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TORRANCE CITY COUNCIL – DECEMBER 20, 2011

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At 9:35 p.m., the meeting was adjourned to Tuesday, January 10, 2012 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers. **December 27, 2011 and January 3, 2012 will be Council dark nights.**

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

A. CALL TO ORDER

The Torrance City Council convened for a Workshop on Public Safety Reorganization at 5:31 p.m. on Tuesday, December 20, 2011 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.

B. CITY COUNCIL WORKSHOP ON PUBLIC SAFETY REORGANIZATION

The Police Department and the Fire Department gave presentations on Public Safety Reorganization. No action was taken in this workshop.

CITY CLERK NOTE: Material of record – (PowerPoint presentations) were submitted to the City Clerk's office for the record after the meeting.

C. ORAL COMMUNICATION

D. RECESS

At 6:29 p.m. City Council recessed.

REGULAR BUSINESS 7:00 P.M. - OPENING CEREMONIES

1. RECONVENE MEETING

The City Council reconvened at 7:01 p.m. for regular business in the Council Chambers.

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.

2. FLAG SALUTE/INVOCATION

The flag salute was led by Youth Council member Nicole Ludena.

The non-sectarian invocation was given by Councilmember Rhilinger.

**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 15, 2011.

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 Barnett and passed by unanimous vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

City Manager Jackson stated that Item 12H was being withdrawn and would be considered at a later date. He announced that a complaint had been received concerning the bidding process for Item 12D, therefore under the advisement of the City Attorney, the item was being withdrawn with the current contract to remain in effect until the matter is brought back for consideration at a later date.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Brewer reported that the Citizen Development and Enrichment Committee had met earlier to discuss landscape design concepts for the Henrietta and Entradero Basins and the Hawthorne Boulevard median between Torrance Boulevard and Del Amo Boulevard. He noted that options for replacing the Downtown Farmers Market were also discussed with an item on this topic to be brought forward to the Council in January.

Mayor Scotto, with the concurrence of Council, requested that Item 12G regarding modifications to the Capital Budget be withdrawn and deferred to the January 10, 2012 City Council meeting.

City Clerk Herbers announced that information was mailed to those currently eligible to submit applications for Commission appointments to be made at the Council meeting of Tuesday, January 24, 2012 and the deadline for applications is January 18, 2012.

Mayor Scotto asked that the meeting be adjourned in memory of former city employee Martha "Marty" Zucker who passed away December 6.

6. COMMUNITY MATTERS

6A. PROCLAMATION HONORING HOWARD ORPE

Mayor Scotto presented a proclamation honoring **Howard Orpe** for his outstanding contributions and dedicated service to the youth of the community to Howard Orpe, his wife Carol, sons Andrew and Colin, granddaughter Penelope, and grandson Sean.

7. ORAL COMMUNICATIONS #1

7A. Mike Aguilera announced he is the new field representative for Congresswoman Janice Hahn and invited the public to attend an open house on Thursday, January 5, from 5:30 p.m. to 7:30 p.m. at 140 West 6th Street, San Pedro. He noted that he can be reached at MichaelAguilera@mail.house.gov or 310.831.1799.

7B. Tim McAtte, Torrance Fire Fighters Association, expressed concerns regarding the public safety reorganization and suggested that action be delayed until April 2012 since the economy appears to be improving.

8. **CONSENT CALENDAR**

8A. **AGREEMENT RE INSPECTION SERVICES FOR CURB, GUTTER, SIDEWALK REPLACEMENT PROGRAM**

Recommendation

Recommendation of the Public Works Director that City Council award a consulting services agreement in the amount of \$120,204 to Bureau Veritas North America, Inc. to perform construction inspection services for the Curb, Gutter and Sidewalk Replacement Program, I-93 and Residential Sidewalk Ramping.

8B. **PURCHASE ORDER FOR UNIFORM RENTAL SERVICES**

Recommendation

Recommendation of the Finance Director that City Council authorize renewal purchase orders to SoCal Uniform Rental of San Gabriel, CA to provide uniform rental services (B2008-64) for an additional three (3) year period beginning February 6, 2012 through February 5, 2015 in a combined total not to exceed \$201,425.

8C. **AGREEMENT FOR USE OF REDONDO BEACH TRANSIT CENTER TERMINAL**

Considered separately, see page 4.

8D. **PURCHASE ORDER FOR BUS SECURITY CAMERAL EQUIPMENT AND SOFTWARE**

Recommendation

Recommendation of the Transit Director that City Council authorize a purchase order in an amount not to exceed \$150,330, to UTC Fire & Security for security camera equipment and software for the Torrance Transit System buses.

8E. **AGREEMENT AMENDMENT RE L.A. COUNTY EXPRESS LANE PROJECT**

Recommendation

Recommendation of the Transit Director that City Council approve an amendment to the agreement with the Los Angeles County Metropolitan Transportation Authority (C2009-164) to include revised data collection requirements for Torrance Transit to participate in the Los Angeles County Congestion Reduction Demonstration ("Express Lane") Project.

8F. **SETTLEMENT AGREEMENT/GENERAL RELEASE FOR WALTERIA RESERVOIR SLOPE STABILITY PROJECT**

Considered separately, see page 4.

8G. **AGREEMENT RE LEGAL SERVICES**

Recommendation

Recommendation of the City Attorney that City Council approve a fee agreement with Liebert Cassidy Whitmore to provide legal services to the City pertaining to police personnel matter #010341, for a total contract amount not to exceed \$12,000.

8H. AGREEMENT RE LEGAL SERVICES

Recommendation

Recommendation of the City Attorney that City Council:

- 1) Approve fee agreement with Liebert Cassidy Whitmore to provide legal services in the case of Nazir v. City of Torrance, et al., LASC Case No. BC472979 in an amount not to exceed \$125,000; and
- 2) Appropriate \$125,000 from the Self-Insurance Reserve Fund.

MOTION: Councilmember Rhilinger moved to approve Consent Calendar Items 8A, 8B, 8D, 8E, 8G, and 8H. The motion was seconded by Councilmember Furey and passed by unanimous vote.

Consent Calendar Items 8C and 8F were considered separately at this time.

8C. AGREEMENT RE REDONDO BEACH TRANSIT CENTER TERMINAL

Recommendation

Recommendation of the Transit Director that City Council approve an agreement with the City of Redondo Beach for the use of the Redondo Beach Transit Center Terminal by the Torrance Transit System in the amount of \$1 annually for a total amount of \$5 for the period from January 1, 2012 through December 31, 2016.

In response to Councilmember Brewer's inquiry, Transit Administration Manager Mills reported that Torrance line #2 buses and the future line #3 rapid buses interface with other transit systems at this terminal, which is located at the South Bay Galleria.

MOTION: Councilmember Brewer moved to approve the agreement. The motion was seconded by Councilmember Furey and passed by unanimous vote.

8F. SETTLEMENT AGREEMENT/GENERAL RELEASE FOR WALTERIA RESERVOIR SLOPE STABILITY PROJECT

Recommendation

Recommendation of the Public Works Director that City Council approve a Settlement Agreement and General Release that would terminate the public works agreement with MG Construction & Development, Inc. (C2010-226) to provide construction for the WALTERIA Reservoir Slope Stability Project, C.I.P. No. I-95.

In response to Councilmember Numark's inquiry, Public Works Director Beste explained that staff had earlier proposed making structural improvements to stabilize the slope but efforts to maintain it through the use of vegetation have been effective for the past few years, therefore staff was recommending that the contract with MG Construction be terminated at this time.

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

12. ADMINISTRATIVE MATTERS

12A. 2012 STATEMENT OF INVESTMENT POLICY

Recommendation

Recommendation of the City Treasurer that City Council adopt a Resolution to establish the Statement of Investment Policy for 2012.

City Treasurer Cortez advised that the Investment Policy is reviewed on an annual basis to ensure compliance with all governing laws and regulations; that there were no changes to the government code regulating investments during 2011 so the policy remains the same; and that Toyota Corporation was selected as corporate bond issuer because they are an established corporate partner in our community.

Responding to questions from the Council, City Treasurer Cortez reported that corporate bonds were formerly purchased through a broker so the City will save money by dealing directly with Toyota Corporation and confirmed that the bonds will be subject to the same qualifying criteria.

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

RESOLUTION NO. 2011-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
ESTABLISHING THE STATEMENT OF INVESTMENT POLICY 2012 IN
ACCORDANCE WITH CERTAIN GUIDELINES

MOTION: Councilmember Sutherland moved to adopt Resolution No. 2011-102. The motion was seconded by Councilmember Numark and passed by unanimous vote.

12B. APPLICATION FOR WATERSMART WATER AND ENERGY EFFICIENCY GRANT

Recommendation

Recommendation of the Public Works Director that City Council adopt a Resolution to apply for the WaterSMART Water and Energy Efficiency Grant for funding the Stormwater Basin Enhancement Project.

Engineering Manager Dettle reported that this is the second time the City has applied for this grant; that staff discussed the Stormwater Basin Enhancement Project with personnel from the Bureau of Reclamation, the agency that awards the grant, and was encouraged to reapply; and that staff believes the City will be most competitive with an application not exceeding \$300,000.

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

RESOLUTION NO. 2011-103

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE
WATERSMART: WATER AND ENERGY EFFICIENCY GRANTS FOR
FISCAL YEAR 2012 GRANT PROGRAM, FUNDING OPPORTUNITY
ANNOUNCEMENT NO. R12SF80049

MOTION: Councilmember Sutherland moved to adopt Resolution No. 2011-103. The motion was seconded by Councilmember Numark and passed by unanimous vote.

12C. RESOLUTIONS RE 457 DEFERRED COMPENSATION PLAN A AND PLAN B

Recommendation

Recommendation of the City Treasurer that City Council:

- 1) Adopt a Resolution approving and adopting the 457 Employee Deferred Compensation Plan A (for full-time participants), Adoption Agreement, and amendment to Plan A; and
- 2) Adopt a Resolution approving and adopting the 457 Employee Deferred Compensation Plan B (for part-time participants) and Adoption Agreement.

City Treasurer Cortez reported that this action was necessary to comply with Internal Revenue Service (IRS) regulations pertaining to 457 Employee Deferred Compensation Plans.

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

RESOLUTION NO. 2011-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING AND ADOPTING EMPLOYEE DEFERRED COMPENSATION PLAN A (FOR FULL TIME PARTICIPANTS)

MOTION: Councilmember Sutherland moved to adopt Resolution No. 2011-104. The motion was seconded by Councilmember Numark and passed by unanimous vote.

RESOLUTION NO. 2011-105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING AND ADOPTING EMPLOYEE DEFERRED COMPENSATION PLAN B (FOR PART TIME PARTICIPANTS)

MOTION: Councilmember Sutherland moved to adopt Resolution No. 2011-105. The motion was seconded by Councilmember Numark and passed by unanimous vote.

12D. CONTRACT FOR GRAFFITI REMOVAL SERVICES AND BUS STOP MAINTENANCE AND REPAIR

Recommendation

Recommendation of the General Services Director and Transit Director that City Council:

- 1) Award a contract with Graffiti Protective Coatings, Inc., for graffiti removal services in the City of Torrance (RFP B2011-45) at a cost not to exceed \$110,000 from January 1, 2012 to June 30, 2012 with annual options to extend the contract up to five years; and
- 2) Award a contract with Graffiti Protective Coatings, Inc., for bus stop maintenance and repair services in the City of Torrance (RFP B2011-45) at a cost not to exceed \$24,000 from January 1, 2012 to June 30, 2012 with annual options to extend the contract up to five years.

Item was withdrawn and deferred to a later date.

City Manager Jackson requested City Council concurrence to continue the current contract until this matter is brought back and the new contract is awarded, and it was the consensus of the Council to do so.

12E. FIRST QUARTER 2011-2012 BUDGET REVIEW REPORT

Recommendation

Recommendation of the Finance and Governmental Operations Committee that City Council concur with the following recommendations:

- 1) Accept and file the First Quarter 2011-2012 Budget Review Report;
- 2) Accept and file the City Treasurer's Investment Report; and
- 3) Concur with staff recommendation for the program modification.

Finance Director Tsao reported that the 2010-2011 General Fund Fiscal Year ended with a shortfall in revenues of approximately \$6 million, but this was offset by a \$6.2 million reduction in expenditures, which resulted in a carryover of approximately \$200,000. He advised that all expenditures are within budget for the 1st Quarter of 2011-2012 and revenues are also within the expected range with the exception of Utility Users' Tax receipts, which continue to be depressed. He noted that staff was recommending one program modification, which is the restructuring of the Human Resources Department.

MOTION: Councilmember Brewer moved to concur with the staff recommendation and the following program modifications: Transition of Human Resources Department to City Manager's Office and Risk Management Division of Human Resources to Finance Department and related staffing changes (per material of record). The motion was seconded by Councilmember Barnett and passed by unanimous vote.

12F. 2011-2013 OPERATING BUDGET REVIEW

Recommendation

Recommendation of the City Manager and Finance Director that City Council concur with and approve staff recommendations of maintaining current budgetary policy for the 2011-2013 Operating Budget.

With the aid of slides, Finance Director Tsao provided an overview of budgetary projections for fiscal year 2011-2012. He reported that there is a projected shortfall of \$3.0 – \$4.0 million primarily due to the reduction in Utility Users' Tax receipts, and reviewed the strategy for managing the shortfall, including continuing the current policy of selectively filling vacant positions and closely monitoring departmental expenditures. He also reviewed strategies being considered to rebalance the 2012-2013 budget, noting that some of the strategies, including moving from pooled minutes to actual minutes for cellular telephones; reallocating personnel in the Library Division and shifting community outreach programs to the Cable Fund, are already in progress. He stated that staff will have a better indication of revenues by the end of March when final sales tax receipts for the holidays and preliminary property tax information will be available.

Councilmember Numark commended staff for doing an excellent job of maintaining the same level of service to the public despite significant reductions in revenues and expressed concerns that there may have to be cutbacks in services if budgetary shortfalls continue.

Mayor Scotto stated that there may have to be significant changes in the way the City operates since it could take a number of years for the economy to fully recover. He expressed frustration that the State of California continues to take funding away from cities, including \$500,000 in Vehicle License Fees (VLF) from Torrance this fiscal year.

MOTION: Councilmember Brewer moved to concur with the staff recommendation and the rebalancing strategies, including reallocation of personnel in the Library Division (per material of record). The motion was seconded by Councilmember Barnett and passed by unanimous vote.

12G. MODIFICATIONS TO FISCAL YEAR 2011 CAPITAL BUDGET

Recommendation

Recommendation of the City Manager and the Finance Director that City Council adopt a Resolution approving modifications to the fiscal year 2011 Capital Budget.

Item was withdrawn and deferred to the January 10, 2012 City Council meeting.

12H. RESOLUTIONS IMPLEMENTING EMPLOYEE ASSISTANCE PROGRAM

Recommendation

Recommendation of the City Manager that City Council:

- 1) Adopt a Resolution pursuant to Memorandum of Understanding (MOU) amending Resolution No. 2011-52 setting forth changes regarding hours, wages, and working conditions for employees represented by the Torrance Police Officers Association (TPOA) implementing Employee Assistance Program (EAP) and updating the benefits section of the MOU to comply with CALPERS Audit Finding requirements related to uniforms;
- 2) Adopt a Resolution pursuant to Memorandum of Understanding (MOU) amending Resolution No. 2011-52 setting forth changes regarding hours, wages, and working conditions for employees represented by the Torrance Police Commanders Association (TPCA) implementing Employee Assistance Program (EAP) and updating the benefits section of the MOU to comply with CALPERS Audit Finding requirements related to uniforms; and
- 3) Adopt a Resolution amending Resolution No. 2011-65 setting forth changes regarding hours, wages, and working conditions for Safety Management Employees implementing Employee Assistance Program (EAP).

Item was withdrawn.

12I. AGREEMENT FOR DESIGN SERVICES FOR TORRANCE PARK AND RIDE REGIONAL TERMINAL PROJECT

Recommendation

Recommendation of the Public Works Director that City Council award a consulting services agreement to RNL of Los Angeles, CA in the amount of \$829,795, to perform design services for the Measure R Project P4 – Torrance Park and Ride Regional Terminal Project (FEAP #764) located at 465 Crenshaw Boulevard.

Transportation Planning Manager Semaan reported that 13 proposals were received in response to the RFP (Request for Proposal) for design services for the Torrance Park and Ride Regional Terminal Project; that a multi-departmental selection team evaluated the proposals and the top five were forwarded to a multi-departmental evaluation team; and that the evaluation team interviewed the top five firms and rated RNL as the most qualified to perform the design services.

In response to Councilmember Brewer's inquiry, Transportation Planning Manager Semaan confirmed that there would be opportunities for the public to comment on the plans once the conceptual design has been completed. Councilmember Numark recommended that homeowners associations and the South Bay Bicycle Coalition be notified of these meetings.

Responding to Councilmember Numark's inquiry, Transportation Planning Manager Semaan confirmed that RNL has experience in designing transit centers, noting that staff checked the firm's references and they were all positive.

For the benefit of the public, Councilmember Furey noted that this project is being paid for by Measure R funds and it is hoped that the Metro Green Line will eventually be extended to the transit center.

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

12J. AGREEMENT AMENDMENT RE GOLDSWORTHY DESALTER

Recommendation

Recommendation of the Public Works Director that City Council approve an amendment to the contract service agreement with the Water Replenishment District of Southern California (WRD) (C2007-095) extending the term of agreement for six months through June 30, 2012 in the amount of \$700,000 for provision of treated water from the Goldsworthy Desalter.

Public Works Director Beste advised that staff was recommending that the current agreement with the Water Replenishment District be extended until June 30, 2012 while discussions to develop a long-term pricing agreement for treated water supplies produced by the desalter continue.

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

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The City Council briefly recessed from 8:13 p.m. to 8:24 p.m.

12K. RESOLUTIONS RE TORRANCE CITY EMPLOYEES ASSOCIATION AND TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION

Recommendation

Recommendation of the City Manager that City Council:

- 1) Adopt a Resolution pursuant to Memorandum of Understanding (MOU) amending Resolution No. 2011-43 setting forth changes regarding hours, wages, and working conditions for employees represented by the Torrance City Employees Association (TCEA) the benefits section of the MOU to comply with CALPERS Audit Finding requirements related to holidays; and
- 2) Adopt a Resolution pursuant to Memorandum of Understanding (MOU) amending Resolution No. 2011-79 setting forth changes regarding hours, wages, and working conditions for employees represented by the Torrance Professional and Supervisory Association (TPSA) updating the benefits section of the MOU to comply with CALPERS Audit Finding requirements related to holidays.

Assistant to the City Manager Chaparyan reported that this action is necessary to comply with findings of a 2010 CALPERS audit and the changes involve the reporting of work on holidays as persable income for retirement calculations.

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

RESOLUTION NO. 2011-107

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2011-43 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE CITY EMPLOYEES ASSOCIATION (TCEA)

MOTION: Councilmember Sutherland moved to adopt Resolution No. 2011-107. The motion was seconded by Councilmember Numark and passed by unanimous vote.

RESOLUTION NO. 2011-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2011-79 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION (TPSA)

MOTION: Councilmember Sutherland moved to adopt Resolution No. 2011-108. The motion was seconded by Councilmember Numark and passed by unanimous vote.

16. SECOND READING ORDINANCES

16A. SECOND AND FINAL READING OF ORDINANCE NO. 3754

ORDINANCE NO. 3754

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 95.3.6 OF THE TORRANCE MUNICIPAL CODE RELATING TO CHURCH USE

MOTION: Councilmember Sutherland moved to adopt Ordinance No. 3754. The motion was seconded by Councilmember Numark and passed by unanimous vote.

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The City Council met as the Redevelopment Agency from 8:30 p.m. to 8:37 p.m.

17. ORAL COMMUNICATIONS

17A. Councilmember Brewer wished everyone a merry Christmas and expressed the hope the 2012 would be a more prosperous year.

17B. Councilmember Furey extended holiday greetings.

17C. Councilmember Numark wished everyone happy holidays and a happy New Year.

17D. Councilmember Rhilinger also offered holiday greetings.

