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TORRANCE CITY COUNCIL – OCTOBER 4, 2016

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At 12:05 p.m., the City Council adjourned to Tuesday, October 18, 2016 at 5:30 p.m. for a closed session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber. Tuesday, October 11, 2016 is a City Council dark night.

**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, October 4, 2016 in the Council Chamber at Torrance City Hall.

ROLL CALL

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

Absent: None.

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

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

14. CLOSED SESSION

The City Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 14A) Conference with Legal Counsel – Existing Litigation pursuant to California Government Code § 54956.9(d)(1).

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 Ashcraft.

The non-sectarian invocation was given by Councilmember Goodrich.

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

City Clerk Poirier reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard and on the City's website on Thursday, September 29, 2016.

MOTION: Councilmember Ashcraft 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 Goodrich and passed by unanimous vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

Item 8C was withdrawn and will return at a later date. Supplemental material was available for Items 9D and 9F.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Fire Chief Serna announced that the monthly Torrance Refining Company siren testing will take place on Wednesday, October 5, 2016 at 11:30 a.m.

City Clerk Poirier announced that the League of Women Voters Beach Cities, Palos Verdes Peninsula, and Torrance area will be presenting a candidate forum for the 33rd Congressional District, the 66th Assembly District, and 4th District LA County Supervisor on Wednesday, October 12, 2016 at 7:00 p.m. in the Toyota Meeting Hall.

Mayor Furey discussed recent flaring events at the Torrance Refinery, which resulted from external power interruptions in the Southern California Edison distribution system, and reported that he and City staff will be seeking meetings with SCE to learn what steps are being taken provide secure and reliable power to the refinery.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2016-86 RE JOHN MARK BAINER

Resolution honoring John Mark Bainer of the Public Works Department upon his retirement from the City of Torrance after thirty-six years of service. (For adoption only)

MOTION: Councilmember Weideman moved to adopt Resolution No. 2016-86. The motion was seconded by Councilmember Herring and passed by 7-0 vote.

6B. RESOLUTION NO. 2016-87 RE JERRY MASUDA

Resolution honoring Jerry Masuda of the Finance Department upon his retirement from the City of Torrance after twenty-three years of service. (For adoption only)

MOTION: Councilmember Weideman moved to adopt Resolution No. 2016-87. The motion was seconded by Councilmember Herring and passed by 7-0 vote.

6C. PROCLAMATION RE “NATIONAL ARTS AND HUMANITIES MONTH”

Mayor Furey presented a proclamation declaring October 2016 as “National Arts and Humanities Month” in the City of Torrance to Cultural Arts Commission Chair Greg Taylor and members Anil Muhammed, Dale Korman, Toni Sargent, and Ed Candioly. Chairperson Taylor announced the Excellence in Arts award winners for 2016.

6D. RECOGNITION OF TORRANCE BABE RUTH ALL STAR TEAM

Mayor Furey recognized the Torrance Babe Ruth 15 Year-old All Star Team for winning the 2016 Babe Ruth World Series.

6E. CIVIL SERVICE COMMISSION APPOINTMENT

Recommendation of the City Clerk that City Council review applications and take action to appoint member to fill unscheduled vacancy on the Civil Service Commission.

City Clerk Poirier introduced the applicants, and they were given an opportunity to briefly address the Council.

After nominations, a vote was taken and no nominee received a majority, therefore a second vote was taken for the top two vote-getters:

Steve Skoll: Councilmembers Ashcraft, Goodrich, Griffiths, Herring, Rizzo and Weideman
Jeffery Gibbs: Mayor Furey

MOTION: Mayor Furey moved to appoint Steve Skoll to the Civil Service by unanimous ballot. The motion was seconded by Councilmember Weideman and passed by 7-0 vote.

City Clerk Poitier administered the oath of office.

7. ORAL COMMUNICATIONS #1

The following 9 people spoke: Brian Hitchcock, Elaine Wilson, Bob Chiota, Arthur Schaper, John Paul Tabakian, Jean Adelsman, Marco Sandoval, Mark Stephenson, and Debbie Hayes.

8. CONSENT CALENDAR

8A. PROPOSED CLASS SPECIFICATION FOR EQUIPMENT OPERATOR

Recommendation of the Civil Service Commission and the Human Resources Administrator that City Council approve the proposed class specification for the Equipment Operator.

8B. AUGUST 2016 INVESTMENT REPORT

Considered separately, see page 4.

8C. PARKING AGREEMENT WITH TORRANCE FIRST PRESBYTERIAN CHURCH

Recommendation of the Community Services Director that City Council approve a joint use agreement between Torrance First Presbyterian Church of Torrance, CA and the City of Torrance for the reciprocal use of parking lots during recreational, community, and civic activities from execution to July 2021.

Item was deferred to a later date.

8D. PURCHASE ORDER FOR NEW AND REMANUFACTURED ENGINES AND PARTS

Recommendation of the Transit Director that City Council Award a purchase order to Cummins Pacific LLC of Downey, CA in an amount not to exceed \$450,000 (\$225,000 annually) for new and remanufactured Original Equipment Manufacturer (OEM) Cummins engines and parts on an as requested basis for a two-year period beginning October 1, 2016 and ending September 30, 2018.

8E. PURCHASE OF TORO MOWER

Recommendation of the Community Services Director that City Council authorize the purchase of a Toro GM360 4WD Diesel 36HP mower from Turf Star Inc. of Brea, CA in the amount of \$45,539.15.

8F. PURCHASE ORDERS FOR BUS TIRES

Recommendation of the Transit Director that City Council:

- 1) Award a purchase order to Parkhouse Tires of Bell Gardens, CA in an amount not to exceed \$245,000 (\$122,500 annually) to provide bus tires on an as requested basis for a two-year period beginning October 1, 2016 and ending September 30, 2018; and
- 2) Award a purchase order to Y-Tires of Los Angeles, CA in an amount not to exceed \$57,000 (\$28,500 annually) to provide bus tires on an as requested basis for a two-year period beginning October 1, 2016 and ending September 30, 2018.

8G. PURCHASE ORDERS FOR RIFLES AND ACCESSORIES

Considered separately, see below.

8H. AGREEMENT RE OPERATION/MAINTENANCE OF CLOSED CITY-YARD LANDFILL

Recommendation of the Public Works Director that City Council approve a consulting services agreement with CB&I Environmental & Infrastructure Inc. of Baton Rouge, LA for a not to exceed amount of \$289,500 to provide operation, maintenance and compliance testing/reporting services for the closed City landfill located at the City Yard for a three-year period beginning October 5, 2016 through October 4, 2019.

MOTION: Councilmember Rizzo moved for the approval of Consent Calendar Items 8A, 8D, 8E, 8F and 8H. The motion was seconded by Councilmember Griffiths and passed by 7-0 vote.

Consent Calendar Items 8B and 8G were considered separately at this time.

8B. AUGUST 2016 INVESTMENT REPORT

Recommendation of the City Treasurer that City Council accept and file the monthly Investment Report for the month of August 2016.

Mark Stephenson requested clarification regarding Enterprise Funds.

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

8G. PURCHASE ORDERS FOR RIFLES AND ACCESSORIES

Recommendation of the Police Chief that City Council:

- 1) Award a purchase order to Clyde Armory, Inc. of Athens, GA in the amount of \$66,597.26 for 40 M4 rifles and 40 optical sight devices (B2016-39); and
- 2) Award a purchase order to Proforce Law Enforcement of Prescott, AZ in the amount of \$4,591.52 for 40 rifle lighting systems (B2016-39); and
- 3) Award a purchase order to Lawmen's & Shooters Supply, Inc. of Vero Beach, FL in the amount of \$690.62 for 40 rifle molded pistol grips (B2016-39); and
- 4) Award a purchase order to Botach, Inc. dba Botach Tactical of Los Angeles, CA in the amount of \$8,229.03 for various rifle accessories (B2016-39); and
- 5) Appropriate and allocate asset forfeiture funds for the purchase of 40 rifles and accessories.

Police Lieutenant Athan reviewed the staff recommendation.

In response to Councilmember Rizzo's inquiry, Lieutenant Athan confirmed that this purchase will allow every patrol officer to be equipped with a rifle and explained that each officer will be assigned a specific rifle and will be responsible for its care and maintenance per new policy and procedures.

Mark Stephenson requested information about the asset forfeiture process.

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

9. ADMINISTRATIVE MATTERS

9A. RESOLUTION APPROVING PRE15-00022: 410 VIA SAN SEBASTIAN (BAKHOUM)

Recommendation of the Community Development Director that City Council adopt a Resolution reflecting their decision to Grant the Appeal and Approve a Precise Plan of Development to allow one-story additions to an existing one-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 410 Via San Sebastian.

Community Development Director Gibson reported that the Resolution reflects the Council's action at the September 20, 2016 City Council meeting.

MOTION: Councilmember Weideman moved to adopt Resolution No. 2016-88. The motion was seconded by Councilmember Herring and passed by 7-0 vote.

9B. MOU RE GRANT FUNDING FOR GOLDSWORTHY DESALTER EXPANSION

Recommendation of the Public Works Director that City Council approve a Memorandum of Understanding (MOU) between the Water Replenishment District of Southern California (WRD) and the City of Torrance regarding grant funding for the Goldsworthy Desalter Expansion Project.

Sr. Administrative Analyst Schaich reviewed the staff recommendation.

Responding to questions from the Council, Sr. Administrative Analyst Schaich reported that upon completion of the expansion project scheduled for the middle of 2017, approximately 25% of the City's water supply will come from the desalter; that the North Torrance Well Field project will provide another 25%; and that well capacity will be increased in the next 5 years so that up to 70% of the City's water demand will be supplied locally.

Mayor Furey noted that due to the City's prudent management of its water rights, Torrance Municipal Water's rates are 50% or more lower than most neighboring communities.

MOTION: Councilmember Ashcraft moved to concur with the staff recommendation. The motion was seconded by Councilmember Goodrich and passed by 7-0 vote.

9C. SETTING OF PUBLIC HEARING DATE FOR PROPOSED INCREASES IN WASTEWATER DISCHARGE RATES

Recommendation of the Public Works Director that City Council set a date of December 6, 2016 for a public hearing on a proposed series of annual increases in the wastewater (sewer) discharge rate to cover increases in operating and maintenance costs, fund infrastructure replacements, and to provide for an adequate level of financial reserves. In addition, it is the recommendation of the Public Works Director that the City Council select the appropriate wastewater rate scenario for inclusion in the Proposition 218 Public Hearing Public Notice.

With the aid of slides, Public Works Director Beste provided background information about current wastewater discharge rates and the operating budget gap; discussed proposed changes to the rate structure based on a five-year FY2017-2021 rate study; and reviewed Scenario 1 and Scenario 2 as detailed in the staff report. He outlined the Proposition 218 public hearing process, which is required for rate increases.

Mayor Furey expressed support for Scenario 1, which provides for a more gradual rate increase, emphasizing that the discount for low-income seniors and the disabled will be retained.

Councilmember Weideman indicated that he also favored Scenario 1 because it will provide more funding in the early years for sewer maintenance.

Janice Rhode requested clarification regarding revenue assumptions.

Brian Hitchcock requested clarification regarding the impact on industrial users.

MOTION: Councilmember Ashcraft moved to authorize Scenario 1 and to set the hearing date for December 6, 2016. The motion was seconded by Councilmember Goodrich and passed by 7-0 vote.

The City Council recessed from 8:49 p.m. to 9:03 p.m.

9D. DRAFT ORDINANCE REGULATING TREES AND VEGETATION WITHIN HILLSIDE OVERLAY

Recommendation of the Community Development Director that City Council review the draft View Equity ordinance and direct staff to return with a final ordinance for adoption.

With the aid of slides, Deputy Community Development Director Cessna reviewed revisions made to the draft View Equity Ordinance as directed by the City Council at the June 28, 2016 City Council meeting and discussed the implementation process.

Mayor Furey noted that this ordinance has been a high priority since his election two years ago and commended staff for their efforts in drafting it.

Councilmember Griffiths expressed concerns about the exclusion of potted plants from the ordinance as it could be a potential loophole.

Deputy Director Cessna explained that staff was concerned that potted plants could be moved from place to place as a means of thwarting the view equity claim process.

Councilmember Griffiths asked how it could be ensured that future purchasers of properties and/or their realtors will be made aware of agreements involving vegetation.

Deputy Director Cessna reported that agreements will be incorporated into the City's permit tracking system.

Councilmember Griffiths asked if such an agreement could be recorded as lien on a property, and Deputy Director Cessna indicated that she would have to check with legal staff.

Councilmember Griffiths expressed concerns that 30-day time limits contained in the ordinance may be too stringent in some cases and suggested the possibility of including a provision whereby a time extension could be granted if there are extenuating circumstances.

Deputy Director Cessna advised that typically there are definite timeframes with no provision for hardships, however the time limit could be increased to 45 days.

Community Development Director Gibson explained that staff was concerned that someone could extend the process indefinitely by claiming a series of hardships and suggested that legitimate hardships could be considered on a case-by-case basis.

Mayor Furey recommended that language be included stating that any time extension would be at the discretion of the Community Development Director.

In response to Councilmember Griffiths' inquiry, Community Development Director Gibson confirmed that the Council has authorized the hiring of additional staff to process view equity claims.

Councilmember Griffiths doubted that additional staff will be needed based on the experience of Rolling Hills Estates.

Councilmember Ashcraft noted that she has been very consistent in her position that this process should be cost neutral to the City and expressed concerns that fees as proposed will not cover the cost of staff time. She related her belief that this was not an equitable use of taxpayer funds because it would benefit only one area of Torrance.

Community Development Director Gibson explained that it's very difficult to assign a particular number to the cost of staff time because it varies widely for this type of case and there is also a concern that it will be a disincentive to participate in the program if the fees are too high so goals will not be accomplished.

Councilmember Rizzo indicated that he favored increasing the 30-day time limit for filing a response to a view claim to 45 days. He suggested that consideration be given to extending the ordinance citywide, with the Hillside area to serve as the first phase of a phased-in approach.

Councilmember Goodrich reported that he also favored including potted plants in the ordinance and extending the time period for responding to a view claim to 45 days. He expressed concerns about hiring two full-time employees to process claims because after an initial surge, claims will likely taper off and proposed that only one employee be hired at this time.

Mayor Furey noted that funding for the new positions has already been included in the budget and even without this ordinance, the Community Development Department will be extremely busy in coming months.

Mayor Furey invited public comment.

Elane Polin expressed support for the ordinance, pointing out that people pay a premium for views in the Hillside area, which is not the case in the rest of Torrance. She stressed the need to ensure that view equity agreements remain in place when properties are sold.

Robert Amador voiced objections to the provision in the ordinance which limits view equity claims to only one area of the home or yard. He reported that California law provides that the prevailing party in a legal action is entitled to recover costs and this is contrary to the section in the ordinance, which states that vegetation owners may not recover costs and fees if they decline to participate in the reconciliation process even if they prevail. He agreed that potted plants could be a major problem.

Cindy Constantino expressed appreciation to staff and the Council for their efforts to bring this ordinance to fruition.

Judy Brunetti, Riviera Homeowners Association, voiced support for the ordinance, citing the benefits to homeowners in the Hillside area. She noted that there may not be a need for additional staff based on the experience of Laguna Beach and Rolling Hills Estates.

Jehan Mir expressed concerns that the ordinance does not address the competing right to privacy, a right that is guaranteed by the Constitution. Referring to Section 92.41.120 regarding binding arbitration, he suggested that the word "binding" is a non sequitur because the section later mentions that either party has the right to litigate. He contended that a city cannot enact any ordinance that is retroactive because the U.S. Supreme Court has determined that this is unconstitutional, however, the proposed ordinance specifies that the date a view is established can go back as far as 15 years. He called for the time period for appeals to be extended to 60 days, with a provision allowing an extension for good cause.

Bruce Caukin called for the ordinance be amended to include vegetation that blocks sunlight in addition to vegetation that blocks views.

Hope Witkowsky voiced support for the ordinance and related her belief that just having it in place will help resolve many disputes involving vegetation.

Shirley McNave expressed concerns that city trees are exempted from the ordinance and urged that something be done about view blockage from city trees.

Bhushan Bhatt called for the penalty for non-participation to be strengthened and for the City to become involved in the enforcement of agreements that are reached and related his belief that there should be a process to address city trees that are blocking views.

Suzanne Butler voiced objections to the ordinance due to the conflict it could create between neighbors and the potential that trees will be lost. She related her belief that funding allocated for additional staff would be better spent on a 4th of July fireworks show for the Hillside area.

Thomas Fallo thanked staff and the Council for their efforts on this ordinance. He stressed the need for time limits since apparently there are no limits in the Hillside Ordinance and a silhouette has remained in place in his neighborhood for almost two years. He suggested the

possibility that Hillside residents be given an opportunity to review the process and provide feedback via a questionnaire.

Judy English reported that she and her neighbor have come to a verbal agreement about the maintenance of vegetation, which will be recorded on their deeds so the agreement will run with the land. She noted that according to minutes from the Riviera Homeowners Association, they recognized the need to regulate vegetation when the HOA was formed in 1956.

Eunice Hargrove expressed concerns about hiring additional staff and suggested using interns until the workload generated by the ordinance can be gauged. She related her experience that Riviera residents often support things that benefit other areas of Torrance.

Jean Adelman thanked staff and the Council for their efforts.

Rose Mack related her understanding the oleander plants are not covered by the ordinance and called for this type of vegetation to be included, noting that it's one of the most poisonous plants.

Igor Nastaskin expressed support for allowing a resident to make a view equity claim for more than one viewing area and including potted plants in the ordinance. He recommended that councilmembers decide their philosophy with regard to the view versus privacy issue.

Jeannine Speros urged the Council to adopt the ordinance.

Michelle Todin suggested that keeping trees trimmed would lessen the damage to sidewalks from roots and ultimately save money.

Jim Delurgio voiced objections to the provision that allows view seekers to forego the staff advisory opinion, contending that this could lead to frivolous claims and associated legal expenses. He called for a better definition of where a view is from, as well as a definition of privacy and also called for the process for filing joint claims to be clarified. He expressed concerns about the lack of a provision that would allow a property owner to petition to have an agreement voided if circumstances change and echoed concerns about the exclusion of city trees.

Tom Newman commended the Council for doing a great job of crafting the ordinance.

Luan Wu expressed appreciation for the ordinance, which she hopes will help her recapture her view. She stressed the need to disseminate information about the ordinance to residents in the Hillside area.

Councilmember Weideman acknowledged that residents' persistence also played a role in bringing this ordinance to fruition. He clarified that the ordinance was initially drafted with very limited staff involvement and was later amended at the Council's request to provide for an advisory opinion, however the City will not be involved in enforcement.

In response to Councilmember Weideman's inquiry, Deputy City Attorney Strader confirmed that it is legally permissible to set the date the view is established at up to 15 years prior to the adoption of the ordinance.

Councilmember Weideman stated that he favored extending time limits in the ordinance to 45 days and including potted plants. He noted his objection to limiting view equity claims to one viewing area.

Councilmember Ashcraft reported that she also favored including potted plants and strongly supports limiting claims to one viewing area. She expressed the hope that the ordinance could eventually be extended citywide.

Councilmember Griffiths agreed that potted plants should be included and indicated that while he favors extending the ordinance citywide, he did not want to do so at this time because it could delay adoption. He explained that when drafting the ordinance, the Community Planning and Design Committee chose to exclude city trees for the sake of expediency, with the idea of addressing them separately at later date. With regard to staffing, he stated that it was his understanding that money was being set aside for additional staff, if needed, and voiced his opinion that just because funding has been allocated does not mean that it needs to be spent at this time.

Deputy Director Cessna explained that two positions, Planning Associate and Office Assistant, were budgeted for the implementation of this ordinance beginning in January 2017 and another two positions were budgeted for the implementation of the Historic Preservation Ordinance in April 2017. She proposed eliminating the two new positions in April 2017 if there is not sufficient workload and allocating those hired in January for historic preservation. She expressed concerns that existing staff will not be able to handle the expected influx of claims when this ordinance goes into effect.

City Manager Jackson noted that the Community Development Department will be losing staff to attrition and upcoming retirements so the additional staff could be reallocated if they are not needed for this task.

Councilmember Griffiths called for the staffing issue to be revisited prior to the filling of the positions in April 2017.

Councilmember Griffiths recommended that cost estimates for mediation, arbitration and litigation be included in informational material prepared for the ordinance so people will be aware of the stakes involved, which could encourage them to reach an early settlement.

Councilmember Herring commended staff and the Community Planning and Design Committee for their work on drafting the ordinance, noting that it was a mammoth job.

Councilmember Goodrich indicated that he was opposed to hiring two additional staff members at this time and thought it was putting "the cart before the horse." He noted that the Council has yet to pass a Historic Preservation Ordinance so additional staff may not be needed to implement it and reiterated his position that only one additional staff person should be hired.

Mayor Furey noted that the Community Development Department handles a multitude of tasks and the additional staff will be working on things beyond this ordinance.

Community Development Director Gibson advised that he has tried to be proactive and make sure that there is adequate staff to implement the ordinance, but will delay hiring at the Council's direction. He explained that in addition to working on specific claims, staff will be fielding

calls from people who want to learn about the ordinance and this will greatly add to the demand on staff time.

In response to Councilmember Ashcraft's inquiry, City Manager Jackson reported that the adoption of this ordinance would have to be delayed considerably if the Council chose to include the entire city at this time.

A brief discussion ensued regarding the inclusion of potted plants in the ordinance and Deputy City Attorney Strader recommended that a clear definition of potted plants be included.

Deputy Director Cessna offered to return with options for addressing the potted plant issue.

Councilmember Rizzo reiterated his recommendation for a phased in approach so that staff will have experience before extending the ordinance city-wide.

In response to Mayor Furey's inquiry, Deputy City Attorney Strader advised that it was not the ordinance's intent to create an easement or a deed restriction and the City's only role would be to keep a record of any agreement reached for purposes of tracking.

Mayor Furey noted that property owners would have the ability to record a view easement if one is agreed to by a neighbor, which would then run with the land.

Councilmember Griffiths recommended that staff prepare clear and concise informational material to help educate the public about the ordinance in order to reduce the demand on staff time.

MOTION: Councilmember Griffiths moved to direct staff to return with a final ordinance for adoption with the following amendments: Changing time periods from 30 to 45 days; extending the timeframe at the discretion of the Community Development Director; and including potted plants. The motion was seconded by Councilmember Weideman and passed by 7-0 vote.

9E. APPROVAL OF TORRANCE E-NEWSLETTER POLICY

Recommendation of the City Manager that City Council approve formal policy for publication of City of Torrance eNewsletters.

Cable & Community Relations Manager Smith reviewed the staff recommendation, noting that the policy has been amended as directed by the City Council at the September 13 meeting. He offered an amendment to Section II, Item E, changing the word "shall" to "should."

MOTION: Councilmember Ashcraft moved to concur with the staff recommendation. The motion was seconded by Councilmember Goodrich and passed by 7-0 vote.

9F. CONTRACT FOR AUTOMATED LICENSE PLATE RECOGNITION SYSTEM

Recommendation of the Police Chief that City Council award a contract with Vigilant Solutions of Livermore, CA in the amount of \$600,000 for an Automated License Plate Recognition (ALPR) system (Hardware, Software, Service, Warranty and Installation) for a five-year term from October 4, 2016 to October 3, 2021.

Police Lieutenant Athan reviewed the staff recommendation.

Councilmember Goodrich noted that according to Torrance Police Department General Order 2.08 (supplemental material), data captured by the system will be archived for 13 months, and questioned why it will be stored this long and what steps will be taken to prevent personal information from falling into the wrong hands.

Lieutenant Athan explained that Order 2.08 is the current policy and it will be updated should this item be approved. He reported that license plate information will not be stored on the City's network and will instead be stored on the vendor's servers in compliance with Criminal Justice Information Services (CJIS) guidelines and staff will be recommending that it be stored for much longer than 13 months since there is no limit on storage capacity with this vendor. He noted that L.A. County Sheriffs have chosen to store this information indefinitely due to the investigative value.

Councilmember Goodrich expressed concerns about storing this information indefinitely.

Lieutenant Athan clarified that he was not recommending the storage of information indefinitely, noting that according to the vendor, the average length of storage is 2-3 years.

Councilmember Goodrich requested that the Council be apprised when the policy concerning the storage of this information is updated.

Councilmember Griffiths stated that he's a strong supporter of using this technology to combat crime, but shares concerns about the potential misuse of this information and asked how access will be regulated.

Lieutenant Athan clarified that license plate data collected contains no personal information and the only way to link it with identifying information is to obtain access to the Department of Motor Vehicle license plate database, which is restricted by the Drivers Privacy Protection Act.

Councilmember Griffiths pointed out that if someone knows his license plate and has access to the system, that person would be able to track his movements.

Lieutenant Athan explained that every time someone accesses the system, it will be trackable so it will be known who ran a particular license plate and at what time. He suggested that as a safeguard, the Police Department's policy could be amended to require that everyone who accesses the system provide a legal reason for doing so. He reported that access to the system will be limited to sworn personnel, public safety dispatchers, and civilian staff in investigative positions.

In response to Councilmember Griffiths' inquiry, Lieutenant Athan reported that cameras will be mounted on City-owned traffic signals and will be clearly visible and that locations have not been finalized pending review by the City's engineering staff.

The Council recessed from 11:27 p.m. to 11:30 p.m. for technical reasons.

Councilmember Ashcraft questioned need to retain the information for long periods of time.

Police Officer Slauson discussed the analytical value of the data collected and reported on recent successes in crime solving during the 60-day trial period of using the system.

In response to Councilmember Griffiths' inquiry, Lieutenant Athan confirmed that the City will have ownership of the data collected in the event the contract is terminated.

MOTION: Councilmember Ashcraft moved to concur with the staff recommendation. The motion was seconded by Councilmember Goodrich and passed by 7-0 vote.

9G. JULY 4TH FIREWORKS SHOW

Recommendation of the Community Services Director that City Council review the 2016 July 4th Fireworks Event and concur with the format and location for future events.

Sr. Business Manager Minter reviewed the staff recommendation.

In response to Councilmember Weideman's inquiry, Sr. Business Manager Minter confirmed that there will be an RFP (request for proposal) process to select to vendor for the fireworks.

Daniel Pilson expressed concerns that noise from fireworks could cause hearing loss and stressed the need for an adequate buffer zone.

Sr. Business Manager Minter advised that the buffer zone proposed is more than adequate according to written material previously submitted by Mr. Pilson (agenda material).

Councilmember Ashcraft expressed concerns that the \$75,000 estimate for the fireworks event does not include emergency management and other public safety costs, which brought the total expenditures for this event in 2016 to almost double this amount.

Police Captain Underwood advised that costs for emergency management fluctuate based on the threat level and last year, there was a heightened state of alert.

Assistant City Manager Giordano explained that the estimate contains costs directly associated with the event and does not take into account that there may be broader security issues throughout the city on the 4th of July.

Mayor Furey noted that the figures for 2016 include \$34,000 for policing Torrance Beach during a privately funded fireworks show and indications are that the show will not take place this year.

Police Captain Underwood advised that police staffing at Torrance Beach will be drastically reduced if the fireworks show does not take place.

Councilmember Herring indicated that he shares concerns about the upward creep of the cost of this event and would be more inclined to support it with confirmation that the Torrance Beach fireworks display will not be held.

City Manager Jackson reported that there has been an indication from the family that they will not be holding the event, but he could not say for certain since the City has no involvement.

MOTION: Councilmember Goodrich moved to concur with the staff recommendation. The motion was seconded by Councilmember Griffiths and passed by a 5-2 vote, with Councilmembers Ashcraft and Herring voting no.

- 10. **HEARINGS** – None scheduled.
- 11. **APPEALS** – None scheduled.
- 12. **SECOND READING ORDINANCES** – None scheduled.

13. **ORAL COMMUNICATIONS #2**

Councilmember Goodrich spoke.

Councilmember Griffiths spoke.

Councilmember Herring spoke.

Councilmember Weideman spoke.

Councilmember Ashcraft spoke.

Mayor Furey spoke.

14. **CLOSED SESSION**

Considered earlier, see page 1.

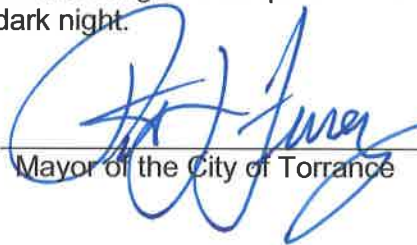
15. **ADJOURNMENT**

At 12:05 p.m., the City Council adjourned to Tuesday, October 18, 2016 at 5:30 p.m. for a closed session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber. Tuesday, October 11, 2016 is a City Council dark night.

Attest:



Rebecca Poirier
City Clerk of the City of Torrance



Mayor of the City of Torrance

Approved on October 25, 2016