# INDEX TORRANCE CITY COUNCIL – JULY 21, 2020

SUBJECT		<b>PAGE</b>
	OPENING CEREMONIES	
1.	Call to Order/Roll Call	1
2.	Flag Salute/Invocation	1
3.	Affidavit of Posting/Waive Further Reading	1
4.	Withdrawn, Deferred or Supplemental Items	1
5.	Council Committee Meetings and Announcements	2
6.	COMMUNITY MATTERS	
6A.	Resolution Denouncing Xenophobia and Anti-Asian American and	
	Pacific Islander Sentiment	2
7.	ORAL COMMUNICATIONS	2, 7
8.	CONSENT CALENDAR	
8A.	Approve City Council Minutes	2
8B.	Purchase Order for Audio Visual/Electronic Materials for Library	2
8C.	Purchase Order for Book Materials for Library	2, 3-4
9.	ADMINISTRATIVE MATTERS	
9A.	COVID-19 Recovery Update and Options for Responding to	
	County and State Orders	4-6
9B.	Consider Proposed State Housing Legislation	6-8
9C.	Allocation and Appropriation of CDBG Coronavirus Aid, Relief, and	
	Economic Security (Cares) Funds	8-9
9D.	Discuss and Determine Additional City Council Dark Nights	9
9E.	Ratification and Extension of Administrative Orders	9-10
9F.	Resolution RE Formation of Torrance Joint Powers Financing Authority	10
10.	<u>HEARINGS</u>	10
11,	AGENCY AGENDAS	10
12.	SECOND READING ORDINANCES	10
13.	COUNCIL ORAL COMMUNICATIONS	10-11
14.	CLOSED SESSION	1, 11
15	ADJOURNMENT	11

At 11:00 p.m., the City Council adjourned to July 28, 2020, at 5:30 p.m. for closed session, with the regular meeting commencing at 7:00 p.m. via teleconference or other electronic means.

# MINUTES OF A REGULAR MEETING OF THE TORRANCE CITY COUNCIL

#### 1. CALL TO ORDER

The Torrance City Council convened in a regular meeting on Tuesday, July 21, 2020 at 5:30 p.m. via teleconference.

#### **ROLL CALL**

Present:

Councilmembers Ashcraft, Chen, Goodrich, Griffiths, Kalani, Mattucci, and

Mayor Furey

Absent:

None.

Present:

City Manager Jackson, Assistant City Manager Chaparyan,

City Attorney Sullivan, City Clerk Poirier and

other staff representatives

Agenda Item 14 was considered out of order at this time.

#### 14. CLOSED SESSION

The City Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 14A) Public Employee Appointment, 14B) Public Employee Performance Evaluation, and 14C) Conference With Legal Counsel – Anticipated Litigation pursuant to California Government Code §54957 (b)(1) and Government Code §54956.9(d)(4).

The City Council reconvened in public session at 7:00 p.m. No formal action was taken on any item considered in closed session.

#### 2. FLAG SALUTE/ INVOCATION

The flag salute was led by Councilmember Ashcraft.

The non-sectarian invocation was given by Councilmember Chen.

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

City Clerk Poirier reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard and on the City's website on Thursday, July 16, 2020, with a revised agenda posted Friday, July 17, 2020.

**MOTION:** Councilmember Chen moved that after the City Clerk has read aloud the number and title of 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 Griffiths and passed by 7-0 vote.

#### 4. <u>WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS</u>

No items were withdrawn or deferred. Supplemental material available for items 6A, 9A, 9B, and Oral Communications.

#### 5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Kalani reminded the public that the 2020 Census is still accepting submissions online, by mail, and by phone. To submit online visit 2020census.gov.

Mayor Furey requested concurrence to direct staff to bring back an item to address and consider options pertaining to the enforcement of wearing face coverings in public.

#### 6. COMMUNITY MATTERS

# 6A. RESOLUTION DENOUNCING XENOPHOBIA AND ANTI-ASIAN AMERICAN AND PACIFIC ISLANDER SENTIMENT

Resolution No. 2020-78 denouncing xenophobia and anti-Asian American and Pacific Islander sentiment due to fears of the COVID-19 Pandemic and affirming the City's commitment to the well-being and safety of Asian American communities.

Councilmember Chen read the resolution aloud.

**MOTION:** Councilmember Goodrich moved to adopt Resolution No. 2020-78. The motion was seconded by Councilmember Mattucci and passed by 7-0 vote.

### 7. ORAL COMMUNICATIONS

Members of the public spoke.

#### 8. CONSENT CALENDAR

#### 8A. APPROVE CITY COUNCIL MINUTES

Recommendation of the City Clerk that City Council approve the City Council minutes of July 7, 2020 and July 14, 2020.

# 8B. PURCHASE ORDER FOR AUDIO VISUAL AND ELECTRONIC MATERIALS FOR THE TORRANCE PUBLIC LIBRARY

Considered separately, see below.

## 8C. PURCHASE ORDER FOR BOOK MATERIALS FOR THE TORRANCE PUBLIC LIBRARY

Considered separately, see page 3.

**MOTION:** Councilmember Mattucci moved to approve Item 8A. The motion was seconded by Councilmember Griffiths and passed by 7-0 vote.

# 8B. PURCHASE ORDER FOR AUDIO VISUAL AND ELECTRONIC MATERIALS FOR THE TORRANCE PUBLIC LIBRARY

Recommendation of the Community Services Director that City Council award a purchase order to Midwest Tape, LLC., of Holland, OH (B2020-14) for an amount not-to-exceed \$300,000 to furnish audio visual, eBook, audiobook, and streaming services for the Torrance Public Library for a three-year period beginning July 1, 2020 and ending June 30, 2023, with two one-year options to extend with the same terms and conditions.

#### 8C. PURCHASE ORDER FOR BOOK MATERIALS FOR THE TORRANCE PUBLIC LIBRARY

Recommendation of the Community Services Director that City Council award a purchase order to Ingram Library Services, LLC., of La Vergne, TN (B2020-14) for an amount not-to-exceed \$900,000 to furnish book materials for the Torrance Public Library for a three-year period beginning July 1, 2020 and ending June 30, 2023, with two one-year options to extend with the same terms and conditions.

Councilmember Mattucci requested tabling Items 8B and 8C until the libraries can reopen.

In response to a question from Councilmember Goodrich, City Librarian Yolande Wilburn confirmed these purchase orders cover both physical and digital streaming materials and eBooks. She emphasized the expenditure has a not-to-exceed amount to limit spending and the library is currently open for curbside pickup.

Councilmember Goodrich asked if the e-materials were being used at the same rate as pre-COVID.

City Librarian Wilburn confirmed the e-material checkouts have increased steadily and shared the public inquires when the library will open and is appreciative of curbside services.

Councilmember Ashcraft reiterated the expenditure is "an amount up to" and may not all be spent and voiced her support for both items.

Councilmember Griffiths voiced his support for Item 8B, as the demand for e-services has increased. He asked who the previous vendor was for eBooks.

City Librarian Wilburn responded the materials previously came from Baker & Taylor. Staff went out for an RFP for better pricing and variety of services such as print books, eBooks, DVDs, and audiobook CDs and noted this as the reason there are two vendors for the next three years.

Councilmember Griffiths asked about quantifying numbers regarding checking out physical materials during COVID.

City Librarian Wilburn replied the numbers are down quite a bit, as curbside only reopened in June so she anticipates numbers will increase heavily. She estimated the print materials to be down 50% but added e-content has increased about 25%.

Councilmember Griffiths stated his support of both items if staff orders materials appropriately to meet demand and suggested better publicizing the curbside program.

Councilmember Griffiths moved to approve Items 8B and 8C.

Councilmember Mattucci offered a substitute motion to cut the expenditure in half for each item, a not-to-exceed amount of \$150,000 for Item 8B and \$450,000 for Item 8C.

Responding to a question from Councilmember Goodrich, City Manager Jackson confirmed the Library Division was included in the original budget reduction for Community Services, which are currently being implemented.

City Librarian Wilburn added 11 full time employees were cut from the budget.

Councilmember Chen questioned if at some time in the future as the financial situation becomes clearer, the library can come back to Council based on their needs and offered a second on Councilmember Mattucci's motion.

**MOTION:** Councilmember Mattucci moved to approve with the expenditure cut in half. The motion was seconded by Councilmember Chen and failed by 5-2 vote, with Councilmember Chen and Councilmember Mattucci voting yes.

MOTION: Councilmember Griffiths moved to concur with staff recommendation on 8B and 8C. The motion was seconded by Councilmember Ashcraft and passed by 5-2 vote, with Councilmember Chen and Councilmember Mattucci voting no.

### 9. ADMINISTRATIVE MATTERS

# 9A. COVID-19 RECOVERY UPDATE AND OPTIONS FOR RESPONDING TO ORDERS FROM LOS ANGELES COUNTY AND THE STATE OF CALIFORNIA

Recommendation of the City Manager that City Council:

- 1) Receive COVID-19 recovery update; and
- Discuss and consider taking whatever action deemed appropriate for responding to Orders from the County of Los Angeles and the State of California regarding COVID-19.

City Manager Jackson provided an update on the COVID-19 recovery efforts. He shared in the past week LA County has experienced a significant increase in daily reported cases of COVID-19, with the highest one-day total of reported cases on Thursday, July 16 and the highest number of hospitalizations on Sunday, July 19. He shared modified orders from the County. Current closures include: indoor in-person dining; indoor museums; indoor operations of zoos and aquariums. LA County continues to be included in the state's monitoring list for more than three consecutive days so the governor ordered the following to shut down unless their operations can be modified to operate outside or for pickup: malls, fitness centers, non-essential sector offices, worship centers, salons, and tattoo parlors. He touched on the Community Development Department's outdoor permit application for restaurants and salons in the city.

City Manager Jackson announced at Council's request, staff developed a city-wide campaign to combat hate in light of recent racially provoked incidents. The Dare 2 Care challenge will comprise of public service announcements and opportunities for residents and businesses to embrace diversity and inclusion and show they care. The campaign will launch Thursday, July 23 through the Torrance newsletter which will provide details how to participate.

City Manager Jackson stated street sweeping and permit parking enforcement will be suspended until current Safer At Home orders are modified by the governor and LA County Department of Public Health. He touched on other companion agenda items.

City Manager Jackson confirmed for Councilmember Griffiths that street sweeping will continue and enforcement will be suspended.

Councilmember Griffiths requested concurrence to redirect some or all of the \$125,000 funds for the Rose Parade float that was to be part of the now cancelled parade to further the business assistance fund.

Councilmember Goodrich asked if staff had any other ideas for appropriations of the funds.

City Manager Jackson reminded the budget reductions will be phased in and recommended deferring use of these funds until funding resources go into effect over the next several months. He noted part of the assumption for balancing the budget was a quick recovery of revenue sources, but with longer closures revenue forecasts may fall short.

Councilmember Goodrich stated he is not opposed to Councilmember Griffiths' request, but preferred to take a step back and look at the larger picture.

Councilmember Griffiths opined businesses are in dire need of assistance. He suggested receiving an update on current business assistance funding and not necessarily all Rose Float funds will be put towards it, but some portion as relevant. He recommended delaying discussion but shared his preference that an item be brought forward on the agenda in 30 to 45 days.

Councilmember Ashcraft clarified her concurrence was to discuss options in-depth to monitor business funds and 30 to 60 days would give more opportunity to see how things go with the budget.

Mayor Furey stated the budget will be coming back prior to September 30 before the end of the first quarter and this can be addressed during the budget hearing.

City Manager Jackson confirmed for Councilmember Griffiths that a status on business assistance funds can be provided at or before the budget hearing.

Councilmember Mattucci requested any money not being allocated should go toward helping local businesses. He furthered every business should be given the opportunity to conduct their operations outside.

Councilmember Ashcraft shared the Community Development Department's permit program for salons to operate outside.

Community Development Director Danny Santana shared the State provided revising guidance and shared the processing time for the permit review. He shared rather than deny requests outright, staff is approving conditions to help businesses operate outdoors.

Responding to a question from Councilmember Kalani regarding a specific gym in Downtown Torrance, City Attorney Sullivan stated the County is restricting sports to camps so it is possible a gym can put on a sports camp as long as they comply with County guidelines but would need a field permit with the City, indemnification agreements, and signed participant COVID waivers.

Community Development Director Santana added Community Services Director Jones is working with a number of businesses and the Office of Economic Development to inquire with the County what accommodations can be made to ensure businesses operate within county guidelines and establish appropriate license agreement to utilize public facilities.

Mayor Furey made the distinction between restaurant operations and other businesses and reiterated guidelines come from the County Public Health Department and the State.

In response to Councilmember Goodrich's request regarding tying street sweeping to a specific reopening phase, City Manager Jackson confirmed the current order is related to the governor's guidelines and will stand until the governor authorizes the county to move forward.

Community Development Director Santana shared the conditions of approval for outdoor dining is tied to the County's orders.

City Manager Jackson confirmed street sweeping enforcement is tied to the governor and County's decision to allow for moving into the next phase.

Councilmember Chen suggested looking at the State and County's step that reopens nonessential businesses and eat-in restaurants. When those two are reversed, people will be out of the house more to allow for easier street sweeping. He inquired how the splash pad reopening met County and State orders with kids interacting.

Community Services Director John Jones responded the County Public Health Department has allowed the splash pad to reopen using protocols for swimming pools. Community Services reopened the splash pad the week prior in order to ensure procedures were in place to assure protocols will be followed. He touched on the protocols, making special note of a park ambassador to keep participants apart.

Assistant City Manager Chaparyan explained Del Amo Fashion Center inquired about establishing an outdoor marketplace. The County requested the City submit a plan that shows the layout and the protocols for maintaining safe social distancing. A similar plan will be devised with parks to seek ways to provide a safe environment while having oversight to ensure social distancing under County guidance.

**MOTION:** Councilmember Goodrich moved to accept and file. The motion was seconded by Councilmember Ashcraft and passed by 7-0 vote.

#### 9B. CONSIDER PROPOSED STATE HOUSING LEGISLATION

Recommendation of the City Manager and Community Development Director that City Council:

- 1) Review proposed State Housing Legislation; and
- 2) Adopt Resolutions stating City positions.

With the aid of slides, Deputy Community Development Director Linda Cessna reviewed the staff recommendation, noting the issue surrounding lack of affordable housing and legislation aimed to combat it and how yearly changes to legislation require changes to local legislation.

Mayor Furey recounted his involvement with a coalition against high density housing projects, noting the City Council had local control at the time to approve or deny such projects. He shared mayors throughout the state are trying to get a constitutional amendment to regain local control, but a ballot measure through referendum is needed. He encouraged the public to let legislators in Sacramento know their feelings.

Councilmember Griffiths voiced his objection to the state's legislators pushing bills through the legislative process while focus has shifted to the pandemic. He expressed his appreciation to the City for statements of opposition and to staff for their position on these bills and their presentation. He noted in January when the most recent round of ADU changes were approved, Council was opposed to them. He shared his experience with legislative town hall phone meetings with State legislators and his observation that they don't hear complaints from constituents so it gives them carte blanche to approve these bills. He believes this resolution is a phenomenal start, but it needs to include all the bills the City wrote opposition letters for. He stated the State has usurped charter cities' rights to their own land use by declaring a housing emergency and most of

these bills won't impact the housing crisis issues at hand. Councilmember Griffiths proposed staff or a volunteer group reach out to as many cities in California as possible to get each city to introduce and approve a resolution of opposition and statements from every willing elected official to take a stand against overreach of local control. He stressed the need to show opposition on a large scale against the proposed type of legislation that takes away local control as well as funding mandates that don't provide for funding that can accommodate these rules. He is in favor of the State incentivizing housing development, but not by mandating it so a city still has a choice. He concluded that an effort has to be made to reach out to other cities to make opposition known to state legislators.

Mayor Furey encouraged Council to personally reach out to colleagues in other cities and ask for support. He referenced a letter from Redondo Beach Mayor Brand and the need for collective action. He reiterated each and every councilmember should call county and state elected officials and not direct staff to do so.

Councilmember Mattucci echoed Councilmember Griffiths' sentiments; the resolution is a great step, but should include all legislative items previously discussed. He expressed the need to form a coalition of charter cities. He opined that outside boards and agencies such as the League of California Cities, South Bay Cities Council of Governments, and Southern California Association of Governments aren't fighting for Torrance and its needs. He requested the City Attorney form a team to investigate options of legal action against the state to fight for local control and a permanent solution. He stated each city knows what its infrastructure can hold and the city should be in control of the "what" and "how" of zoning and development. He reiterated housing prices will not go down with development as desirability from good police and fire departments and school districts drive prices up.

Councilmember Kalani noted this is a pandemic-like situation and Council needs to be willing to fight for and stand together to oppose every one of these housing bills She relayed the need to protect the city and its history, which is primarily single family residential. She asked how the City can block this stay order and if there is staff make a plan so Council doesn't call the same people over and over. She stated her willingness to fight but noted the importance of time to organize to as a team and fight together.

Councilmember Goodrich offered his perspective that the League of California Cities brings cities together to work collectively to find solutions that benefit local governments and push back against state overreach. He stated the League operates as a democracy as a collection of many different cities with many different interests in mind. He shared the League is working on behalf of cities against state overreach and involvement with the organization is important.

Councilmember Ashcraft voiced her opposition to suing the state and would rather talk to colleagues in other cities. She relayed Senator Allen stated he isn't hearing from a lot of individual residents so she encouraged Council to talk to neighborhoods and homeowner's associations to call legislators individually to make a difference in addition to banding together with cities.

Mayor Furey stated litigation should be a last effort when a reasonable solution cannot be reached. He touched on the League of California Cities being helpful and big on advocacy. He shared the League reminds members to make phone calls to Sacramento when new housing bills come out.

Councilmember Griffiths offered to chair a volunteer organization to get letters of concurrence from elected officials around the state, approve a resolution like Torrance's, and get cities to ante up money to help for potential legal action against the state. He invited any willing councilmember to volunteer and asked interested residents to email him at MGriffiths@TorranceCA.gov.

Councilmember Mattucci requested involvement of staff and the City Attorney's Office in the process to do research and provide legal guidance. He asked about staff creating guidelines for creating a committee.

City Attorney Sullivan confirmed if Council has questions or concerns about forming a committee his office can help with advice in complying with the Brown Act or their limitations in an elected capacity. He added he can work with Council as a whole or as a committee to provide any assistance needed for issues with bills.

Councilmember Mattucci voiced his preference of putting together a committee backed by the City Attorney's Office or City staff and to include staff availability in the motion.

Councilmember Chen asked if the existing legislative committee can serve this purpose.

Mayor Furey confirmed there is a Federal and a State Legislative Advocacy Committee that is fully staffed and can address these issues. He added the availability of organizations like Southern California Association of Governments and the League of California Cities, adding a Charter City Association may be needed. He suggested setting a meeting of the State Legislative Advocacy Committee to provide staff direction.

Councilmember Ashcraft requested clarification on the motion, which Councilmember Griffiths provided.

Councilmember Goodrich questioned if the advice portion needed to be part of the motion as any one council member can consult with the City Attorney at any time.

<u>MOTION:</u> Councilmember Griffiths moved to approve the resolution as written with a modification that includes all bills the City has written letters of opposition for and to request staff to assist with efforts carried out by a separate committee with advice as needed. The motion was seconded by Councilmember Mattucci and passed by 7-0 vote.

**MOTION:** Councilmember Griffiths moved to adopt Resolution No. 2020-79 as amended. The motion was seconded by Councilmember Mattucci and passed by 7-0 vote.

# 9C. ALLOCATION AND APPROPRIATION OF COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) FUNDS

Recommendation of Community Development Director that City Council authorize the allocation and appropriation of 2020-2021 Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security (CARES) funds in the amount of \$344,081 for a Rental Assistance Program and \$100,000 for Business Assistance Program.

Deputy Community Development Director Cessna reviewed the staff recommendation.

Responding to a question from Councilmember Griffiths, Deputy Community Development Director Cessna explained the cities listed in the last page of the staff report are entitlement cities that participate in the CDBG program with the Los Angeles Community Development Commission. In response to a follow-up question from Councilmember Griffiths, Deputy Community Development Director Cessna confirmed these funds are a component under the CARES umbrella, but are not part of the federal CARES reimbursement funds for expenses related to the City's pandemic issues.

Councilmember Chen touched on the rose float money discussed earlier in the meeting. He hoped these funds can help local businesses on the fringe of going out of business. He asked if there is existing staff, interns, or summer hires to run the CARES program so the City doesn't have to pay such a high percentage in administrative fees that can go towards helping people in need.

Community Development Director Santana replied there is no staff that can run the program, but he can look into it. His department aims to minimize administrative costs associated with the program by looking for an experienced consultant to temporarily to administer the funds through a Request for Quotes to maximize how much goes to rental assistance rather than overhead.

**MOTION:** Councilmember Mattucci moved to authorize allocation and appropriation of CARES funds. The motion was seconded by Councilmember Chen and passed by 7-0 vote.

### 9D. DISCUSS AND DETERMINE ADDITIONAL CITY COUNCIL DARK NIGHTS

Recommendation of the City Manager that City Council declare the following additional Tuesdays as City Council Dark Nights from July 1 through December 31, 2020: October 6 and November 17, 2020.

Management Aide Connor Shortland reviewed the staff recommendation.

Mayor Furey shared the August 4 Council meeting will be an Executive Session so it will be removed from the dark night calendar. Regarding the October 6 date, he opined National Night out will most likely not happen and can be addressed later. He stated the League of Cities conference will be virtual so the November 17 travel day isn't necessary.

Councilmember Griffiths agreed November 17 was a travel day so it is not required to be a dark night and leaned towards making it a regular Council meeting night. He stated if something changes, the day can be brought back but it's unlikely. He stated October 6 probably won't be National Night and should be kept as a regular Council meeting night. It can also be brought back for consideration if things change regarding social interactions. He clarified the August 4 meeting is a Closed Session meeting only.

**MOTION:** Councilmember Griffiths moved to keep October 6 and November 17 as Council meeting nights and bring them back for dark night approval if needed. The motion was seconded by Councilmember Mattucci and passed by 7-0 vote.

#### 9E. RATIFICATION AND EXTENSION OF ADMINISTRATIVE ORDERS

Recommendation of the City Manager and City Attorney that City Council adopt a Resolution ratifying Administrative Orders by the City Manager issued from July 1, 2020 to July 16, 2020.

City Attorney Sullivan reviewed the staff recommendation, noting a scrivener's error on Attachment B of the staff report regarding the Strategic Plan Committee.

<u>MOTION:</u> Councilmember Goodrich moved to approve recommendation of the City Manager and adopt Resolution No. 2020-80. The motion was seconded by Councilmember Mattucci and passed by 7-0 vote.

# 9F. RESOLUTION APPROVING FORMATION OF TORRANCE JOINT POWERS FINANCING AUTHORITY

Recommendation of the Finance Director that City Council adopt a Resolution approving formation of the Torrance Joint Powers Financing Authority and execution of a Joint Exercise of Powers Agreement.

Finance Director Tsao introduced the item.

MOTION: Councilmember Chen moved to concur with staff recommendation and adopt Resolution No. 2020-81. The motion was seconded by Councilmember Kalani and passed by 7-0 vote.

#### 10. HEARINGS - None scheduled

#### 11. AGENCY AGENDAS

#### 11A. INDUSTRIAL DEVELOPMENT AUTHORITY

The Council met as the Industrial Development Agency from 10:30 p.m. to 10:37 p.m. (*Minutes under separate cover*)

### 12. <u>SECOND READING ORDINANCES</u> – None scheduled

### 13. CITY COUNCIL ORAL COMMUNICATIONS

Councilmember Griffiths, Councilmember Kalani, Councilmember Mattucci, Councilmember Ashcraft, and Mayor Furey spoke.

Councilmember Griffiths requested Council concurrence to direct staff to write a letter to the governor requesting the governor to delay implementation of the minimum wage increase during the pandemic while businesses are struggling.

Responding to a question from Councilmember Griffiths regarding the Lena Hernandez hate speech charges, City Attorney Sullivan explained he is bound by an ethical duty as a prosecutor to only file charges that can be proven in court regardless of public outcry, even if justified. He further explained the process of jury instruction for each crime and a criminal threat must be a clear, unequivocal, immediate threat that puts a person in a sustained state of fear both objectively and subjectively. He stated the two instances at Wilson Park didn't meet requirement under the law and fear was unable to be proven in both situations so his office didn't have the evidence to file charges. He shared Council is unable to influence the City Attorney's Office and the law states the City Prosecutor or District Attorney are not subject to any review or influence when making those decisions. Regarding a follow-up question from Councilmember Griffiths, City Attorney Sullivan explained any new laws further than allowed by state law would be preempted and would get into first amendment issues. As long as hateful speech doesn't branch into the level of a threat, speech is protected by the First Amendment, distasteful as it may be.

Councilmember Griffiths shared his email address, MGriffiths@TorranceCA.gov for parties interested in joining his Protect Local Control Coalition.

Councilmember Kalani requested Council concurrence to have staff look into dedicating a bench at Wilson Park to former mayor Ken Miller.

## 14. CLOSED SESSION

Considered earlier, see page 1.

### 15. ADJOURNMENT

At 11:00 p.m., the City Council adjourned to July 28, 2020, at 5:30 p.m. for closed session, with the regular meeting commencing at 7:00 p.m. In compliance with Governor Newsom's Executive Order N-29-20, which suspended portions of the Brown Act, members of the Torrance City Council and staff will participate in this meeting via teleconference and other electronic means in our continuing effort to practice social distancing to reduce the spread of COVID-19. Members of the public are encouraged to watch the meeting via CitiCABLE Channel 3 (Spectrum) and Channel 31 (Frontier), Over-the-air on 25.2, streaming on TorranceCA.Gov, Facebook @ City of Torrance CA Government, and YouTube Channel TorranceCitiCABLE.

MOTION: Councilmember Chen moved to adjourn. The motion was seconded by Councilmember Ashcraft and passed by 7-0 vote.

Attest:

~Rebecca Poirier

City Clerk of the City of Torrance

Approved on August 11, 2020