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**TORRANCE CITY COUNCIL – SEPTEMBER 15, 2020**

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At 12:10 a.m., the City Council adjourned to Tuesday, September 22, 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 AN ADJOURNED REGULAR MEETING  
OF THE TORRANCE CITY COUNCIL**

**1. CALL TO ORDER**

The Torrance City Council convened in a regular meeting on Tuesday, September 15, 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, Deputy City Clerk III Harbaugh-Shirazi 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) Conference With Legal Counsel – Anticipated Litigation pursuant to California 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 Chen.

The non-sectarian invocation was given by Councilmember Goodrich.

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

Deputy City Clerk III Harbaugh-Shirazi reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard and on the City's website on Thursday, September 10, 2020.

**MOTION:** Councilmember Griffiths 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 Kalani and passed by 7-0 vote.

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 WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS**

Item 10A was withdrawn. Supplemental material was available for items 8C, 8D, 8E, 8H, 9F, 9G, 9H, 9I, 9J, 9K, 10A, and Oral Communications.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Mayor Furey asked to adjourn the meeting in memory of Honorary Police Officer Drake Walker, who passed away on September 12, 2020.

Mayor Furey announced The Social Services Commission will host its second Homeless Plan Listening Session virtually on Thursday, September 24, 2020 at 6:00 p.m.

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.

**6. COMMUNITY MATTERS**

**6A. RESOLUTION RE ERIC TSAO**

Resolution No. 2020-95 honoring Finance Director Eric Tsao upon his retirement from the City of Torrance after twenty-four years of service.

**MOTION:** Councilmember Goodrich moved to adopt Resolution No. 2020-95. The motion was seconded by Councilmember Chen and passed by 7-0 vote.

**7. ORAL COMMUNICATIONS**

Members of the public spoke.

**10. HEARINGS – None scheduled**

**10A. PUBLIC HEARING RE MHE19-00081: MATT AND SARAH TURK**

Recommendation of the Planning Commission and Community Development Director that City Council deny the appeal and adopt a Resolution approving a Minor Hillside Exemption to allow a one story addition to an existing one story single-family residence in conjunction with new rear yard retaining walls on property located within the Hillside Overlay District in the R-1 Zone at 233 Via Monte D'Oro.

This Item was withdrawn.

**8. CONSENT CALENDAR**

**8A. APPROVE CITY COUNCIL MINUTES**

Recommendation of the City Clerk that City Council approve the City Council minutes of August 18, 2020.

**8B. AUTHORIZE RE-BID FOR EXTERIOR PARK LIGHTING RETROFIT**

Recommendation of the General Services Director that City Council reject all bids received on June 24, 2020 (B2020-13) and authorize re-bid for Exterior Park Lighting Retrofit.

**8C. APPROVE MEASURE R FUNDING AGREEMENT AND APPROPRIATE GRANT FUNDING FOR PCH AT CRENSHAW BLVD. INTERSECTION IMPROVEMENT**

Considered separately, see pages 3-4.

**8D. APPROVE REVISED CLASS SPECIFICATION AND EXAMINATION RE FINANCE DIRECTOR POSITION**

Recommendation of the Civil Service Commission and the City Manager that City Council approve the following actions to fill the vacancy of Finance Director:

- 1) Revise the class specification for Finance Director; and
- 2) Conduct the Finance Director examination on an open basis.

**8E. APPROVE REVISED CLASS SPECIFICATION AND EXAMINATION RE COMMUNITY SERVICES DIRECTOR POSITION**

Recommendation of the Civil Service Commission and the City Manager that City Council approve the following actions to fill the vacancy of Community Services Director:

- 1) Revise the class specification for Community Services Director; and
- 2) Conduct the Community Services Director examination on an open basis.

**8F. AGREEMENT FOR BEACH CITIES GREEN STREETS PROJECT**

Recommendation of the Public Works Director that City Council award a consulting services agreement to CWE of Fullerton, CA (B2020-11) for an amount not-to-exceed \$899,689 to perform engineering design services for the Beach Cities Greens Streets Project for a two-year period beginning September 15, 2020 and ending September 14, 2022.

**8G. 2021 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT AGREEMENT FOR TRAFFIC SAFETY ENFORCEMENT AND EDUCATION**

Recommendation of the Police Chief that City Council:

- 1) Accept the 2021 Selective Traffic Enforcement Program (STEP) grant agreement; and
- 2) Appropriate and allocate the award in the amount of \$203,000 for traffic safety enforcement, education, and supplies; and
- 3) Authorize the City Manager or Assistant City Manager as the City's signatory for the agreement.

**8H. APPROPRIATE ANNUAL BUDGET WITH FEE OFFSET FOR THEATRE PRODUCTIONS**

Considered separately, see page 4.

**8I. INVESTMENT REPORT FOR JULY 2020**

Considered separately, see page 4.

**MOTION:** Councilmember Kalani moved to approve the Consent Calendar 8A, 8B, 8D, 8E, 8F, and 8G. The motion was seconded by Councilmember Chen and passed by 7-0 vote.

**8C. APPROVE MEASURE R FUNDING AGREEMENT AND APPROPRIATE GRANT FUNDING FOR PCH AT CRENSHAW BLVD. INTERSECTION IMPROVEMENT**

Recommendation of the Public Works Director that City Council:

- 1) Approve Measure R Funding Agreement #9200000000MR31263 with the Los Angeles County Metropolitan Transportation Authority (LACMTA) to provide grant funding in the amount of \$500,000 for a Project Study Report for the Pacific Coast Highway (PCH) at Crenshaw Blvd. Intersection Improvement, T-143; and
- 2) Upon approval of said Measure R Funding Agreement, appropriate \$500,000 of South Bay Measure R Highway Program funding to the Pacific Coast Highway (PCH) at Crenshaw Blvd. Intersection Improvement, T-143 thereby establishing a total appropriated budget of \$500,000.

Councilmember Griffiths expressed his optimism for this project moving forward and thanked staff for their efforts to remedy the problematic intersection.

**MOTION:** Councilmember Griffiths moved to concur with staff recommendation. The motion was seconded by Councilmember Kalani and passed by 7-0 vote.

**8H. APPROPRIATE ANNUAL BUDGET WITH FEE OFFSET FOR THEATRE PRODUCTIONS**

Recommendation of the Community Services Director that City Council appropriate \$83,213 to the Cultural Services Division Operating Budget for Theatre Productions at 1316 Cabrillo Ave.

Councilmember Ashcraft stated she asked questions regarding the Theatre's budget for the past two years and thanked staff for answering her questions.

Mayor Furey shared the Torrance Theatre Company made a material donation to the City earlier this year with the money they raised from the Friends of the Theatre Company, emphasizing the partnership between the two entities. He added the entertainment value of the Theatre is well worth the funds.

Councilmember Kalani commended staff for thinking outside the box by continuing to look for ways to bring these kinds of programs to the community.

**MOTION:** Councilmember Ashcraft moved to approve Item 8H. The motion was seconded by Councilmember Chen and passed by 7-0 vote.

**8I. INVESTMENT REPORT FOR JULY 2020**

Recommendation of the Finance Director that City Council accept and file the Investment Report for the month of July 2020.

Councilmember Griffiths voiced his concern for the absence of the City Treasurer's signatures on this report as well as the Treasurer's use of a personal email to conduct City business. He stated any internet issues that do not allow for her to sign the reports can be remedied by her coming in, which is afforded to her through a car allowance. He concluded the report is fine.

**MOTION:** Councilmember Griffiths moved to accept and file the investment report for July. The motion was seconded by Councilmember Chen and passed by 7-0 vote.

**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
- 2) 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 LA County remains in Tier 1, meaning there continues to be widespread transmission of the virus. The number of daily hospitalizations continues to be declining. Barbershops and hair salons are

allowed to reopen indoor operations at 25% capacity. City Manager Jackson shared the COVID-19 Business Assistance Program total expenditure to-date is \$41,789.46 and touched on the businesses that have begun outdoor operations, noting the current air quality restrictions. Restaurants and other businesses interested in pursuing outdoor operations can reach out to the City's Office of Economic Development.

Mayor Furey shared he and local mayors in the area have come together with a joint letter to Governor Newsom asking for consideration by the State of California to permit the cities in the South Bay region of Los Angeles County to open businesses consistent with the Red Tier for COVID-19. He requested concurrence to send the letter.

Councilmember Mattucci stated the City needs to take a stronger stance and go the route of litigation against the County and State. He opined Council has become complicit in businesses shutting down and letters aren't strong enough. He continued that the City relies on businesses for the budget and in the future employees will have to be cut from the budget. He asked if Council is going to fight back.

The City Council recessed from 8:53 p.m. to 9:24 p.m.

Mayor Furey stated the pandemic is a tremendous undertaking by local, regional, state, and federal government. He recounted 67 Torrance residents have passed away among the almost 200,000 Americans that have died. He stated how difficult it is to keep businesses going and maintain a healthy community, and mentioned his optimism for the letter to the Governor. Mayor Furey explained the Board of Supervisors approved a \$10M grant for breweries. He concluded that the numbers will get the City to that next level but the interim Council and staff is doing what it can to get Torrance there.

**MOTION:** Councilmember Kalani moved to accept and file COVID-19 recovery update. The motion was seconded by Councilmember Goodrich and passed by 7-0 vote.

**9B. RESOLUTIONS APPOINTING CITY MANAGER AND SETTING FORTH THE HOURS, WAGES, AND WORKING CONDITIONS FOR THE CITY MANAGER**

Recommendation of the City Manager that City Council:

- 1) Adopt a Resolution appointing Aram Chaparyan as City Manager; and
- 2) Adopt a Resolution setting forth the hours, wages, and working conditions for the City Manager.

Assistant to the City Manager Viet Hoang reviewed the staff recommendation.

Councilmember Griffiths stated City Council hires only two critical positions: City Manager and City Attorney. He added this is the only Council in 37 years to hire a city manager, one of the most important decisions Council can make, as its impacts are so reaching on a daily basis and for many years to come. He stated while Aram Chaparyan is a tremendous asset to the City and has done a great job as the Assistant City Manager, Councilmember Griffiths will be voting no on this appointment because other candidates were not interviewed. He reiterated Mr. Chaparyan is a well-qualified candidate for this position and he voted for him to be Interim City Manager. Councilmember Griffiths opined going to recruitment could identify what Council wants from a city manager and provide a larger pool from which to decide who is the best and he felt Council missed out on a once-in-a-37-year opportunity by not doing a proper search.

Councilmember Goodrich echoed similar sentiments regarding the process Council followed. He stated he believes in Mr. Chaparyan and with his track record he will do a great job for the City.

Councilmember Kalani concurred that Council would have found Mr. Chaparyan to be the ideal choice for city management as he brings so much to the table, but she would have liked to hire him as the best of many candidates.

Councilmember Chen shared philosophies differ for the selection process, likening the process to marriage and knowing a person is the right choice. He stated he knew early on Mr. Chaparyan is the right person for the job.

Councilmember Ashcraft stated she originally felt the right choice was go out for recruitment because of the length of time Mr. Jackson served. She shared as time went on and as Council spoke to search firms, one was adamant about going out to search to prove something when the City already has a viable candidate. She concluded she changed her mind about recruitment after looking at Mr. Chaparyan's resume, in addition to her interactions with him and she will be voting for Mr. Chaparyan tonight without any reservations.

Mayor Furey agreed he also thought Council would recruit for a city manager, but saw what a great asset the City had within the City Manager's Office. He stated one recruiter asked what Council is looking for with a great candidate already in the City. Mayor Furey added Mr. Chaparyan has the knowledge, skills, ability, and experience to continue Mr. Jackson's legacy and improve upon that legacy.

**MOTION:** Councilmember Kalani moved to concur with staff recommendation and adopt Resolution No. 2020-96. The motion was seconded by Councilmember Chen and passed by 6-1 vote, with Councilmember Griffiths voting no.

**MOTION:** Councilmember Chen moved to concur with staff recommendation and adopt Resolution No. 2020-97. The motion was seconded by Councilmember Ashcraft and passed by 7-0 vote.

**9C. RESOLUTION TO ENTER INTO AGREEMENT WITH STATE OF CALIFORNIA FOR I-405 FREEWAY**

Recommendation of the Public Works Director that City Council:

- 1) Adopt a Resolution repealing and replacing Resolution Nos. 62-237 and 70-211; and
- 2) Approve the Freeway Agreement with the State of California Department of Transportation for State Highway Route 405 between Western Avenue and Redondo Beach Boulevard.

Engineering Manager Beth Overstreet reviewed the staff recommendation.

**MOTION:** Councilmember Griffiths moved to concur and adopt Resolution No. 2020-98. The motion was seconded by Councilmember Chen and passed by 7-0 vote.

**9D. REVIEW EXTENSION OF LOCAL EMERGENCY RELATED TO COVID-19**

Recommendation of the City Attorney and City Manager that City Council:

- 1) Review the need for extending the local emergency related to COVID-19 that was proclaimed on March 12, 2020; and
- 2) Adopt a Resolution extending the local emergency.

City Attorney Sullivan reviewed the staff recommendation, noting this does not affect State or County Orders. He stated this Item allows the City to seek reimbursement for expenditures related to COVID-19.

**MOTION:** Councilmember Chen moved to adopt Resolution No. 2020-99. The motion was seconded by Councilmember Goodrich and passed by 7-0 vote.

**9E. INSURANCE AGREEMENT AND RATES FOR LIFE/ACCIDENTAL DEATH AND DISMEMBERMENT, SHORT-TERM DISABILITY, LONG-TERM DISABILITY INSURANCE, AND DENTAL INSURANCE**

Recommendation of the City Manager that City Council:

- 1) Approve the selection of Lincoln Financial Group of Fort Wayne, IN to provide Term Life/Accidental Death and Dismemberment (AD&D), Short-Term Disability (STD), and Long-Term Disability (LTD) Insurance to eligible employees effective January 1, 2021; and
- 2) Approve the proposed rate of \$0.140 per \$1,000 of payroll for Term Life Insurance and \$0.020 per \$1,000 for AD&D, for a combined rate of \$0.160 per \$1,000 of payroll for a total expenditure of \$150,317 per year for a two-year period beginning January 1, 2021 and ending December 31, 2022; and
- 3) Approve the proposed rate of \$0.640 per \$100 of payroll for Short-Term Disability (STD) Insurance for a total expenditure of \$404,082 per year for a two-year period beginning January 1, 2021 and ending December 31, 2022; and
- 4) Approve the proposed rate of \$0.350 cents per \$100 of payroll for Long-Term Disability (LTD) Insurance for employees represented by TME-AFSCME/TLEA, and \$0.180 per \$100 payroll for executive, management, and general employees not represented by TME-AFSCME/TLEA for a combined total expenditure of \$167,033 per year for a two-year period beginning January 1, 2021 and ending December 31, 2022; and
- 5) Approve an agreement for insurance and group rates for Preferred Provider Organization (PPO) dental coverage at \$34.40 single party, \$68.80 two-party, and \$118.68 family; and Dental Health Maintenance Organization (DHMO) group rates at \$17.47 single party, \$31.54 two-party, and \$46.64 family with Delta Dental of San Francisco, CA for a combined total expenditure of \$1,040,286 per year for a two-year period beginning January 1, 2021 and ending December 31, 2022.

Assistant to the City Manager Hoang reviewed the staff recommendation, clarifying that benefit coverage for eligible employees is recommended to remain the same for this renewal period. The rate change overall is a reduction of 3.9%.

**MOTION:** Councilmember Goodrich moved to concur with Item 9E. The motion was seconded by Councilmember Ashcraft and passed by 7-0 vote.

**9F. REVIEW EXTENSION OF LOCAL EMERGENCY RELATED TO CIVIL UNREST**

Recommendation of the City Attorney and the City Manager that City Council:

- 1) Review the need for extending the local emergency related to civil unrest that was proclaimed on May 30, 2020 and ratified on June 2, 2020; and
- 2) Consider whether to allow the state of local emergency related to civil unrest to expire or extend the statement of local emergency regarding civil unrest.

City Attorney Sullivan reviewed the staff recommendation and touched on current protests at the Sheriff's south station, noting there has been little civil unrest in the South Bay since July. He stated Council can bring back a new state of emergency if new civil unrest arises.



Mayor Furey asserted there is no pressing need to continue the emergency currently.

Councilmember Chen suggested if unrest could explode at any time, perhaps it would be more prudent to extend. He asked if there is a downside to extending.

City Attorney Sullivan explained Council has to re-evaluate the need for a state of emergency every 60 days. He stated there are ongoing COVID-related expenses like PPE for staff, Plexiglas installations, assistance in outdoor business operations, and looking at latest health orders, but there is no real ongoing expense in Torrance and surrounding cities related to civil unrest. He added protests since June have been calm and peaceful and there has not been rioting or looting or attempts of either, so the need for ongoing expenses or ability to respond is not there. He reiterated if there was an incident that led to civil unrest, the City Manager can immediately put out an order and the Police Department can respond to unrest.

In response to a question from Councilmember Chen, City Manager Jackson confirmed there isn't a downside in continuing the local emergency. He added that the extension requires no expenditure other than returning to Council in 60 days to decide whether to renew again.

Chief Eve Berg clarified if there is an emergency that arises, the Police Department can go into tactical alert.

Councilmember Griffiths received confirmation if Council doesn't extend, the City Manager can re-enact the local emergency at a moment's notice and Council is not involved in the initial decision and can vote on it at a later time.

City Attorney Sullivan explained the City Manager has the same powers to make a proclamation that goes into effect immediately. He furthered the Police Department can respond as they see fit, with or without an emergency declaration and Council has the authority to ratify or reject what the City Manager issued within seven days

Mayor Furey asked if declaring a local emergency allows the City to be reimbursed and if the City is expending anything.

City Manager Jackson explained if the proclamation is initiated, the City can request the Governor to cover the expenditures that might arise in the future.

Councilmember Mattucci mentioned if Council doesn't extend and something does happen, there is a possibility of ratifying on a dark night which would require a special meeting. He stated since there is no expenditure, Council should extend to get past the election, and there is no harm if nothing happens in that time. He stated it is prudent to have it in place if something does happen so Council does not have to come back and ratify a future proclamation.

City Manager Jackson clarified any actions that would be taken in the future would still have to come back to Council within seven days. He added even if the resolution is extended, any orders issued by the City Manager would have to be brought before Council for consideration within seven days.

**MOTION:** Councilmember Mattucci moved to not extend. The motion was seconded by Councilmember Ashcraft and passed by 6-1 vote, with Councilmember Chen voting no.

**9G. APPROVE EXPENDITURE FOR MARCH 3, 2020 GENERAL MUNICIPAL ELECTION**

Recommendation of the City Clerk that City Council approve actual expenditure for the March 3, 2020 General Municipal Election to be paid out of the Fiscal Year 2019-2020 budget.

City Clerk Poirier reviewed the staff recommendation, explaining the December estimate was much higher than the actual March cost.

Councilmember Griffiths asked if the line item in the associated total cost of \$308,000 represents the cost of the charter amendments that were put on the ballot.

City Clerk Poirier confirmed, adding the City was charged for each and every measure.

Councilmember Griffiths opined it is a tremendous amount of money to put charter amendments on the ballot and suggested taking a more methodical approach going forward with future charter amendments to ensure proper promotion and advertisement. He concluded a lot of money was spent on charter amendment that did not pass.

Councilmember Goodrich noted one of the charter amendments did pass.

**MOTION:** Councilmember Goodrich moved to concur with the recommendation of the City Clerk. The motion was seconded by Councilmember Chen and passed by 7-0 vote.

**9H. UPDATE ON VOTE BY MAIL (VBM) DROP BOXES AT VARIOUS CITY FACILITIES**

Recommendation of the City Clerk that City Council accept and file update on Vote by Mail (VBM) drop boxes in the City Clerk's Office and various library locations for the Presidential Primary Election on November 3, 2020.

City Clerk Poirier reviewed the staff recommendation. She provided an overview of the black staffed vote by mail ballot boxes used in past years. She shared the County will not be utilizing the black boxes for staffed drop offs and will only be providing larger boxes meant for outside. She added a box will be provided to the City Clerk's Office and the County will not be utilizing boxes for libraries.

Mayor Furey confirmed the only staffed dropbox in the city will be in the Clerk's Office during working hours.

City Clerk Poirier clarified the type of box that will be in the City Clerk's Office for Councilmember Chen. She explained it will be a smaller version of the boxes that go outside, will be placed on a rubber mat, and will fit in the lobby. She stated it will not be bolted down and staff will not be lifting it and the County will service the box as needed.

Councilmember Ashcraft asked if the County has shared where voting centers are going to be and asked if voting centers will have drop boxes inside or outside.

City Clerk Poirier confirmed members of the public will have to go inside the vote center to drop their ballot off just as they've had to do in the past, but voters can drop their ballot off at any vote center in Los Angeles County. She stated the list of vote centers has not been released but the County will release locations 30 days prior to the election. She shared the County asked if Council will reconsider the previously proposed vote center locations at the Katy Geissert Meeting Room, Ken Miller Recreation Center, and George Nakano Theater.

Councilmember Ashcraft asked if the schools had been approached for locations since they are more spread out.

City Clerk Poirier responded the City Attorney sent email stating the school board voted to allow some of the schools to be vote centers.

City Attorney Sullivan affirmed the following sites were approved by the board of education to be vote centers: Yukon Elementary, Hull Middle School, North High, West High (if necessary), and Levy Adult School.

Councilmember Griffiths asked about the security concerns regarding drop boxes in the libraries.

City Clerk Poirier explained the security concerns were issues raised in years past; the boxes had wheels and could be picked up and removed. She clarified Torrance hasn't received complaints and library and clerk staff have been diligent in keeping boxes within eye sight and locking them up in the evening. She stated the County Clerk received complaints from the public and people who hosted the boxes so they discontinued boxes due to security concerns. In response to Councilmember Griffiths' follow-up questions, City Clerk Poirier explained the March election was first time libraries utilized the boxes, similarly to City Clerk's Office, with the County coming 1-2 times a week to empty the box. She stated since the County is no longer using those smaller boxes and since library is not open at this time, the City is unable to utilize the library.

Councilmember Griffiths mentioned staff worked out a way to allow the libraries to be open for these boxes before the County decided against it, relaying the City has been accommodating. He requested more ballot boxes in places where the ballot box can be locked, managed and overseen by staff. He noted there will be a Vote By Mail box for dropping ballots in every vote center in the city, including schools which were just approved.

City Clerk Poirier clarified the City Clerk's Office is the only City facility that will have a box, confirming any vote center will have a drop box for Vote By Mail ballots. She added a ballot box has to be where the public can walk up and put the ballot in themselves.

Councilmember Griffiths reiterated there will be boxes at every vote center in the city.

In response to Councilmember Griffiths' request to reconsider libraries, City Clerk Poirier stated she asked City Librarian Yolande Wilburn if the library could host a box similar to the Clerk's Office and City Librarian Wilburn stated the boxes would not work as they would require the public to come inside and utilize them and libraries are closed, in addition to not being able to accommodate the new larger boxes.

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

#### **9I. AGREEMENT FOR AIRPORT NOISE MONITORING SYSTEM (ANOMS)**

Recommendation of the Community Development Director that City Council approve a Noise Office Services Agreement with Brüel & Kjær of Sacramento, CA in the amount of \$448,455 (\$149,485 annually) for licensing and maintenance of the Airport Noise Monitoring System (ANOMS), Noise Abatement System, Noise Office Services, WebTrak, and Technology Management for a three-year period beginning October 1, 2020 and ending September 30, 2023.

Councilmember Kalani recused herself.

Deputy Community Development Director Linda Cessna reviewed the staff recommendation. She referred to the supplemental material and compared Torrance Airport's noise abatement budget to Santa Monica Airport's budget. She stated the goal of the Noise Abatement Program is to help pilots and the public co-exist and without the noise monitoring system, the Noise Abatement Program cannot continue.

Councilmember Mattucci asked with regards to pricing compared to other airports, if staff has looked at airports further away outside the area. He asked if this went out for public bid to look at other companies and asked if equipment cost is part of the amount.

Deputy Community Development Director Cessna responded initially staff went out for bid for the newer system and the equipment is still viable. She added if staff bids to find another company, all the equipment would need to be replaced at an expenditure of approximately \$200,000-\$300,000. She stated this contract is sole-source to maintain the equipment until it has reached the end of its useful life.

Councilmember Mattucci requested deeper research be done in an effort to lower the cost, estimating it to be about \$500 per day for equipment that has already been paid for. He asked if the company that sold the equipment also services it, and if another company can service the equipment.

Deputy Community Development Director Cessna explained the equipment is proprietary and any other company would have their own system and proprietary monitoring so they cannot service the equipment. She furthered that initially only one other company provided a similar service and they were more expensive.

Councilmember Mattucci stated Torrance is fortunate to have the airport, in case of an emergency and the proximity to a large manufacturer of helicopters. He opined the amount for the contract is exorbitant and he would like to invest in new equipment to lower the annual cost.

Councilmember Griffiths clarified the three-year cost breaks down to \$409 per day and agreed the airport is a valuable asset for the city and the community should continue to support its existence. He noted the importance of noise monitoring and asked if the phasing out of Santa Monica may increase traffic through the airport, which might increase number of flights.

Deputy Community Development Director Cessna agreed it is very likely and more flights are expected to come into Torrance.

In response to a question from Councilmember Ashcraft regarding a decrease in number of operations over the years, Deputy Community Development Director Cessna stated when the City began the noise abatement program Torrance was the tenth busiest airport in the United States. She reported about 500,000 operations per year in the 1970s has gone down to currently 115,000 operations per year. She acknowledged cost of fuel and a number of factors in addition to noise abatement make aviation not as viable as it used to be.

Councilmember Ashcraft expressed she did not want to put more upfront costs into noise abatement and the City should use the current equipment until it expires, and then go out to bid. She stated her support of this Item.

Councilmember Chen referred to a caller that said he could engineer it at a lower cost.

Deputy Community Development Director Cessna replied it is very unlikely as noise abatement is a highly specialized field with highly specialized equipment, analytics, radar, WebTrak, and a host of proprietary programs bundled into the system.

Mayor Furey agreed an individual cannot put the WebTrak up that allows a resident who lives near the airport to track the airplanes that go by. He added WebTrak is one of the most important aspects of the system.

Councilmember Mattucci asked if there is an option for a shorter one-year commitment and open up exploratory efforts to look into other companies or systems to cut the cost.

Deputy Community Development Director Cessna explained the three-year cost the City was quoted for was discounted quite a bit and the cost for one year would increase the cost by at least 15%.

Councilmember Griffiths stated most contracts contain an "out" if the City gives a certain amount of notice and asked about cancelling the agreement.

City Attorney Sullivan responded the standard form agreement does have provisions in them, but this contract does not appear to have termination for convenience or termination for cause.

Deputy Community Development Director Cessna stated this contract has a three-year term.

Councilmember Goodrich brought up the existence of a non-payment clause.

Mayor Furey explained non-payment would constitute a breach of contract and the City would be on the hook for the entire contract. He added that breaching the contract would be acting in bad faith which would give punitive damages as well.

City Attorney Sullivan found a dispute resolution provision stating if there's a dispute, the parties agree to negotiate prior to prosecuting a suit for damages in the case of breach of contract.

Mayor Furey suggested bringing the Item back in a week to answer questions ahead of time.

City Manager Jackson confirmed the Item can be continued a week to collaborate more on pricing and a potential month-to-month cost.

**MOTION:** Councilmember Griffiths moved to continue a week. The motion was seconded by Councilmember Mattucci and passed by 6-0 vote, with Councilmember Kalani recused.

City Council recessed from 10:48 p.m. to 11:00 p.m.

**9J. RECONSIDERATION OF PROPOSAL FROM LOS ANGELES COUNTY REGISTRAR-RECORDER / COUNTY CLERK FOR UNSTAFFED VOTE BY MAIL DROP BOXES**

Recommendation of the City Manager and the City Clerk that City Council consider a motion to reconsider proposals from the Los Angeles County Registrar-Recorder / County Clerk on permanent unstaffed Vote by Mail (VBM) drop boxes at five locations in the City of Torrance for the Presidential Primary Election on November 3, 2020. It is further recommended that if the City Council determines to reconsider the matter that a new Council Meeting date be selected.

City Clerk Poirier reviewed the staff recommendation and explained if Council opts to reconsider, Item 9K can be discussed, or the Item can be brought to Council the following week.

City Attorney Sullivan added on August 25, Council only took action on the staffed boxes, and took negative action on the other two options. Since Council took no action on the other two items, Item 9K can be done by Council tonight rather than in a week.

Mayor Furey reiterated there were three items to take action on and Council only took action on one.

In response to Councilmember Ashcraft's question regarding reconsideration of five locations, City Clerk Poirier explained it is up to Council to decide the number and locations of the unstaffed boxes.

Councilmember Kalani asked if the smaller box that will be inside City Hall could be outside instead.

City Clerk Poirier replied it could go outside if it was bolted to the cement.

Councilmember Goodrich suggested since the reconsideration only applies to the vote, and Council did not actually hold a vote on proposals #1 and #2 from the previous meeting, it would make sense to forgo the motion for reconsideration and proceed to entertaining 9K.

City Attorney Sullivan stated Council can choose to do that since the vote on August 25 was for staffed ballot boxes that don't actually exist anymore, with the exception of the small box given to the City Clerk's Office. He provided measurements and weights for the two box sizes.

Councilmember Chen noted the County responded negatively to the City's request to remove the boxes after the election and since these are called Vote By Mail drop off boxes, residents can drop these off at any mailbox postage-free.

City Clerk Poirier confirmed all Vote By Mail ballots contain postage so they can be mailed at any US mailbox. She explained the County does not want to remove the boxes immediately after the election because repairing concrete is a lot of effort. She affirmed for Councilmember Chen the absentee ballot language was changed to Vote By Mail in the Elections Code. She added Redondo Beach opted for a one-year contract to try it out and shared the various neighboring cities all have boxes.

City Attorney Sullivan stated this item can be tabled and move to a deeper discussion in Item 9K on what other options the City has at this point.

**MOTION:** Councilmember Goodrich moved to table Item 9J. The motion was seconded by Councilmember Kalani and passed by 7-0 vote.

**9K. CONSIDER PROPOSAL FROM LOS ANGELES COUNTY REGISTRAR-RECORDER / COUNTY CLERK RE UNSTAFFED VOTE BY MAIL (VBM) DROP BOXES**

Recommendation of the City Manager and the City Clerk that City Council consider the Los Angeles County Registrar-Recorder/County Clerk's (LARRCC) proposal for unstaffed Vote by Mail (VBM) drop boxes in the City of Torrance for the November 3, 2020 Presidential Election.

City Clerk Poirier reviewed the staff recommendation and stated the County is amenable to changing Lago Seco Park to Walteria Library for placement of Vote By Mail boxes, but is not interested in removing boxes after election. She stated the County's preference for a one-year minimum as there will be an election next year. She shared the five locations requested by the County: City Hall, Henderson Library, Wilson Park, Walteria Library, and North Torrance Branch Library. She stated it is up to Council to decide how many boxes they would like in the city, if any at all. She shared how many boxes local cities have and noted the Los Angeles has just under 400 permanent ballot boxes throughout the county so there are lots of opportunities to drop off ballots in addition to vote centers.

Councilmember Ashcraft shared she spoke with a Manhattan Beach councilmember and they have two boxes but it never was an item on the agenda for their council approval. She questioned why Torrance saw it as a land management item put on the agenda, but the Manhattan Beach councilmember was told it didn't have to come before council.

City Clerk Poirier responded each city handles business differently and it is possible in Manhattan Beach it falls under the elections official and therefore isn't required to go to Council. She added she cannot speak for the policies of another city. She stated in the past most of the vote centers were handled internally by the City Clerk as the elections official working with cooperation with the City Manager and his department and it was never brought it to Council before as it was handled internally.

Councilmember Chen stated all the Vote By Mail ballots will be sent out to every registered voter and they can choose to either physically bring their ballot to a vote center or a drop off box. He reiterated there will be a box in the City Clerk's Office lobby or voters can drop their ballot off at any of the 69 mailboxes and post offices in the city postage-free.

City Clerk Poirier confirmed that is correct and voters can use any permanent Vote By Mail box located anywhere in LA County and ballots can be dropped off anywhere that accepts US Mail.

Councilmember Chen stated there are a lot of options and asked if there are concerns if the postal service can handle the Vote By Mail ballots.

City Clerk Poirier shared the County has a link on their website where voters can go online after they mail their ballot and the County scans a code to show the ballot has been received.

Councilmember Chen mentioned if a voter is concerned about a post office time lag the key thing is to have the ballot stamped before November 3.

City Clerk Poirier stated there is a new law that ballots must to be post marked by November 3 and as long as it's received three days after the election it will be counted. She confirmed for Councilmember Chen the ballots will begin to be mailed on October 5.

In response to a question from Councilmember Chen, City Clerk Poirier explained the County will service the unstaffed boxes based on needs and will come at least once a week or more if needed.

Councilmember Chen relayed in the first 20 days the County will come at least twice a week and at least every other day in the last 10 days. He added some ballots will still be in the boxes whereas USPS boxes get picked up every day. He concluded every voter has every opportunity to vote the way they choose to as early or as late as they choose to as long as their ballot is postmarked on or before November 3.

Mayor Furey stated the US Mail does a tremendous job and shared his experience voting by mail and receiving a text when the County receives and counts his ballot. He conceded there has been negative press about the mail so people have concerns about whether their ballot will get there. He shared Secretary of State Alex Padilla had the law changed so as long as the ballot is postmarked by November 3, it will be counted up to 17 days after. He brought up there are people who do not leave their houses due to COVID and who want to have a ballot box to minimize interactions with others so the boxes are another methodology for voting that make them feel safe and secure.

Councilmember Griffiths asserted there has been a lot of misinformation and divisiveness surrounding this issue. He reiterated the city will have vote centers like in March where people can vote in-person or drop off their ballot without waiting in line. He added vote centers are open for 11 days or 5 days and in the days leading up to the final day of the election the voting centers are almost empty. He opined those worried about the USPS forget all the ballots to all registered voters are being sent out via the USPS. He suggested if voter turnout is typical with only half voting by mail, only 25% of the ballots will be returned by mail and if the post office can get 100% of the ballots mailed out then reason stands that 25% to 50% of the ballots can be sent back safely and securely through the USPS. He mentioned as long as the ballot is postmarked by November 3 it will still be counted, even if it's received 17 days after the election. He stated for nearly 30 days everyone will have access to the myriad of options available throughout the county to vote. He voiced his concern for leaving his ballot in an unattended box that only gets picked up every few days, preferring to risk a 1-2 day delivery delay with the USPS. He concluded Torrance is a unique city that often does not do what other cities are doing which is part of its appeal and stated his preference for a Vote By Mail box in a public location like City Hall, the Library, or a school and would like it removed as quickly after the election as possible.

Councilmember Kalani rebuffed accusations about voter suppression, stating it is important that people exercise their right to vote in a way that's easiest for them. She opined the safest option is to go into one of the several voting centers to cast their vote or drop off their Vote By Mail ballot and noted a person can have a friend drop their ballot off for them. She stated the USPS is always in single control of the post office boxes and with the VBM boxes, ballots will be picked up in dual control. She described her visit to the Rancho Palos Verdes City Hall ballot box and shared it is solid and hard to shake. She noted the boxes are brightly colored and they're supposed to get noticed, but should be in a prominent location like City Hall. She asked the City Attorney about fraud.

City Attorney Sullivan explained interfering with an election, ballots, or voter registration is covered under state law or federal law. He stated California Elections Code §18500 makes interfering with a vote or ballot, or attempting to do so is a felony and punishable by imprisonment of 16 months, 2 years or 3 years, depending on mitigating factors or aggravating factors. He added crimes prohibited under Federal law include false statement of citizenship to vote or register (18 USC §1015); intimidating someone trying to vote, using false information to register to vote or to actually vote, and voting more than once (52 USC §10307). He continued there is a section in the US Code about knowingly depriving or defrauding or attempting to deprive the residents of a state



of a fair and partial election (52 USC §20511). City Attorney Sullivan noted federal laws would be equivalent of a California felony and imprisonment of up to five years or a fine of \$10,000, or both. There are specific crimes regarding interfering with a mailbox, with punishments that make it a felony with prison time.

Councilmember Kalani added the unstaffed boxes have a thin roller system that makes it difficult to put more than one ballot in at a time, or put something other than an envelope inside. She stated the County told her they would be checking the boxes more than once per day.

Councilmember Ashcraft voiced her preference for one centrally located box and suggested a box in the back of Katy Geissert Library with ample space to ensure a voter doesn't have to interact with another person. She touched on the County's tracking system for ballots put in the mail.

Councilmember Goodrich opined in a city of 21 square miles the impact of four or five unstaffed dropboxes that amount to about two square feet is negligible. He rebuked concerns about graffiti, which were addressed in the original staff report with the County taking care of any vandalism within 48 hours, much like how Torrance handles its own graffiti. He brought up concerns about aesthetics, stating four or five brightly colored boxes in a 21 square mile city remind people about voting. He asked if there was there a vote on any unstaffed ballot boxes previously.

City Attorney Sullivan stated the Item on August 25 had discussion on unstaffed ballot boxes, discussion on vote centers, and had discussion on staffed ballot boxes that are no longer offered by the County. He explained the topics of discussion were all listed as options and Council voted on Option #3, which was the staffed ballot boxes the County no longer offers.

Councilmember Goodrich asked how many unstaffed boxes are slated to be in the City of Torrance at the present time.

City Clerk Poirier responded no unstaffed boxes are currently slated for Torrance.

Councilmember Goodrich, stated the Daily Breeze reported that he erroneously cited Torrance and Vernon were the only cities without unstaffed boxes and mentioned though he did not count all 88 cities in the report from the county listing the locations of 400 unstaffed boxes, there are close to 86 cities on it. He clarified he never said anybody on council voted against the unstaffed boxes because there was no vote taken. He stated he would read some comments into the record starting with the LA Times article titled "We Mailed 100 Letters to Test the Postal Service" with the verdict being "spotty at best, dismal at worst." He compared packed shopping malls on Christmas Eve to the final day of the election, with people waiting until the last minute, creating long lines and wait times. The first comment Councilmember Goodrich read into the record stated, "I value and take a personal stand to protect the fragile health of elderly relatives that I care for and cannot take the risk of standing less than the recommended six feet between myself and anyone masked." The second comment stated, "I've had several incidents with USPS in the past four months so I will be using one of the ballot boxes. I voted by absentee ballot for years but will not be relying on the Postal Service this year." The third comment stated, "My husband and I applied for permanent mail in ballots when local voting precincts were eliminated. With the pandemic continuing, these boxes would be a good alternative for those not trusting the mail and understandably not wanting to enter a polling place. With the Post Office's service now totally unreliable, it borders upon criminal to further restrict our options for submitting ballots by not providing secure dropbox locations." The fourth comment stated, "I'm writing to ask you to vote in favor of drop off ballot boxes. In light of the pandemic and the problems we are facing with

unaccountable delays at the Postal Service, I think it's imperative we do what we can to ensure our ballots can be safely and conveniently collected for delivery to the County for tabulation." The final comment stated, "The drop boxes are not only for the immunocompromised, but those who are scared of COVID and passing it along to their loved ones. They're for blue collar workers. They're for people who are forgetful. They're for the elderly. Do better for the city." Councilmember Goodrich concluded there are people that are not comfortable voting by mail and there are people not comfortable voting where other people are around. He opined it is discordant messaging as a city to be talking about social distancing but encouraging residents to gather in line to vote in person. He voiced his preference for putting at least one unstaffed box in each zip code.

**MOTION:** Councilmember Goodrich moved to accept LA County's proposal for unstaffed Vote By Mail boxes in the City of Torrance with the period of one year in the locations indicated by the City of Torrance, with the alternative being WALTERIA. The motion was seconded by Councilmember Kalani and failed by 4-3 vote, with Councilmember Goodrich, Councilmember Kalani, and Mayor Furey voting yes.

Councilmember Mattucci suggested placing the box in a location that is monitored by electronic surveillance.

Councilmember Ashcraft asked the City Manager if there are enough locations that would be applicable to have a surveillance camera looking at them to have one spot designated.

City Manager Jackson responded the City can put one camera on one site and can acquire multiple cameras for multiple sites, but someone would have to monitor them.

Councilmember Ashcraft stated she did not want to pay to have somebody monitoring them and asked if there are cameras on the outside of the Katy Geissert Library in the back.

City Manager Jackson responded in the negative, adding one can be installed there but somebody would have to monitor it.

City Attorney Sullivan explained any surveillance recordings would need to be retained for a certain amount of time.

Councilmember Kalani stated there aren't cameras at every single United States Post Office and these boxes are much safer and more secure than a USPS box.

**MOTION:** Councilmember Ashcraft moved to have one unstaffed box as the County has outlined, in one location to be determined by the City Manager in consultation with the City Clerk. The motion was seconded by Councilmember Griffiths and passed by 5-2 vote, with Councilmember Chen and Councilmember Mattucci voting no.

Councilmember Goodrich reiterated his preference for a box in each zip code.

Mayor Furey stated the most important thing is providing a service to someone in need so they don't have to go to another city.

Councilmember Chen sympathized with those concerned about leaving their homes and suggested they clip their ballot to their mailbox and watch the mailman take it away. He stated there are plenty of options without adding an additional one that is out of the way and the US Mail system can deliver the ballots within a 29-day voting period.

Mayor Furey agreed the Post Office as an agency of the federal government has served citizens well, but current events have made people afraid to put their ballot in the mail.

City Attorney Sullivan confirmed the City Manager has the ability to negotiate with the County in consultation with the City Clerk and General Services regarding the vote centers for rooms where they County can set up machines.

Mayor Furey confirmed for Councilmember Kalani the unstaffed box will be the smaller 32"x32"x52" box.

City Clerk Poirier explained if City Hall is chosen for the location of the unstaffed box, the City Clerk's Office would not be hosting a staffed box, per the County.

- 11. **AGENCY AGENDAS** – None scheduled
- 12. **SECOND READING ORDINANCES** – None scheduled
- 13. **CITY COUNCIL ORAL COMMUNICATIONS**

Councilmember Mattucci, Councilmember Ashcraft, and Mayor Furey spoke.

Councilmember Goodrich requested concurrence for staff to attend a webinar hosted by Elected Officials Protect America to learn about the California Public Resources Code wherein cities and counties may formally request the California Geological Energy Management Division to order companies to remediate idle oil wells which could post a health hazard to the local population.

14. **CLOSED SESSION**


Considered earlier, see page 1.

15. **ADJOURNMENT**

At 12:10 a.m., the City Council adjourned to Tuesday, September 22, 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), 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

  
\_\_\_\_\_  
Mayor of the City of Torrance

Approved on October 6, 2020