

INDEX
TORRANCE CITY COUNCIL – MAY 17, 2016

<u>SUBJECT</u>	<u>PAGE</u>
<u>OPENING CEREMONIES</u>	
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 Withdrawn, Deferred or Supplemental Items	1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. <u>COMMUNITY MATTERS</u>	
6A. Resolution No. 2016-41 re Armed Forces Day Parade and Celebration	2
6B. Resolution No. 2016-42 re General Robert B. Abrams	2
6C. Resolution No. 2016-43 re Joe Mantegna	2
6D. Proclamation re “Blue Ribbon Week”	3
6E. Proclamation re “Bike Commute Week”	3
6F. Proclamation re “National Preservation Month”	3
6G. Proclamation re “Older Americans Month”	3
6H. Recognition of 2016 Older Americans Award Recipients	3
6I. Recognition of Smog City Brewing Company	3
7. <u>ORAL COMMUNICATIONS #1</u>	4
8. <u>CONSENT CALENDAR</u>	
8A. Approval of Minutes	4
8B. Payment for Emergency Repairs of Storm Drain	4
8C. Approval of Commission on Aging Meetings at Bartlett Senior Center	4
8D. Approval of Conceptual Design for 2017 Rose Parade Float	3, 4
8E. Purchase Order re Keyless Access System Security System	4
8F. Job Description for Emergency Medical Services Coordinator	4
8G. License Agreement with G & W Enterprises for Parking Spaces	4
8H. Acceptance of Donation from Bachem Environmental Protection Agency	5
12. <u>ADMINISTRATIVE MATTERS</u>	
12A. Resolutions re Torrance Lighting District No. 99-1	5-6
12B. Amendment to Agreement re PCH/Hawthorne Blvd. Improvements	6
12C. FY2015-16 Federal Transit Administration Grant Application	6
12D. Ordinance Allowing Keeping of Hens for Single-Family Residences	6-7
12E. Resolution re Emergency Medical Services Coordinator Pay Range	7
12F. Resolution re Changes to Compensation Section for Torrance Municipal Employees – TME AFSCME Local 1117	7
12G. Transfer of Funds and Agreement re Beryl Street Improvements	7-8
12H. Resolutions re Appropriations for 2016-17 Operating Budget and 2016-17 Capital Budget Plan	8, 9
13. <u>HEARINGS</u>	
13A. 2015-17 Operating Budget and 2016-21 Capital Budget Plan	8-9
13B. Pipeline Franchise Ordinance with Mobil Pacific Pipeline Company	10-11, 13-14
14. <u>APPEALS</u>	
14A. Appeal of Airport Noise Hearing Board Determination re Aircraft N69CL	11-13
17. <u>ORAL COMMUNICATIONS #2</u>	14-15
18. <u>EXECUTIVE SESSION</u>	1, 15
19. <u>ADJOURNMENT</u>	15

At 11:21 p.m., the City Council adjourned to Tuesday, May 24, 2016 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

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

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 5:30 p.m. on Tuesday, May 17, 2016 in the Council Chamber at Torrance City Hall.

ROLL CALL

Present: Councilmembers Ashcraft, Barnett, Goodrich, Griffiths, Rizzo, Weideman and Mayor Furey.

Absent: None.

Present: City Manager Jackson, Assistant City Manager Giordano, Assistant City Attorney Sullivan, City Clerk Poirier and other staff representatives.

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

18. EXECUTIVE SESSION

The City Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 18A) Real Property – Conference with Real Property Negotiator, pursuant to California Government Code § 54956.8.

The City Council reconvened at 7:01 p.m. with all members present. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/ INVOCATION

The flag salute was led by Councilmember Rizzo.

The non-sectarian invocation was given by Councilmember Weideman.

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 on Thursday, May 12, 2016.

MOTION: Councilmember Rizzo 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 Weideman and passed by unanimous vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

Item 8E was withdrawn; supplemental material was available for Items 13A and 14A.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Ashcraft announced that the Employee Relations and Public Safety Committee met earlier today to discuss the Crossing Guard Program and will be forwarding a recommendation to the Council in the near future.

Councilmember Barnett announced that the Ad Hoc Naming of Public Facilities Committee will meet on Tuesday, May 24, 2016 from 3:00 - 4:00 p.m. in the City Manager's Assembly Room to discuss the renaming of individual city owned hanger rows and gates at the Torrance Municipal Airport - Zamperini Field.

Clerk Poirier announced that the Office of the City Clerk will host an Election Night community event on June 7, 2016 from 7:00 - 9:30 pm in the Council Chambers.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2016-41 RE ARMED FORCES DAY PARADE AND CELEBRATION

RESOLUTION NO. 2016-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DECLARING MAY 20 THROUGH MAY 24, 2016 FOR OBSERVANCE OF THE 57TH ANNUAL ARMED FORCES DAY PARADE AND CELEBRATION

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-41. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

Mayor Furey presented the proclamation to Lieutenant Kyle Goffney, Traffic and Special Events Division.

6B. RESOLUTION NO. 2016-42 RE GENERAL ROBERT B. ABRAMS

RESOLUTION NO. 2016-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE EXPRESSING APPRECIATION TO ROBERT B. ABRAMS, GENERAL OF THE UNITED STATES ARMY, FOR SERVING AS GRAND MARSHAL OF THE 57TH ANNUAL ARMED FORCES DAY PARADE AND OBSERVANCE

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-42. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

To be presented at a later date.

6C. RESOLUTION NO. 2016-43 RE JOE MANTEGNA

RESOLUTION NO. 2016-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE EXPRESSING APPRECIATION TO JOE MANTEGNA FOR SERVING AS HONORARY GRAND MARSHAL OF THE 57TH ANNUAL ARMED FORCES DAY PARADE AND OBSERVANCE

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-43. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

To be presented at a later date.

6D. PROCLAMATION RE “BLUE RIBBON WEEK”

Mayor Furey presented a proclamation declaring the week of May 15-21, 2016 as BLUE RIBBON WEEK in the City of Torrance to Lieutenant Jennifer Uyeda, Watch Commander.

6E. PROCLAMATION RE “BIKE COMMUTE WEEK”

Mayor Furey presented a proclamation declaring the week of May 16-20, 2016 as BIKE COMMUTE WEEK in the City of Torrance to Jill Crump, Community Development, Kim Fuentes, Rideshare Coordinator, and Ifeanyi Ihenacho, Transit Department.

6F. PROCLAMATION RE “NATIONAL PRESERVATION MONTH”

Mayor Furey presented a proclamation declaring the month of May 2016 as NATIONAL PRESERVATION MONTH in the City of Torrance to Torrance Historical Society 1st Vice President Janet Payne and 3rd Vice President Debbie Hays.

6G. PROCLAMATION RE “OLDER AMERICANS MONTH”

Mayor Furey presented a proclamation declaring May 2016 as OLDER AMERICANS MONTH in the City of Torrance to Commission on Aging Chair Kathleen Davis and Commissioners Ghislaine Davis, Paul Choen, Benito Miranda, Biruta (Bea) Virobik and Lynda Kramer.

6H. RECOGNITION OF 2016 OLDER AMERICANS AWARD RECIPIENTS

Recommendation of the Commission on Aging and the Community Services Director that City Council recognize the late Lloyd Brown, Lynn Robinson, James Mills, and Beverly Greeno as recipients of the 2016 Older Americans Award and present them with inscribed plaques.

Mayor Furey presented plaques to 2016 Older Americans Award recipients Lynn Robinson, James Mills, Beverly Greeno and the family of Lloyd Brown and briefly highlighted their history of community service.

6I. RECOGNITION OF SMOG CITY BREWING COMPANY

Mayor Furey presented a plaque to owners Jonathan and Laurie Porter recognizing Smog City Brewing Company of Torrance for winning a Silver Medal at the World Beer Cup 2016.

Consent Calendar Item 8D was considered out of order at this time.

8D. APPROVAL OF CONCEPTUAL DESIGN FOR 2017 ROSE PARADE FLOAT

Recommendation of the City Council Citizen Development and Enrichment Committee that Torrance City Council review and approve the conceptual design presented by Fiesta Floats for the 2017 City of Torrance Rose Float Parade Entry.

Tim Estes, Fiesta Parade Floats, unveiled the design for the 2017 Torrance Rose Parade Float entitled “Be Your Own Knight.” He noted that Torrance high school students were invited to submit conceptual designs for the float and the design of West High student Lindsey Beckmeyer was selected.

MOTION: Councilmember Weideman moved to approve the design. The motion was seconded by Councilmember Goodrich and passed by unanimous vote.

7. ORAL COMMUNICATIONS #1

The following 6 people spoke: Ken Christiansen, Miyuki Sohara, Cameron McIntyre, Debbie Hays, Judy Brunetti, and Arnold Goldstein.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation of the City Clerk that City Council approve the City Council minutes of April 26, 2016.

8B. PAYMENT FOR EMERGENCY REPAIRS OF STORM DRAIN

Recommendation of the Public Works Director that City Council:

- 1) Appropriate \$19,272.95 from the Storm Drain Impact Fee Fund; and
- 2) Authorize payment to Ramona Inc. of Arcadia, CA in the amount of \$19,272.95.

8C. APPROVAL OF COMMISSION ON AGING MEETINGS AT BARTLETT SENIOR CITIZENS CENTER

Recommendation of the Community Services Director that City Council approve the Commission on Aging convenes their monthly meetings at the Bartlett Senior Citizens Center.

8D. APPROVAL OF CONCEPTUAL DESIGN FOR 2017 ROSE PARADE FLOAT

Considered out of order see page 3.

8E. PURCHASE ORDER RE KEYLESS ACCESS SECURITY SYSTEM AT TRANSIT FACILITY

Recommendation of the Transit Director that City Council authorize a sole-source purchase order with JMG Security Systems, Inc. of Fountain Valley, California, for \$35,413.00 to expand the keyless access security system at the Transit facility, and to appropriate the use of Proposition 1B Security funds for this project.

Item was withdrawn.

8F. JOB DESCRIPTION FOR EMERGENCY MEDICAL SERVICES COORDINATOR

Recommendation of the Human Resources Administrator that City Council approve the proposed job description for Emergency Medical Services Coordinator.

8G. LICENSE AGREEMENT WITH G & W ENTERPRISES FOR PARKING SPACES

Recommendation of the Community Development Director that City Council enter into a License Agreement with G & W Enterprises, LLC dba Restoration Kitchen & Wine for the use of six parking spaces located on City-owned property on Cravens Avenue between 1511 and 1529 Cravens Avenue (APNs 7355-022-902 and 7355-022-903) in conjunction with the operation of a restaurant at 1437 Marcelina Avenue.

8H. ACCEPTANCE OF DONATION FROM BACHEM ENVIRONMENTAL PROTECTION AGENCY

Recommendation of the Fire Chief that City Council accept the Bachem Environmental Protection Agency (EPA) Supplemental Environmental Project (SEP) donation of twelve (12) I-Pad Pros 9.7 and ten (10) Dell Tablet/Laptop Computers and associated cases, software, and licensing to the Torrance Fire Department.

MOTION: Councilmember Ashcraft moved for the approval of Consent Calendar Items 8A, 8B, 8C, 8F, 8G and 8H. The motion was seconded by Councilmember Goodrich and passed by unanimous vote.

12. ADMINISTRATIVE MATTERS

12A. RESOLUTIONS RE TORRANCE LIGHTING DISTRICT NO. 99-1

Recommendation of the Public Works Director that City Council:

- 1) Adopt a Resolution initiating proceedings to levy assessments within the City of Torrance Lighting District No. 99-1 for Fiscal Year 2016-17; and
- 2) Adopt a Resolution approving the Fiscal Year 2016-17 Engineer's Report for the City of Torrance Lighting District No. 99-1; and
- 3) Adopt a Resolution of Intention to levy assessments within the City of Torrance Lighting District No. 99-1 for Fiscal Year 2016-17 setting the date of June 14, 2016 for the public hearing.

Engineering Manager Finton provided a brief summary of the staff report. He encouraged the public to report non-functioning street lights by calling 1-800-611-1911, online at www.SCE.com or using the My SCE app for smartphones.

Councilmember Weideman expressed concerns that assessment rates do not include a consumer price index inflator, therefore, as the cost of maintaining street lights increases, the City's General Fund must make up the difference, which for FY 2016-17 is \$1.8 million.

Councilmember Griffiths related his experience that the My SCE app is cumbersome to use because the same personal information must be entered for every streetlight that is reported.

Councilmember Ashcraft recalled that when she was a Southern California Regional Occupation Center (SCROC) board member, the annual payment to the City for the dedicated traffic signal on Crenshaw Boulevard increased dramatically and suggested that the contracts for these traffic signals be reviewed to ensure that increases are not excessive.

City Manager Jackson explained that contractual payments for the operation and maintenance of dedicated traffic signals are not covered under this Lighting District, but offered to provide a list of dedicated traffic signals in Torrance and an explanation of how annual fees are calculated.

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

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-48. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-49. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-50. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

12B. AMENDMENT TO CONSULTING SERVICES AGREEMENT RE PACIFIC COAST HIGHWAY/ HAWTHORNE BOULEVARD INTERSECTION IMPROVMENTS

Recommendation of the Public Works Director that City Council approve a second amendment to consulting services agreement C2012-160 with Harris & Associates of Irvine, CA to increase the amount by \$115,422 for a new not-to-exceed amount of \$1,172,417 and extend the contract by 24 months from August 28, 2016 to August 28, 2018.

Engineering Manager Finton provided a brief summary of the staff report.

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

12C. FY2015-16 FEDERAL TRANSIT ADMINISTRATION GRANT APPLICATION

Recommendation of the Transit Director that City Council authorize the City Manager to submit on behalf of the Torrance Department, Fiscal Year 2015-16 Federal Transit Administration, Urbanized Formula (Section 5307) application in the amount of \$3,196,186.00 and appropriate the funds upon grant award.

Transit Manager Lee reviewed the staff recommendation.

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

12D. ORDINANCE ALLOWING THE KEEPING OF HENS ON SINGLE-FAMILY RESIDENTIAL PROPERTIES

Recommendation of the Community Development Director that City Council:

- 1) Determine that project is categorically exempt from environmental review pursuant to Sections 15303 and 15308 of the Guidelines implementing California Environmental Quality Act (CEQA); and
- 2) Adopt an Ordinance modifying the Torrance Municipal Code to allow the keeping of hens for single family residences within the City; and
- 3) Approve an Ordinance Summary for publication.

Deputy Community Development Director Cessna reported that changes requested by the Council have been incorporated into the ordinance, including the elimination of the requirement that adjacent neighbors be notified when an application to keep hens is submitted and the elimination of the appeal process.

Councilmember Ashcraft explained that she could not support the ordinance due to the elimination of the notification requirement.

Harry Stuver commented positively on the ordinance, noting that he has been keeping chickens and this will allow him to do so legally.

Daniel McDowell expressed concerns that allowing residents to keep chickens could exacerbate the coyote problem.

MOTION: Councilmember Rizzo moved to concur with the staff recommendation. The motion was seconded by Councilmember Weideman and passed by a 5-2 vote, with Councilmember Ashcraft and Mayor Furey voting no.

MOTION: Councilmember Griffiths moved to adopt Ordinance No. 3801. The motion was seconded by Councilmember Barnett and passed by a 5-2 vote, with Councilmember Ashcraft and Mayor Furey voting no.

12E. RESOLUTION RE EMERGENCY MEDICAL SERVICES COORDINATOR PAY RANGE

Recommendation of the Human Resources Administrator that City Council:

- 1) Upgrade the Emergency Medical Services Nurse position to Emergency Medical Services Coordinator position; and
- 2) Adopt a Resolution amending Resolution No. 2014-60 to implement the pay range for Emergency Medical Services Coordinator.

Human Resources Manager Lawrence reviewed the staff recommendation.

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

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-51. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

12F. RESOLUTION RE TORRANCE MUNICIPAL EMPLOYEES – TME AFSCME LOCAL 1117 IMPLEMENTING CHANGES TO COMPENSATION SECTION

Recommendation of the City Manager that City Council adopt a Resolution amending the Memorandum of Understanding (MOU 2014-98) for employees represented by Torrance Municipal Employees – TME AFSCME Local 1117 implementing changes to the compensation section.

Assistant to the City Manager Chaparyan reviewed the staff recommendation.

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

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-52. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

12G. TRANSFER OF FUNDS AND AGREEMENT RE BERYL STREET IMPROVEMENTS

Recommendation of the Public Works Director that City Council:

- 1) Authorize transfer of \$1,024,193 Gas Tax funds from the Crenshaw Boulevard Intersection Improvements and 208th Street Extension, T-157 to a new Capital project entitled “Beryl Street (Flagler to 190th) Drainage and Street Improvements Project and Beryl/190th Traffic Signal Project”; and
- 2) Approve an Agreement with the City of Redondo Beach that establishes the terms and conditions of the Cities of Torrance and Redondo Beach for design, construction and

costs of the Beryl Street (Flagler to 190th) Drainage and Street Improvements Project and Beryl/190th Traffic Signal Project.

Engineering Manager Dettle reviewed the staff recommendation.

In response to Councilmember Ashcraft's inquiry, Engineering Manager Dettle provided clarification regarding improvements to the entrance of Towers School and confirmed that the school district will maintain control of the gate leading into the school.

Councilmember Goodrich commended staff for undertaking this project, noting that the condition of the sidewalk has been a concern of the Towers School PTA for some time.

Harry Stuver commented positively on the project.

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

12H. RESOLUTIONS APPROVING APPROPRIATIONS FOR 2016-17 OPERATING BUDGET AND 2016-17 CAPITAL BUDGET PLAN

Considered out of order see page 9.

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The City Council recessed from 8:51 p.m. to 9:05 p.m.

13. HEARINGS

13A. 2nd PUBLIC HEARING/BUDGET WORKSHOP RE 2015-17 OPERATING BUDGET AND 2016-21 CAPITAL BUDGET PLAN

Recommendation of the Finance Director that City Council:

- 1) Open the second public hearing and budget workshop regarding proposed revisions to the 2nd year, fiscal year 2016-17, of the City of Torrance two-year 2015-17 Operating Budget and discuss the 2016-21 Capital Budget Plan; and
- 2) At the close of the hearing, adopt the revisions to the fiscal year 2016-17 Operating Budget and the 2016-17 Capital Budget Plan.

Mayor Furey announced that this was the time and place for a public hearing on this matter. City Clerk Poirier confirmed that the hearing was properly advertised.

Finance Director Tsao reviewed the revisions made to the 2016-17 Operating Budget based on input from the Council at the 1st Public Hearing/Budget Workshop.

Suzan Hubert, Torrance Art Museum Advocates, urged that funding be allocated so that full-time staff can be hired at the Torrance Art Museum, suggesting that part-time staff costs more in the long run because once employees are trained, they often leave for full-time positions at other museums and part-time staff do not have the time to apply for grants. She noted that a TAMA survey indicates that the museum attracts national and international visitors.

Jean Adelsman thanked the Council for providing funding for the Tree/View Ordinance and for the Torrance Cultural Arts Foundation.

Councilmember Ashcraft suggested that Discover Torrance may wish to contribute to the operation of the Torrance Art Museum since it brings visitors to the city.

City Manager Jackson offered to relay this suggestion, but explained that Discover Torrance is focused on increasing hotel occupancy rates and the art museum probably would not meet their criteria since people are not likely to book a hotel stay for the sole purpose of visiting the museum.

Councilmember Griffiths commended staff for their efforts on the budget, particularly with regard to the investment in the City's infrastructure.

Councilmember Ashcraft noted for the record that while she will vote to approve the budget, she was opposed to providing ongoing funding for the 4th of July fireworks show and would prefer that the money be allocated for more pressing needs, such as the art museum or infrastructure projects.

MOTION: Councilmember Weideman moved to close the public hearing. The motion was seconded by Councilmember Rizzo and passed by unanimous vote.

Mayor Furey commented positively on the proposed budget, relating his belief that it was a good sign that the City is finally able to fill some vacant employee positions and restore programs after years of cutbacks.

Councilmember Weideman voiced support for staff's conservative approach to the budget, noting that the City's financial situation is likely to improve over the next year with resumption of operations at the refinery and the opening of new stores at Del Amo Fashion Center.

Councilmember Barnett also commended staff for their efforts.

MOTION: Councilmember Rizzo moved to adopt the FY 2016-17 Operating Budget and the 2016-17 Capital Budget Plan. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

12H. RESOLUTIONS APPROVING APPROPRIATIONS FOR 2016-17 OPERATING BUDGET AND 2016-17 CAPITAL BUDGET PLAN

Recommendation of the City Manager and the Finance Director that Council adopt Resolutions approving the annual appropriations for the 2nd year (fiscal year 2016-17) of the two year 2015-17 Operating Budget and the 1st year (fiscal year 2016-17) of the five year 2016-2021 Capital Budget Plan.

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

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-53. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-54. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

13B. PIPELINE FRANCHISE ORDINANCE WITH MOBILE PACIFIC PIPELINE COMPANY

Recommendation of the City Manager that City Council:

- 1) Conduct a Public Hearing to consider repealing Pipeline Franchise Ordinance 3331 and replacing it with Pipeline Franchise Ordinance 3800 for a Franchise with Mobil Pacific Pipeline Company for a 10-inch pipeline for a ten-year term, with one ten-year option to extend; and
- 2) Determine that that project is categorically exempt from environmental review pursuant to Sections 15303 and 15308 of the Guidelines implementing California Environmental Quality Act (CEQA); and
- 3) Approve an Ordinance Summary for publication.

Mayor Furey announced that this was the time and place for a public hearing on this matter. City Clerk Poirier confirmed that the hearing was properly advertised.

Assistant to the City Manager Sunshine reviewed the staff recommendation.

Dr. Genghmun Eng voiced objections to the proposed Pipeline Franchise Ordinance and called for the matter to be remanded back to staff, referring to written material distributed to the Council. He expressed concerns that the Ordinance does not cover water-based products, which could speed up pipeline corrosion, and that there are no provisions for filling the pipeline with slurry. He related his belief that the City may not be bound by the lower fees set by the Public Utilities Commission (PUC) for the franchise. He disputed the claim that there's no possible environmental impact since there was a leak in the pipeline on July 28, 2014. He pointed out that Ordinance 3800 states that there will be no increase in the volume of the pipeline, but Section 2 of the Ordinance allows the operation of a system of pipelines up to 16 inches in diameter. He expressed concerns the pipeline may have a guaranteed lifetime of only 25 years and extending it another 20 years as proposed could constitute a public health and safety hazard.

Mayor Furey suggested that the information provided Dr. Eng should have been submitted in advance so the Council would have had adequate time to review it.

Responding to Dr. Eng's assertions, Assistant to the City Manager Sunshine explained that the pipeline was originally a proprietary pipeline which enabled to City to negotiate the franchise fees but it was converted to a common carrier pipeline and as such the fees are set by the Public Utilities Commission. He reported that the leak referred to by Dr. Eng did not occur in Torrance and called attention to a letter from the State Fire Marshal (staff report – Attachment G), which indicates that a complete audit of the M-131 pipeline was conducted in September 2015 and no violations were found and a successful pressure test was performed in January 2016.

Councilmember Weideman stated that the material submitted by Dr. Eng contains some charges that he would like answered and suggested the possibility of continuing the hearing.

A brief discussion ensued, and City Manager Jackson recommended that the Council go forward with the hearing so the new Pipeline Franchise will be in place before the current one expires, noting that the transition of ownership of the refinery is scheduled to take place on June 1.

Assistant City Attorney Sullivan reported that the CEQA section listed in the staff recommendation was listed in error and the correct section is 15061(b)(3).

Arnold Goldstein urged the Council to continue the hearing so the information submitted by Dr. Eng could be investigated and voiced his opinion that the sale of the refinery should have no bearing on the Council's decision on the pipeline.

Saul Flota, West Coast Manager of Pipeline Operations for ExxonMobil, provided background information about the M-131 pipeline, noting that it spans 2600 feet, of which 12 feet are active. He stated that ExxonMobil has a robust pipeline integrity program, which includes in-line inspections and hydro-tests, and the M-131 has been maintained in accordance with State and Federal guidelines.

A brief discussion ensued regarding assertions in the material submitted by Dr. Eng and it was the consensus of the Council to take a recess on this item to allow ExxonMobil representatives to review the information and report back to the Council after Item 14A.

14. APPEALS

14A. APPEAL OF AIRPORT NOISE HEARING BOARD DETERMINATION RE AIRCRAFT N69CL

Recommendation of the Community Development Director and the Airport Noise Hearing Board that the determination by the Airport Noise Hearing Board that a violation of the Airport Noise limits was committed on September 1, 2015, by Aircraft N69CL, piloted by Lawrence Hadley be upheld.

Mayor Furey announced that this was the time and place for a hearing on this matter and reviewed the procedure for the hearing.

Lawrence Hadley contended that he was not afforded due process because he was unable to attend the November 12, 2015 hearing at which the Airport Noise Hearing Board made the determination that his aircraft (N69CL) had violated airport noise limits on July 8, 2015 and September 1, 2015 and these violations combined with a November 27, 2013 violation resulted in his aircraft being banned at Torrance Airport. He reported that he began working with Noise Abatement Officer Phil Bradshaw after the September 2015 violation and has learned that it's impossible to safely avoid setting off noise sensors when departing toward the east from Runway 11L under IFR (Instrument Flight Rules) conditions in a twin-engine high performance aircraft like his due to the proximity of Noise Monitor #5 to the airport. He stated that while he has an issue with the regulations, he was not interested in making a federal case out of it and since it is rare when pilots must use Runway 11L, he was willing to forego such departures under instrument conditions to avoid noise violations. He proposed that the July 8, 2015 violation be excused, which will allow him to continue to operate out of Torrance Airport. He stated that TMC Section 51.7.2, which allows the City to ban aircraft after three noise violations in three years, is meant to exclude violation-prone aircraft and the ban is not mandatory and he believes he has established that his aircraft is not violation-prone.

In response to Councilmember Goodrich's inquiry, Mr. Hadley reported that he has been operating out of Torrance Airport for approximately 10 years; that he received only one other notice of violation in the past, which was dismissed after he presented documentation that it was caused by a mechanical problem; and that he typically takes off from Torrance Airport approximately 150 times per year. He confirmed that all three violations occurred when he was taking off from Runway 11L and estimated that he uses that runway less than 1% of the time, noting that the FAA dictates what runway is used based on weather conditions.

Councilmember Rizzo asked if Mr. Hadley was familiar with the City's Noise Ordinance and procedures for avoiding noise violations since he has been flying out of Torrance Airport for 10 years.

Mr. Hadley responded that while he was aware of noise restrictions, he was not aware until recently that it was impossible for him to safely avoid setting off noise sensors when departing from Runway 11L under IFR conditions in his particular aircraft.

Deputy Community Development Director Cessna advised that the City sent several letters to Mr. Hadley beginning in July 2011 requesting that he work with Noise Abatement staff like he is doing now with Officer Bradshaw and had he done so earlier, the City probably would not have had to take this action. She reported that Mr. Hadley agreed to the November 12, 2015 hearing date after requesting a change from an earlier date and she was not aware of any correspondence from him stating that he was not able to attend the hearing. She explained that there is an insert in violation letters that recommends that pilots wait for better weather if they are unable to fly out without exceeding noise limits since no allowances are made for weather conditions. She noted that the Hearing Board made its decision based on information confirming that noise violations were committed by this aircraft on July 8, 2015 and September 1, 2015 and there was nothing in the record that would allow the violations to be excused.

Councilmember Weideman disclosed that he attended the Airport Noise Hearing Board meeting at which the noise violation was dismissed for mechanical reasons.

Councilmember Weideman asked about conflicting information as to whether or not Mr. Hadley sent an email informing the City that he was out of town and unable to attend the November 12, 2015 hearing, and Deputy Community Development Director Cessna conceded that such an email might have been received because several emails were exchanged concerning the scheduling and rescheduling of hearings.

Responding to questions from the Council, Assistant City Attorney Sullivan provided clarification regarding actions the Council could take with regard to this appeal. He confirmed that the Council had the ability to excuse a prior noise violation and recommended that the November 2013 violation be stricken instead of a more recent violation because this would extend the three-year period during which the aircraft could be banned from the airport if another violation is committed. He advised that according to staff's interpretation of TMC Section 51.7.2, the banning of aircraft with three noise violations in three years is mandatory.

Councilmember Goodrich expressed concerns that according to Section 46.8.8 of the Noise Ordinance, sound levels are to be measured at ground level, but Monitor No. 5 is mounted on a 30-foot pole. He noted that an email from Noise Abatement Officer Bradshaw mentions that an additional 100 feet in altitude when passing over the monitor would probably get Mr. Hadley within allowable limits so the extra 30 feet could be viewed as a handicap for pilots.

Deputy Community Development Director Cessna explained that all of the noise monitors are mounted on poles to reduce interference from ground level noise.

Darren Moore reported that he flies a P-51 Mustang out of Torrance Airport and has found that it's impossible to depart going eastbound on Runway 11L without setting off Noise Monitor #5. He noted for the record that he does not know Mr. Hadley and was not speaking on his behalf.

In his rebuttal, Mr. Hadley stated that he did request a continuance of the November 12, 2015 hearing via email as noted in the administrative record. Responding to the suggestion that he should have started working with Noise Abatement staff sooner, he explained that he only became aware of the problem after the violation in July 2015 and it's difficult to schedule a noise test on Runway 11L because it is used so infrequently. He urged the Council to allow him to continue to operate out of Torrance Airport and offered his assurance that he intends to do so in a way that will not violate noise limits.

In response to Councilmember Goodrich's inquiry, Mr. Hadley clarified that he intends to avoid using Runway 11L unless weather conditions permit him to make a turn and thereby avoid triggering Noise Monitor No. 5.

Councilmember Griffiths indicated that he was inclined to allow Mr. Hadley to continue to operate at the airport because he has a history of being a good tenant except for the three noise violations, all of which occurred when using Runway 11L.

Mayor Furey proposed that the Council strike the November 2013 noise violation, which would allow Mr. Hadley to continue to operate out of Torrance Airport as long as he does not commit another noise violation.

Councilmember Ashcraft requested confirmation that the noise problem was not being shifted to another neighborhood when pilots alter their flight path to avoid Noise Monitor No. 5.

Deputy Community Development Director Cessna explained that noise monitors are positioned to protect residential neighborhoods and pilots can avoid triggering them by flying over major arterials such as Crenshaw Boulevard and Hawthorne Boulevard.

Councilmember Barnett expressed support for the Mayor's proposal.

MOTION: Councilmember Goodrich moved to close the public hearing. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

MOTION: Councilmember Goodrich moved to to strike the 2013 noise violation, with the July 8, 2015 and the September 1, 2015 noise violations to stand. The motion was seconded by Councilmember Ashcraft and passed by a 5-2 vote, with Councilmembers Rizzo and Weideman voting no.

*

The Council recessed at 10:54 p.m. and resumed consideration of Agenda Item 13B at 11:03 p.m.

13B. PIPELINE FRANCHISE ORDINANCE WITH MOBILE PACIFIC PIPELINE COMPANY

Recommendation of the City Manager that City Council:

- 1) Conduct a Public Hearing to consider repealing Pipeline Franchise Ordinance 3331 and replacing it with Pipeline Franchise Ordinance 3800 for a Franchise with Mobil Pacific Pipeline Company for a 10-inch pipeline for a ten-year term, with one ten-year option to extend; and
- 2) Determine that that project is categorically exempt from environmental review pursuant to Sections 15303 and 15308 of the Guidelines implementing California Environmental Quality Act (CEQA); and
- 3) Approve an Ordinance Summary for publication.

Saul Flota, West Coast Manager of Pipeline Operations for ExxonMobil, thanked the Council for the opportunity to review the information submitted by Dr. Eng. Referring to concerns about the slurry-filled section of the pipeline, he explained that filling a pipeline with slurry is an accepted industry practice to safely maintain an idle pipeline. He pointed out that the letter from the State Fire Marshal (staff report – Attachment G) confirms that ExxonMobil is in compliance with federal and state laws and regulations regarding the operation and maintenance of the M-131 pipeline in Torrance. With regard to annual reporting requirements, he related his understanding that the company is required to submit the linear footage of the pipeline, which has been done on an annual basis. Commenting on issues raised about the applicability of CEQA, he stated that the company agrees with the legal opinion of the City Attorney's office on this issue. Referring to concerns about the age of the pipeline, he stated that age alone is not indicative of the integrity of a pipeline as it is dependent on a number of factors including maintenance and testing. He reported that the reference to the 16-inch pipeline in Ordinance 3800 was an error, and should be amended to 10-inch, the size of the existing pipeline.

In response to Councilmember Rizzo's inquiry, Mr. Flota confirmed that the M-131 pipeline is actually a system of pipelines. He discussed the process of idling a section of pipeline by filling it with slurry and explained that before reactivating a slurry-filled pipeline, it would have to be dug up and inspected.

MOTION: Councilmember Rizzo moved to close the public hearing. The motion was seconded by Councilmember Goodrich and passed by unanimous vote.

Councilmember Rizzo noted that according to all records, the 12-foot active section of the pipeline in Torrance has been properly maintained and tested and found to be safe. He further noted that testimony indicates that the remaining 2500+ feet was slurry filled and idled in accordance with industry standards and related his belief that it was unlikely that the idled portion would be reactivated due to the process involved.

MOTION: Councilmember Rizzo moved to concur with the staff recommendation, as amended as to the size of the pipe. The motion was seconded by Councilmember Barnett and passed by a 6-1 vote, with Councilmember Weideman voting no.

MOTION: Councilmember Griffiths moved to adopt Ordinance No. 3800 as amended. The motion was seconded by Councilmember Barnett and passed by a 6-1 vote, with Councilmember Weideman voting no.

Mayor Furey commended staff for compiling the information about the pipeline, noting that the letter from the State Fire Marshal confirming that the M-131 pipeline was in compliance with all federal and state laws and regulations was particularly helpful.

17. **ORAL COMMUNICATIONS #2**

Councilmember Weideman spoke.

Councilmember Ashcraft spoke.

Councilmember Barnett spoke.

Councilmember Goodrich spoke.

Councilmember Griffiths spoke.

Councilmember Rizzo spoke.

Mayor Furey spoke.


18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

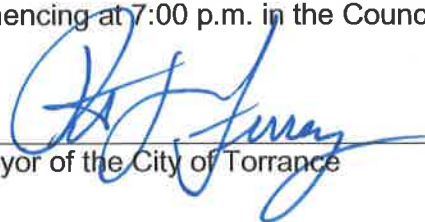
19. ADJOURNMENT

At 11:21 p.m., the City Council adjourned to Tuesday, May 24, 2016 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

Attest:



Rebecca Poirier
City Clerk of the City of Torrance



Mayor of the City of Torrance

Approved on June 14, 2016