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TORRANCE CITY COUNCIL – APRIL 5, 2016

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At 9:28 p.m., the meeting was adjourned to Tuesday, April 12, 2016 at 5:30 p.m. for regular business, commencing with a Personnel Hearing on Item 13A that will be done in closed session unless the employee chooses to have the hearing in public session. At the conclusion of the Personnel Hearing, the City Council will conduct an executive session.

**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, April 5, 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, City Attorney Fellows, 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) Conference with Legal Counsel – Anticipated Litigation, and Item 18B) Real Property – Conference with Real Property Negotiator, pursuant to California Government Code § 54956.9(d)(2) and § 54956.8.

The City Council reconvened at 7:00 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, March 31, 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 WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

No items were deferred or withdrawn; supplemental material was available for Items 12A (2) and 12B.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Mayor Furey announced that the Federal Legislative Advocacy Committee will meet on Tuesday, April 19, 2016 from 3:00-4:00 p.m. in the City Manager's assembly room to discuss the federal legislative update, with topics to include transportation reauthorization, drones, the Mobile Now Act and other topics of interest to the City.

Councilmember Griffiths announced that the Community Planning and Design Committee met on Thursday, March 24, to discuss the possibility of an ordinance to protect views from impairment by trees and vegetation in the Hillside Overlay District, which was attended by over 150 residents. He reported that the Committee directed staff to return to the City Council with a draft ordinance modeled on the Rolling Hills Estates ordinance and to conduct a fee study based on the draft ordinance, with additional information available by contacting the Community Development Department at 310-618-2550.

City Clerk Poirier invited staff and the public to view Torrance Artist Guild member Bobbie Davison's watercolors on display in the City Clerk's office for the month of April.

City Clerk Poirier announced that sample ballot pamphlets for the June 7, 2016 election will be mailed beginning April 28 through May 28; that people may apply for a Vote-by-Mail ballot beginning on May 9; and that the last day to register to vote in the election is May 23.

6. COMMUNITY MATTERS

6A. PROCLAMATION RE "DMV/DONATE LIFE CALIFORNIA MONTH"

Mayor Furey presented a proclamation declaring April 2016 as "DMV/Donate Life California Month" in the City of Torrance to Tammy Rusznack, Ambassador for Donate Life, and Raquel Gonzalez.

7. ORAL COMMUNICATIONS #1

The following five people spoke: Byron Stefferud, Elaine Wilson, Suzan Hubert, David MacCormick and Tory Park.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation of the City Clerk that City Council approve the City Council minutes of March 8, 2016.

8B. 2015 ANNUAL REPORT ON DEFERRED COMPENSATION PLAN

Recommendation of the City Treasurer and the Deferred Compensation Committee that City Council accept and file the 2015 Annual Report of the City of Torrance Deferred Compensation Plan.

8C. SUBSIDY OF RENTAL FEES FOR KEN MILLER RECREATION CENTER

Recommendation of the City Manager that City Council approve the subsidy of rental fees for the use of the Ken Miller Recreation Center in the amount of \$538.50 for the State Council on Developmental Disabilities to host a seminar scheduled for June 25, 2016.

8D. AMENDMENT TO FEE AGREEMENT FOR LEGAL SERVICES

Removed from the Consent Calendar and considered with Item 8I, see below.

8E. AMENDMENT TO FEE AGREEMENT FOR LEGAL AND HYDROGEOLOGIST SERVICES

Recommendation of the City Attorney and Public Works Director that City Council:

- 1) Appropriate \$100,000 from the Water Fund Balance; and
- 2) Approve a first amendment to increase the fee agreement by \$150,000 with the law firm of Rutan & Tucker, LLP of Costa Mesa, CA (C2015-086) for legal and hydrogeologist services relating to the development of additional potable water wells for a new not to exceed contract amount of \$250,000.

8F. CLASS SPECIFICATION FOR BUILDING MAINTENANCE SUPERVISOR

Recommendation of the Civil Service Commission and the Human Resources Administrator that City Council approve the class specification for Building Maintenance Supervisor.

8G. REVISED CLASS SPECIFICATIONS WATER SYSTEM OPERATOR I, II and III

Recommendation of the Civil Service Commission and the Human Resources Administrator that City Council approve the revised and re-titled class specifications for Water System Operator I, II, and III.

8H. REVISED JOB DESCRIPTION FOR WORKERS' COMPENSATION MANAGER

Recommendation of the Human Resources Administrator that City Council approve the revised job description for Workers' Compensation Manager.

8I. FEE AGREEMENT RE LEGAL SERVICES

Removed from the Consent Calendar and considered with Item 8D, see below.

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

Consent Calendar Items 8D and 8I were considered together at this time.

8D. AMENDMENT TO FEE AGREEMENT FOR LEGAL SERVICES

Recommendation of the City Attorney that City Council approve a third amendment to the fee agreement with Rutan & Tucker, LLP of Costa Mesa, CA (C2013-194) to provide legal services to the City regarding the Hawthorne/PCH project for an additional \$43,000, for a new not to exceed contract amount of \$149,000.

8I. FEE AGREEMENT RE LEGAL SERVICES

Recommendation of the City Attorney that City Council approve a fee agreement with the law firm of Rutan & Tucker, LLP of Costa Mesa, CA to provide legal services regarding the PCH/Hawthorne litigation, in an amount not to exceed \$250,000.

At Councilmember Griffiths' request, City Attorney Fellows clarified that because these legal services are being contracted in conjunction with the PCH/Hawthorne Boulevard intersection improvement project, Measure R funds will be used to pay the fees at no cost to the City.

MOTION: Councilmember Ashcraft moved to approve Consent Calendar Items 8D and 8I. The motion was seconded by Councilmember Griffiths and passed by unanimous vote.

10. PLANNING AND ECONOMIC DEVELOPMENT

10A. RESOLUTIONS APPROVING MOD15-00013: 2928 COLUMBIA STREET – ARLING WANG

Recommendation of the Community Development Director that City Council adopt a Resolution to reflect their decision at the March 15, 2016 meeting to grant an appeal and approve a Modification of a previously approved Conditional Use Permit to allow limited vehicle sales in conjunction with an existing auto repair facility on property located in the M-2 Zone at 2928 Columbia Street.

RESOLUTION NO. 2016-24

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A MODIFICATION OF A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (CUP13-00025) AS PROVIDED FOR IN DIVISION 9, CHAPTER 2, ARTICLE 28 OF THE TORRANCE MUNICIPAL CODE TO ALLOW LIMITED VEHICLE SALES IN CONJUNCTION WITH AN EXISTING AUTO REPAIR FACILITY ON PROPERTY LOCATED IN THE M-2 ZONE AT 2928 COLUMBIA STREET

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-24. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

11. PUBLIC SAFETY

11A. INITIATION OF RFP PROCESS FOR EMERGENCY AMBULANCE TRANSPORTATION AND PATIENT BILLING SERVICES

Recommendation of the Fire Chief that City Council approve the initiation of an RFP process for Emergency Ambulance Transportation and Patient Billing Services.

Emergency Services Coordinator Hudson reviewed the staff recommendation.

Responding to questions from the Council, Fire Chief Serna reported that the current provider of emergency ambulance transportation and patient billing services, McCormick Ambulance, has met or exceeded all requirements of the contract; that he would rate their service as outstanding; and that replacing McCormick Ambulance prematurely could negatively impact plans for the future direction of the Fire Department.

Mayor Furey expressed concerns that the call to end the City's contract with McCormick Ambulance was politically motivated and has nothing to do with the level of service being provided and this action could discourage McCormick and other ambulance companies from doing business with the City of Torrance.

Richard Roesch, CFO of McCormick Ambulance, provided background information about action taken by the Fair Political Practices Commission (FPPC) with regard to a Political Action Committee (PAC) formed to support Patrick Furey Sr. in his campaign for mayor in 2014, which was funded by McCormick Ambulance. He explained that the FPPC investigation determined that there were violations related to payment for a billboard, however the FPPC report states that there was no direct evidence that he or Patrick Furey Sr. knew about the coordination between Mr. Furey's campaign consultant and the PAC's campaign consultant, which was the basis for the violations. He further explained that a *Daily Breeze* article that mentioned a possible investigation by the District Attorney was incorrect as he has been assured that the settlement with the FPPC was the end of the matter.

Joe Chidley, CEO of McCormick Ambulance, discussed the company's involvement in the June 2014 mayoral election, emphasizing that that they are not a major contributor to political campaigns and have never provided this level of support for a candidate before. He reported that the company decided to support Patrick Furey Sr. for mayor because they felt they were treated unfairly when the City Council ignored the Torrance Fire Department's recommendation that McCormick Ambulance be awarded a contract for emergency ambulance transportation services in September 2011 and awarded a seven-year contract to Gerber Ambulance instead even though Gerber's proposal was ranked No. 4 by the City's selection committee while McCormick's proposal was ranked No. 1. He noted that the Council voted 6-0 in August 2014 to put the ambulance contract out to bid four years before it expired because of a lack of performance by Gerber Ambulance; that McCormick Ambulance was subsequently awarded the contract in November 2014; and that the Council voted unanimously to extend the contract for another year in September 2015 due to exceptional performance.

Mike Henderson, McCormick Ambulance, highlighted the company's record in Torrance. He reported that they have achieved 100% compliance with response time requirements, which are among the most stringent in the United States, and they completed the CAD (computer aided dispatch) to CAD interface, which the previous vendor was unable to achieve. He also reported on the company's history of community involvement.

Councilmember Ashcraft disclosed that she met with McCormick Ambulance representatives earlier in the day.

In response to Councilmember Ashcraft's inquiry, Mr. Chidley provided clarification regarding his interaction with Patrick Furey Sr.'s campaign consultant Patrick Furey Jr. He reported that he was aware that the PAC's campaign consultant Hasan Roberson was a business partner of Mr. Furey Jr.'s, but was told that they would not discuss the campaign any further after Mr. Roberson was hired by the PAC.

Responding to Councilmember Rizzo's inquiry, City Manager Jackson advised that the Fire Chief could initiate the RFP process as late as August should he decide a change in the City's ambulance service provider was warranted.

Councilmember Weideman stated that he would vote against initiating the RFP process because he did not think it was justified. He noted that he received a \$1,000 campaign donation from Gerber Ambulance in the June 2014 election, but received nothing from McCormick Ambulance, however he voted to award the contract to McCormick Ambulance in November 2014 because he thought it was the best ambulance company for the safety of the community.

Councilmember Griffiths suggested that the issue was not the quality of service being provided, but rather the perception that there have been violations of ethics and trust and voiced his opinion that residents deserve an opportunity to look at other service providers and share their opinions about which direction they would like the city to go.

Councilmember Goodrich related his belief that McCormick Ambulance should not be held accountable for the actions of their campaign consultant, who was the one cited for the FPPC violations, because his actions were outside of their control. He noted that McCormick Ambulance was ranked as the No. 1 choice for provision of ambulance services years before the June 2014 election and he has heard no complaints about their service from firefighters, staff members or the community and has instead heard plenty of praise.

Councilmember Rizzo stated that he requested that this item be brought forward because he thought this issue should be discussed in an open forum and by all accounts, McCormick Ambulance is doing a superior job and providing the best service possible to the community. He further stated that he would rely on the Fire Chief to initiate the RFP process if he believes it is necessary because he felt taking action at this time would be a disservice to the Fire Chief, who has a vision for moving the department forward.

Councilmember Ashcraft explained that she favored initiating the RFP process so there would be enough time to explore other options before the contract with McCormick expires and the Council could then decide whether or not to change service providers based on this information. She emphasized that she has confidence in the new Fire Chief and has no issues with McCormick Ambulance's performance.

Mayor Furey thanked McCormick Ambulance representatives for their efforts to clear the air. He asserted that inaccurate, biased reporting had incited a segment of the community who look for the negative aspect of any situation and they focused on this issue since they could find nothing else negative about McCormick Ambulance or his performance as mayor. He maintained that the FPPC action was pushed through by his political enemies, some of whom have been cited by the FPPC or are currently under investigation.

MOTION: Councilmember Ashcraft moved to approve the initiation of the RFP process. The motion was seconded by Councilmember Griffiths and failed to pass as reflected in the following vote:

YES: Councilmembers Ashcraft and Griffiths
NO: Councilmembers Barnett, Goodrich, Rizzo, Weideman and Mayor Furey

12. ADMINISTRATIVE MATTERS

12A. ORDINANCE REGULATING THE KEEPING OF CHICKENS

Recommendation of the Community Development Director that City Council accept the revised Draft Hens Ordinance and direct Staff to prepare an Ordinance modifying the Torrance Municipal Code to allow the keeping of hens for single family residences within the City.

Deputy Community Development Director Cessna briefly reviewed the revisions made to the Draft Hens Ordinance to address concerns discussed at the December 22, 2015 City Council meeting, noting that two options have been provided for neighbor notification as requested.

Councilmember Goodrich indicated that he favored reducing the required rear yard setback for the chicken coop/enclosure from 15 feet to 10 feet, which is the same setback required for side yards, and allowing the keeping of hens by right with no appeals process because this would reduce the bureaucracy and neighbors would still have the ability to file a complaint if the hens become a nuisance.

At Councilmember Griffiths' request, Deputy Community Development Director Cessna provided clarification regarding the enforcement process.

Councilmember Ashcraft stated that she was in favor of the setback requirements as proposed in order to provide as much of a buffer as possible for neighbors.

Councilmember Weideman commended staff for doing an excellent job of incorporating the revisions requested by the Council at the December 22 meeting. He noted that he also was in favor of allowing the keeping hens by right, but doubted that the ordinance would pass without some compromise on this issue.

Councilmember Barnett asked about the number of applications that have been received for beekeeping since the Council adopted the ordinance allowing it, and Deputy Community Development Director Cessna reported that no applications have been submitted to date.

Councilmember Barnett noted that he is on record as not being supportive of allowing the keeping of bees and chickens on residential properties, but indicated that he could support the ordinance as revised because all of the Council's concerns have been addressed and it will allow residents keeping chickens to do so legally.

Mayor Furey reiterated his earlier stated position that ordinances regulating the keeping of bees and chickens are unnecessary since there have been so few complaints about these activities.

Councilmember Ashcraft requested that the Council be informed when applications for the keeping of hens are received since some residents have admitted that they have them.

Mayor Furey invited public comment.

Cherrie Gibbs voiced support for the proposed ordinance, citing the positive benefits of raising chickens.

Jim Montgomery expressed support for creating a Small Animal Permit process for chickens as outlined in the proposed ordinance, but recommended that any neighbor notification be eliminated because there is no such requirement for the keeping of dogs, which can be an even greater nuisance. He recommended that chickens be allowed to roam within the backyard because it's unnatural for them to be confined.

Councilmember Rizzo suggested that it would simplify the process and reduce the workload for staff if Small Animal Permits for hens are issued without any neighbor notification and complaints are dealt with as they arise.

Charles L. Deemer voiced objections to allowing the keeping of chickens in residential neighborhoods, relating his experience that they produce odors and attract predators and they do not make good pets.

Charles Michel Deemer expressed concerns that allowing the keeping of chickens will have a domino effect and lead to requests for the keeping various farm animals.

Christina Hunting voiced support for the proposed ordinance, with the exception of the neighbor notification requirement, explaining that she would like to keep chickens but has a cantankerous neighbor who is sure to object. She reported that properly constructed chicken coops prevent predators from getting in and they do not smell if properly maintained.

Councilmember Griffiths indicated that he favored moving forward with the ordinance and making the permit process as uncomplicated as possible since enforcement mechanisms are built into the ordinance.

Councilmember Goodrich asked about the four hen maximum included in the proposed ordinance, and Deputy Community Development Director Cessna advised that the same limit is in the City's ordinance that allows the keeping of pigeons and doves, which has been in effect for several years.

David Albertson, former mayor of Lomita, related his experience that raising chickens involves a lot more time and expense than people realize and most people who try it give it up as soon as the novelty wears off. With regard to setback requirements, he noted that Lomita's ordinance requires livestock to be kept closer to house of the one keeping the livestock than to neighbors' houses.

MOTION: Councilmember Weideman moved to direct staff to prepare a revised draft ordinance modifying the TMC regulating the keeping of chickens with one amendment, eliminating the notification to neighbors, sign-off process and the appeal section. The motion was seconded by Councilmember Griffiths and passed as reflected in the following vote:

YES: Councilmembers Barnett, Goodrich, Griffiths, Rizzo and Weideman

NO: Councilmember Ashcraft and Mayor Furey

Commenting on her vote, Councilmember Ashcraft explained that she was not in favor of eliminating the requirement that immediate neighbors be notified when someone applies for a permit.

12B. LETTER REQUESTING RESIGNATION OF TRAFFIC COMMISSIONER

Pursuant to Council direction, the City Manager recommends that City Council consider sending a letter to Traffic Commissioner Patrick Furey, Jr. requesting him to resign as Commissioner.

Councilmember Goodrich noted that he did not support bringing this agenda item forward when it was discussed at the March 22, 2016 City Council meeting because he felt Patrick Furey Jr. should be afforded the same courtesy as other commissioners with whom the Council has had issues, who were spoken to privately and given the opportunity to quietly resign. He stated that this past week, he did what he thought should have been done in the first place and met privately with Patrick Furey Jr., who indicated that he was not willing to resign, therefore, he intends to make a motion directing staff to return with an agenda item next week to consider the removal of Patrick Furey Jr. from the Traffic Commission.

Councilmember Ashcraft reported that at the March 8, 2016 City Council meeting, she requested that an item be placed on the March 22 agenda to consider the removal of Patrick Furey Jr. from the Traffic Commission based on public information released that day, however the only councilmember in concurrence was Councilmember Griffiths so no action was taken. She clarified that the commissioner who was previously removed from office did not do anything illegal and the issues involved were related to his service on the commission and were not publicly known so he was informed about the Council's concerns in a private meeting and was later removed when his conduct did not improve. She proposed sending a letter requesting that Mr. Furey Jr. resign and taking action to remove him if he does not do so by April 19, 2016, with the letter to be signed by all councilmembers who vote to send it and composed by any one or more of them.

Councilmember Weideman noted that Councilmember Goodrich has proposed placing an item on the April 12, 2016 Council agenda to consider removing Patrick Furey Jr. from the Traffic Commission since according to his conversation with him, he was not inclined to resign, and Councilmember Ashcraft indicated that she would support such a motion.

MOTION: Councilmember Goodrich moved to direct staff to return next week with an agenda item for a public hearing regarding the termination of Traffic Commissioner Patrick Furey Jr. The motion was seconded by Councilmember Rizzo and passed by a 6-0 vote, with Mayor Furey abstaining.

12C. RESOLUTION AMENDING TORRANCE MUNICIPAL EMPLOYEES MOU

Recommendation of the Human Resources Administrator that City Council:

- 1) Approve deletion of 1.0 Irrigation Systems Technician and addition of 1.0 Water System Operator; and
- 2) Adopt a resolution pursuant to a Memorandum of Understanding (MOU) amending Resolution No. 2014-98 setting forth changes regarding hours, wages, and working conditions for employees represented by Torrance Municipal Employees (TME) – AFSCME, Local 1117 by modifying the compensation, special compensation, and benefits sections in the amount of \$14,700.

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.

RESOLUTION NO. 2016-25

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AMENDING RESOLUTION NO. 2014-98 SETTING FORTH CHANGES
REGARDING HOURS, WAGES AND WORKING CONDITIONS FOR
EMPLOYEES REPRESENTED BY TME-AFSCME, Local 1117

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-25. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

12D. 2ND QUARTER 2015-16 BUDGET REVIEW

Recommendation of the Finance and Governmental Operations Committee that City Council:

- 1) Accept and file the 2nd Quarter 2015-16 Budget Review Report;
- 2) Accept and file the City Treasurer's Investment Report as of 12/31/15;
- 3) Approve the program modifications for the Community Services, Fire, and Transit departments; and
- 4) Approve the selection of an outside auditor to provide external auditing services for three fiscal years ending 2016, 2017, and 2018 with the option to extend for two (2) one-year terms.

Finance Director Tsao offered a brief summary of the 2nd Quarter 2015-17 Budget Review Report.

MOTION: Councilmember Rizzo moved to concur with the Committee's recommendation. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

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The City Council met as the Public Housing Agency of the City of Torrance from 9:05 p.m. to 9:11 p.m.

17. ORAL COMMUNICATIONS #2

Mary Ann McFarland spoke.

David Serrato spoke.

Maureen Mauk spoke.

Councilmember Ashcraft spoke.

Councilmember Barnett spoke.

Councilmember Goodrich spoke.

Councilmember Griffiths spoke.

Councilmember Rizzo spoke.

Mayor Furey requested the Council's concurrence to direct staff to return with an item recognizing the South High School Robotics Team for capturing the regional robotics title.

Mayor Furey requested the Council's concurrence to direct staff to return with an item to recognize the West Torrance United Under 11 Boys AYSO Soccer Team for capturing the western states championship title.


18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

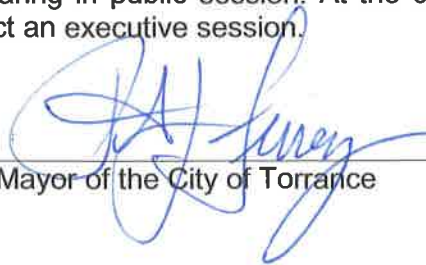
19. ADJOURNMENT

At 9:28 p.m., the meeting was adjourned to Tuesday, April 12, 2016 at 5:30 p.m. for regular business, commencing with a Personnel Hearing on Item 13A that will be done in closed session unless the employee chooses to have the hearing in public session. At the conclusion of the Personnel Hearing, the City Council will conduct an executive session.

Attest:



Rebecca Poirier
City Clerk of the City of Torrance



Mayor of the City of Torrance

Approved on April 26, 2016