Maricopa Street to Sepulveda Boulevard).

At the request of Councilmember Furey, Public Works Department staff provided an overview of Crenshaw Boulevard Rehabilitation projects.

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

9. COMMUNITY SERVICES

9A. CONCESSIONAIRE AGREEMENT FOR LAS CANCHAS TENNIS FACILITY

Recommendation

Recommendation of the Community Services Director that City Council approve a concessionaire agreement with South Bay Tennis Center for the lease and full operation of the Las Canchas Tennis Facility.

Business Manager Minter reported that the RFP (Request for Proposal) for operating the Las Canchas Tennis Facility was advertised on August 24, 2008; that South Bay Tennis Center was the only operator to submit a proposal by the September 30, 2008 deadline; and that a committee comprised of Finance and Community Development Department staff evaluated the proposal and determined that it was acceptable. He noted supplemental material which clarifies that the existing agreement with SBTC, which expires in March of 2010, will be terminated.

In response to Councilmember Brewer's inquiry, Community Services Director Jones provided clarification regarding the RFP process and confirmed that proper procedures were followed.

Linda Jackson, Rancho Palos Verdes, noted that she appeared before the City Council in October 2008 requesting that the RFP for the tennis facility be revisited. She explained that she had contacted staff early in 2008 and expressed an interest in submitting a proposal for operating the facility, but was told that the current agreement would not expire until March 2010. She expressed concerns that she was not notified when the new RFP was developed and only learned of it after the deadline to submit a proposal had expired and other operators who had previously submitted bids were also not notified. She voiced her opinion that it would be beneficial to the City to have more than one proposal to consider.

Kevin Loper, San Pedro, contended that staff did not make an effort to notify all interested parties therefore the process was unfair and detrimental to taxpayers because there was no competitive bidding. He questioned the wisdom of approving a seven-year contract which includes no capital improvements to an aging facility. He voiced his opinion that the contract, which provides for a minimum payment of only \$1500 per month, vastly undervalues the tennis facility and urged the Council to reject the bid and restart the RFP process.

Courtney Hance, South Bay Tennis Center, reported that she and her husband have operated the Las Canchas Tennis Facility for the past 12 years, working long hours seven days a week, and they look forward to continuing their relationship with the City. She reviewed the various programs currently offered at the facility, noting that they also advertise and promote the facility and maintain a website. She thanked the many people who came to this meeting to show their support.

In response to Councilmember Sutherland's inquiry, Ms. Hance reported that all capital improvements required by the existing contract have been fulfilled and they will continue to maintain the facility to the best of their ability. She noted that they are responsible for repairs/improvements under \$500 and the City is responsible for repairs/improvements in excess of that amount.

Responding to Councilmember Brewer's inquiry, Business Manager Minter confirmed that staff periodically inspects the facility to ensure that it is being properly maintained and noted that the new contract includes a participant evaluation component to ensure that the needs of the community are being met.

Councilmember Brewer expressed concerns about restarting the RFP process after the terms of SBTC's bid have been disclosed, especially since the process complied with established procedures.

City Attorney Fellows clarified that this is a proposal to provide services and not a competitive bid, which must be awarded to the lowest bidder; that the City may consider the quality of the service and the value to the community; and that the City is not obligated to award the contract to the concessionaire offering the most money. He confirmed that all legal requirements for publicizing the RFP had been met.

Richard Hedrick, Torrance, stated that he is a tennis player who frequents the Las Canchas facility, as well as private tennis clubs, and believes it is extremely well run and offers some of the best programs in the area.

Julie Hedrick, Torrance, stated that she also thought the facility was very well run, noting that it offers a wide range of programs for all ages and skill levels.

Diane Davis, Torrance, related her experience that Las Canchas is the most welcoming, family-friendly tennis club in the South Bay and provides outstanding tennis instruction for the City's youth. In addition, she noted that Mr. and Mrs. Hance offer scholarships for young people who cannot afford the classes; donate their services to be auctioned off for local charities; and provide summer employment for teenagers.

Katie Barth, Rancho Palos Verdes, voiced her opinion that the Hances provide great benefit to the local community. She explained that they provided a scholarship of six months of unlimited group lessons when she could not afford them; that she subsequently competed in college level tennis and became a tennis instructor at Las Canchas; and that the Hances organized a fundraiser when she was diagnosed with cancer in September 2008.

Kim Quinn, Rancho Palos Verdes, stated that the Hances run the most committed, professional tennis program she has ever found and they are valuable members of the local tennis community.

Jeff Chai, Torrance, reported that he has visited numerous tennis clubs as part of his job as a sales representative for a sports equipment company and South Bay Tennis Center/ Las Canchas ranks among the best. He noted that the Hances provided a scholarship for a student that subsequently became the No. 1 player at Carson High.

Patricia Goodman, Redondo Beach, read a letter from her daughter in support of the Hances, noting that they offer outstanding workouts and instruction, that they keep the facility clean and well maintained, and that they create a friendly, welcoming environment for children.

Robert Tanino, Torrance, stated that he has played tennis at the Las Canchas facility since 1997 and believes the Hances do a great job of running it. He reported that the Hances helped his son become the No. 1 singles tennis player at North High for three years in a row.

Dennis Rizzo, Rancho Palos Verdes, voiced his opinion that the Hances have done an exceptional job of managing the Las Canchas facility and promoting the game of tennis, noting that he is currently director and head professional at the Jack Kramer Tennis Club and has had many years of experience in this field.

Dan Matera, San Pedro, stated that he has enjoyed working with and for the Hances for many years as a tennis instructor and believes the facility would not be the same without them.

Dean Pizer, Torrance, reported that he has worked as a tennis instructor at Las Canchas for 20 years and related his experience that the Hances have done an outstanding job of managing it.

Sally Tahagion, Redondo Beach, contended that the RFP process should be reopened because legitimate interest was shown by another potential concessionaire.

Councilmember Numark indicated that he was inclined to concur with the staff recommendation because the RFP process complied all legal requirements and starting it over again could set a precedent with regard to other RFPs. He encouraged staff to closely monitor the contract and to inform all interested parties if another RFP is released in the future.

Councilmember Sutherland voiced his opinion that the effort put into managing this facility by the Hances was priceless and the benefit to the community outweighed any potential increase in revenues the City might receive from another concessionaire.

Councilmember Barnett expressed support for the staff recommendation, citing the Hances' track record in operating this facility.

Councilmember Furey related his belief that the programs offered by the Hances are of great value to the community, noting that he was particularly impressed by the outreach to local schools, the free program at Canyon Verde College for adults with special needs, and their work with the non-profit organization CASA (Court Appointed Special Advocates). He voiced his opinion that adequate notice was provided to potential concessionaires during the RFP process.

City Attorney Fellows clarified that the current contract, which expires in March 2010, could have been modified without going through the RFP process.

Mayor Scotto reported that he and other Councilmembers recently toured the facility unannounced and they were very pleased with how it looked.

Councilmember Brewer indicated that he concurred with his colleagues' remarks.

Councilmember Numark noted that according to the market analysis provided by staff, the proposed agreement is in line with other cities in the region that use a concessionaire and the per-court payment is actually higher than for courts in the City of Beverly Hills.

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

The City Council recessed from 8:22 p.m. to 8:30 p.m.

10. PLANNING AND ECONOMIC DEVELOPMENT

10A. IMPLEMENTATION OF INTELLIGENT TRANSPORTATION SYSTEM

Recommendation

Recommendation of the Community Development Director that City Council:

- 1) Authorize a supply agreement with Econolite Control Products, Inc. for implementation of ITS elements in an amount not to exceed \$479,650 (\$206,350 City funds and \$273,300 LACDPW funds); and
- 2) Authorize a cooperative agreement with Los Angeles County Department of Public Works (LACDPW) to authorize the receipt of funds and appropriate the amount of \$273,300 from LACDPW.

Transportation Planning Manager Semaan provided an overview of the Intelligent Transportation System, which along with the Traffic Signal Synchronization Project, is expected to greatly improve traffic circulation.

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

12. ADMINISTRATIVE MATTERS

12A. RESOLUTION OPPOSING OCEANWAY SECURE ENERGY LNG PROJECT

Recommendation

Recommendation of the City Manager that City Council consider a RESOLUTION opposing the proposed construction of the OceanWay Secure Energy LNG project by Woodside Natural Gas to extend from 23 miles off the coast of Palos Verdes, past Los Angeles International Airport (LAX), to an inland junction with existing natural gas infrastructure.

Item was deferred, see page 1.

12B. RESOLUTION RE POLICE AND FIRE TRAINEES HEALTH INSURANCE CONTRIBUTION

Recommendation

Recommendation of the City Manager that City Council adopt a RESOLUTION amending the Police and Fire Trainees Resolution No. 2007-103, increasing the health insurance contribution effective January, 1, 2009.

Assistant to the City Manager Chaparyan reported that the proposed increase in the health insurance contribution for Police and Fire Trainees was consistent with the miscellaneous employee contribution level.

RESOLUTION NO. 2008-127

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2007-103 SETTING FORTH CHANGES REGARDING THE HOURS, WAGES AND WORKING CONDITIONS FOR POLICE AND FIRE TRAINEES

MOTION: Councilmember Sutherland moved for the adoption of Resolution No. 2008-127. The motion was seconded by Councilmember Numark and passed by unanimous roll call vote (absent Councilmember Rhilinger).

13. HEARINGS

13A. CUP08-00011, PCR08-00002, DIV08-00005: PROVIDENCE HEALTH SYSTEMS/DAILY BREEZE

Recommendation

Recommendation of the Community Development Director and the Planning Commission that City Council deny the appeal and take the following action on property located in the C-3 Zone at 5215, 5305, 5315 & 5331 Torrance Boulevard:

- 1) Adopt a Mitigated Negative Declaration;
- 2) Adopt a Resolution approving a Conditional Use Permit;
- 3) Adopt a RESOLUTION approving a Planning Commission Review; and
- 4) Adopt a RESOLUTION approving a Division of Lot.

Item was withdrawn, see page 1.

16. SECOND READING ORDINANCES

16A. SECOND AND FINAL READING OF ORDINANCE NO. 3716

ORDINANCE NO. 3716

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
ADDING A NEW SECTION 7 TO ARTICLE 2 OF CHAPTER 1 OF DIVISION 1
OF THE TORRANCE MUNICIPAL CODE IMPOSING A FEE FOR THE
COLLECTION OF DELINQUENT PARKING CITATIONS

MOTION: Councilmember Sutherland moved for the adoption of Ordinance No. 3716. The motion was seconded by Councilmember Numark and passed by unanimous roll call vote (absent Councilmember Rhilinger).

17. ORAL COMMUNICATIONS #2

17A. Councilmember Brewer wished everyone happy holidays.

17B. Councilmember Furey noted that the Torrance Education Foundation will be sponsoring a new summer school program, the South Bay Enrichment Academy, in conjunction with the Torrance Unified School District beginning in summer 2009.

17C. Councilmember Numark announced a performance of *The Nutcracker* on December 20 and 21 at the Armstrong Theatre.

17D. Councilmember Numark announced a menorah lighting ceremony to celebrate Hanukkah next week in front of City Hall on December 23 at 5:00 p.m.

17E. Councilmember Sutherland commented on the recent power outage and recommended that residents have at least one hard-wired phone since portable phones do not work during outages and cell phone circuits are likely to be jammed in the event of an earthquake.

17G. Councilmember Barnet commended all involved in the Torrance Elementary tree planting last week.

17E. Mayor Scotto noted that free reusable shopping bags will be distributed on Thursday, December 18, at the Ralph's supermarket on Sepulveda Boulevard, with additional information available at www.healththebay.org.

17F. Mayor Scotto, with the concurrence of Council, directed staff to prepare an item recognizing members of Girl Scout Troop 564 for successfully completing their Gold Award projects.

17G. Mayor Scotto, with the concurrence of Council, directed staff to bring back an agenda item exploring the possibility of utilizing economic development funds to support the Torrance Area Chamber of Commerce "Discover Torrance" program.

17H. Mayor Scott, with the concurrence of Council, directed staff to bring back an agenda item concerning the TUSD School Board's request to use City video equipment to share information on the progress on projects funded by Bond Measures Y and Z.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 8:45 p.m., the meeting was adjourned to Tuesday, December 23, 2008, at 5:30 p.m. for an executive session, with regular business commencing at 7:00 p.m.

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers,
City Clerk of the City of Torrance

Approved on February 10, 2009