

INDEX
TORRANCE CITY COUNCIL – OCTOBER 25, 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 Withdrawn, Deferred or Supplemental Items | 1 |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> | 2 |
| 7. <u>ORAL COMMUNICATIONS #1</u> | 2 |
| 8. <u>CONSENT CALENDAR</u> | |
| 8A. Approval of Minutes | 2 |
| 8B. Change Order to Furnish Workrite Nomex Uniforms | 2 |
| 8C. Agreement re Employee Assistance Program | 3, 4 |
| 8D. First Amendment to 2014 Urban Area Security Initiative Grant | 3 |
| 8E. License Agreement for Groundwater Monitoring Wells | 3 |
| 8F. Fee Agreement for Legal Services | 3 |
| 8G. Police Department Uninterruptible Power Supply Replacement | 3 |
| 8H. Premium Adjustment for Excess Workers' Compensation Insurance | 3 |
| 8I. Submission of Required Title VI Service Standards Plan | 3 |
| 9. <u>ADMINISTRATIVE MATTERS</u> | |
| 9A. Co-sponsorship of Veterans Day Celebration | 4 |
| 9B. Vacation of Portion of Sanitary Sewer and Water Main Easement | 4 |
| 9C. Regulation of Short Term Rentals | 4-6 |
| 9D. Purchase Order for Bus Repair Parts | 6 |
| 9E. Consideration of Citation Fee Reduction for Street Sweeping/ No Parking Restrictions | 6-9 |
| 9F. Extension of Consent to Sublease Agreement re 3233 Pacific Coast Highway | 9 |
| 10. <u>HEARINGS</u> | 10 |
| 11. <u>APPEALS</u> | 10 |
| 12. <u>SECOND READING ORDINANCES</u> | 10 |
| 13. <u>ORAL COMMUNICATIONS #2</u> | 10 |
| 14. <u>CLOSED SESSION</u> | 1, 10 |
| 15. <u>ADJOURNMENT</u> | 15 |

At 9:07 p.m., the City Council adjourned to Tuesday, November 1, 2016 at 5:30 p.m. for a closed 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, October 25, 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 Sullivan, City Clerk Poirier and other staff representatives.

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

14. CLOSED SESSION

The City Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 14A) Conference with Labor Negotiator, 14B) Public Employee Performance Evaluation – City Manager, and 14C) Real Property – Conference with Real Property Negotiator, pursuant to California Government Code §54957.6, §54957(b)(1) and §54956.8.

The City Council reconvened at 7:03 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 Griffiths.

The non-sectarian invocation was given by Reverend Peter B. Min, Pastor of Agape Fellowship and Church Relations Director of Love, Inc.

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, October 20, 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

No items were withdrawn or deferred. Supplemental material was available for Items 9C and 9E.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Ashcraft asked that tonight's Council meeting be adjourned in memory of City employee Steven Barclay who passed away on October 21, 2016.

Mayor Furey announced that the SCAQMD will host a Town Hall Meeting on the Norton Engineering Alkylation Technology Study on Saturday, October 29, 2016 at 10:00 a.m. in the Torrance City Council Chamber, with additional information available by contacting Derrick Alatorre at 909-396-2432.

Mayor Furey announced that he will be conducting a Town Hall Meeting on Thursday, October 27, 2016 at the North High School Library at 7:00 p.m. to discuss the State of the City and additional topics.

Councilmember Griffiths announced that the Ad Hoc Web Redesign Committee will meet on Thursday, October 27, 2016 at 4:00 p.m. in the City Manager's Assembly Room on the 3rd Floor and staff will present three wireframe design concepts for the new website redesign.

Councilmember Herring announced that the annual Halloween Carnival will take place on Monday, October 31, 2016 from 4:00 – 8:00 p.m. at Wilson Park, with additional information available at 310-618-2930.

Councilmember Ashcraft reported that she attended a L.A. County Supervisors meeting earlier today in downtown Los Angeles at which Torrance received a John Anson Ford award for the Visions of Unity student literature and arts competition, with additional information at www.visionsofunity.org or at local high schools.

City Clerk Poirier announced that the City Clerk's Office is a drop-off location for Vote-by-Mail ballots until November 7, 2016 during regular business hours. She noted that the L.A. County Registrar-Recorder/County Clerk will host early voting from 8:00 a.m. – 4:00 p.m. on October 29, October 30, November 5, and November 6, 2016 at El Camino College – 16007 Crenshaw Boulevard, with additional information available at www.lavote.net.

6. COMMUNITY MATTERS – None scheduled.

7. ORAL COMMUNICATIONS #1

The following 7 people spoke: Jimmy Gow, Daisy Lee, Tricia Blanco, Chris Castillo, Carol Gilles, Annay Picazo, and Dean Reuter

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation of the City Clerk that City Council approve the City Council minutes of October 4, 2016.

8B. CHANGE ORDER TO FURNISH WORKRITE NOMEX UNIFORMS

Recommendation of the Fire Chief that City Council authorize change order #3 to the purchase order with GALLS of Long Beach, CA (PO #2016-563) to furnish Workrite Nomex uniforms on an as requested basis by the Fire Department. This change order will add \$20,000 to the purchase order, increasing the total amount from \$37,000 to \$57,000 (including sales tax).

8C. AGREEMENT RE EMPLOYEE ASSISTANCE PROGRAM SERVICES

Considered separately, see page 4.

8D. FIRST AMENDMENT TO 2014 URBAN AREA SECURITY INITIATIVE GRANT

Recommendation of the Chief of Police that City Council:

- 1) Approve a First Amendment to the 2014 Urban Area Security Initiative (UASI) Subrecipient Agreement with the City of Los Angeles (C2015-034), reducing the award by \$3,237 for a revised total award of \$110,613; and
- 2) Authorize the City Manager as the City's signatory to the Amendment.

8E. LICENSE AGREEMENT FOR GROUNDWATER MONITORING WELLS

Recommendation of the Community Development Director that City Council approve a License Agreement with Union Carbide Corporation of Torrance, CA for two (2) groundwater monitoring wells for the former Union Carbide Corporation facility located at 19500 Mariner Avenue.

8F. FEE AGREEMENT FOR LEGAL SERVICES

Recommendation of the City Attorney that City Council approve a fee agreement with Liebert Cassidy Whitmore of Los Angeles, CA in the amount of \$35,000 to provide legal services pertaining to the civil service appeal of personnel matter #A16-000055.

8G. CONTRACT FOR POLICE DEPARTMENT UNINTERRUPTIBLE POWER SUPPLY REPLACEMENT

Recommendation of the General Services Director that City Council:

- 1) Appropriate \$69,921.85 from the Unappropriated Building Maintenance General Fund to the Facility, Equipment, and Automation Plans (FEAP 870 – Upgrade UPS at Police Department) for a new not to exceed project cost of \$419,921.85; and
- 2) Award a contract to Data Specialties, Inc. of Buena Park, CA (B2016-37) in the amount of \$333,368 with a 5% contingency of \$16,668.40 for the Police Department Uninterruptible Power Supply (UPS) Replacement; and
- 3) Approve a 10% project management fee of \$33,336.80.

8H. PREMIUM ADJUSTMENT FOR EXCESS WORKERS' COMPENSATION INSURANCE

Recommendation of the Finance Director that City Council approve an adjustment of the Excess Workers' Compensation Insurance premium from California State Association of Counties (CSAC) Excess Insurance Authority (EIA) of Folsom, CA through Alliant Insurance Services of Newport Beach, CA in the amount of \$14,198 for the policy period from July 1, 2015 to July 1, 2016.

8I. SUBMISSION OF REQUIRED TITLE VI SERVICE STANDARDS PLAN

Recommendation of the Transit Director that City Council approve the submission of the Transit Department's Title VI Service Standards Plan as required by the Federal Transit Administration.

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

Consent Calendar Item 8C was considered separately at this time.

8C. AGREEMENT RE EMPLOYEE ASSISTANCE PROGRAM SERVICES

Recommendation of the City Manager that City Council approve an agreement with Aetna Resources for Living of San Diego, CA in the amount of \$93,546 (\$31,182 annually) for Employee Assistance Program (EAP) services for a three-year period from January 1, 2017 to December 31, 2019.

Sr. Management Associate Rowe provided background information about the Employee Assistance Program, noting that 21 employees utilized the program for the second quarter of 2016.

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

9. ADMINISTRATIVE MATTERS

9A. CO-SPONSORSHIP OF VETERANS DAY CELEBRATION

Recommendation of the City Manager that City Council consider the request to subsidize the rental fees for the use of the George Nakano Theatre, and consider co-sponsoring the Vietnam Veterans of America, South Bay Chapter 53 Veterans Day Celebration to be held on Thursday, November 10, 2016 from 8:00 a.m.-12:00 p.m.

Management Aide Alatorre reviewed the staff recommendation.

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

9B. VACATION OF PORTION OF SANITARY SEWER AND WATER MAIN EASEMENT

Recommendation of the Community Development Director that City Council adopt a Resolution summarily vacating a portion of a sanitary sewer and water main easement and a sanitary sewer easement on the west side of Arlington Avenue between 236th Place and 237th Street.

Associate Civil Engineer Symons reviewed the staff recommendation.

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

MOTION: Councilmember Weideman moved to adopt Resolution No. 2016-89. The motion was seconded by Councilmember Griffiths and passed by 7-0 vote.

9C. REGULATION OF SHORT TERM RENTALS

Recommendation of the Community Development Director that City Council consider Land Use Study for the regulation of short term rentals within the City of Torrance, and provide direction on next steps. LUS16-00001: Regulation of Short Term Rentals (STRs).

With the aid of slides, Sr. Planning Associate Martinez provided information about the regulation of short term rentals in other cities, including Palm Springs, Santa Monica and Austin, Texas; reviewed a list of items that need to be considered should the Council decide to do so in Torrance; and discussed pending litigation regarding short term rentals.

A brief discussion ensued regarding the possibility of delaying action on this matter until legal issues have been resolved due to concerns about the potential exposure to litigation, and it was the consensus of the Council to move forward with the process of crafting an ordinance as it could take several months.

Councilmember Ashcraft noted that she has gone on record opposing short term rentals because she views them as businesses, which should not be allowed to operate in residential neighborhoods.

Councilmember Griffiths reported that he supports allowing short term rentals with appropriate regulations and believes requiring the property owner to live on-site is a critical component.

Mayor Furey invited public comment.

Trish Farley urged that short term rentals be regulated, noting that she previously submitted a document detailing her suggestions regarding this issue (supplemental material).

Mayor Furey requested that Councilmembers provide input on the list prepared by staff of items to be considered in the drafting of ordinance (staff report – page 2).

Councilmember Weideman indicated that he did not feel it was necessary for the host to live on-site and was unsure as to whether inspections and certificate of occupancy should be required and would like more information on these issues.

Councilmember Goodrich recommended that liability insurance requirements be added to the list, explaining that a typical homeowner insurance policy does not cover short term rentals.

Councilmember Ashcraft indicated that she favored requiring the host to live on-site and collecting transient occupancy tax (TOT) on all short term rentals and requested that staff provide an estimate of the cost involved in collecting the TOT, including staff time and computer software.

Councilmember Rizzo stated that he thought it was important to have someone to contact should there be a problem and therefore favored having the host live on-site and emphasized the need to have 24/7 contact information if the City decides to forego this requirement.

Councilmember Griffiths voiced his opinion that the property owner or the owner's representative should be required to live on-site otherwise it would be more of a business. He questioned how the City would publicize the ordinance and asked about penalties should someone knowingly or unknowingly operate a short term rental without the required permit. He suggested the possibility of having a Council committee vet the draft ordinance before bringing it to the full Council.

Mayor Furey indicated that he also favored requiring the host to live on-site. He related his understanding that the short term rental industry informs people seeking to rent out their homes about regulations and in some cases collect transient occupancy taxes and remit them to cities. He commended staff for coming up with a comprehensive list of items that should be considered, noting his agreement that liability insurance requirements should be added.

Robert St. Genis, executive director for Los Angeles Short Term Rental Alliance, reported that several lawsuits have been filed on various topics regarding this issue, however, he believes short term rentals can be successfully regulated. He suggested that it's not necessary to have the host live on-site, but rather to have a responsible party who is available 24/7 to address any problems that might arise. He expressed his willingness to work with the City to come up with reasonable regulations.

Mayor Furey asked if the organization has drafted a model ordinance, and Mr. St. Genis explained that the organization has offered examples of what they believe to be good ordinances, however, these ordinances have been subjected to legal challenges so it's a constantly evolving situation.

Councilmember Ashcraft recommended that the draft ordinance come directly to the Council instead of being vetted by a committee.

MOTION: Councilmember Ashcraft moved to direct staff to bring back a draft ordinance for consideration. The motion was seconded by Councilmember Weideman and passed by 7-0 vote.

City Manager Jackson advised that it will be 60-90 days before this item comes back to the Council due to other pending matters.

9D. PURCHASE ORDER FOR BUS REPAIR PARTS

Recommendation of the Transit Director that City Council award a sole-source purchase order to New Flyer of America, Inc. of Fresno, CA in the amount of \$500,000 to furnish new and remanufactured bus parts and components on an as needed basis for a two-year period beginning November 1, 2016 and ending October 31, 2018.

Paul Lemon, Transit Department, reviewed the staff recommendation.

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

9E. CONSIDERATION OF CITATION FEE REDUCTION FOR STREET SWEEPING/ NO PARKING RESTRICTIONS

Recommendation of the City Manager that City Council consider reducing the citation fee for violating street sweeping/no parking restrictions.

City Manager Jackson noted that this item was brought forward at the Council's request.

In response to Councilmember Ashcraft's inquiry, City Manager Jackson advised that fees the City pays per citation (\$12.50 to L.A. Superior Court/ \$2.73 to City of Inglewood for processing) are flat fees and will not change regardless of the citation fee established by the City.

Councilmember Griffiths reported that he strongly supports the goals of the Optimized Street Sweeping program, but expressed concerns that the Council was told that the program would be non-revenue generating when it was approved since no additional parking enforcement staff would be hired, however that appears not to be the case based on the number of citations that have been issued. He noted that currently only about half of Torrance is subject to street sweeping/no parking restrictions so the number of tickets will likely go up significantly when the

program is implemented in the rest of the city. He voiced his opinion that the fine should be no more than \$25, which will still be an incentive to comply with the program without grossly enriching the City at the expense of residents who forget to move their cars. He suggested that this type of citation is among the easiest to write as parking enforcement officers need only go ahead of street sweepers and cite any parked cars; related his belief that parking enforcement officers have more important jobs to do; and called for targeted enforcement in areas identified as being problematic.

Councilmember Goodrich disclosed that he spoke with City Manager Jackson earlier in the day and received clarification on this matter.

City Manager Jackson advised that the primary objective of issuing tickets is to get people to move their cars so streets can be swept, not to generate revenue. He noted that the City has received complaints about cars parked in the way of street sweepers and has responded by moving personnel from other enforcement activities. He reported that it has been taking 2-3 months in newly signed areas for people to become accustomed and comply with the restrictions, which is longer than staff anticipated, and while it's difficult to predict what revenue from citations will be once the program is fully implemented, it will likely be higher than original estimates, but not as high as during the initial roll out.

In response to Councilmember Goodrich's inquiry, City Manager Jackson provided clarification regarding how citation fees are set and the various components involved. He noted that Torrance does not write the volume of tickets that some neighboring beach communities do.

Councilmember Goodrich voiced his opinion that the current \$43 citation fee was reasonable. He pointed out that according information in the supplemental material, Hermosa Beach has twice as many parking enforcement officers with only about one-fifth of the population.

Mayor Furey reported that he receives more complaints from people who want street sweeping/no parking restrictions as opposed to those who are concerned about the level of enforcement. Referring to the Street Sweeping Citation Survey of 12 other cities (supplemental material), he noted that fees range from a high of \$171 for the City of Los Angeles and a low of \$38 for Hermosa Beach and Torrance is the second lowest at \$43. He emphasized that the Optimized Street Sweeping program was developed to comply with the Clean Water Act in order to prevent the City from being fined, and is not a conspiracy to make money.

Councilmember Herring stated that he believes the Optimized Street Sweeping program is an excellent program, but was inclined to agree that the citation fee could be reduced because even with only half of the city involved, citations are generating more than enough to cover the cost of parking enforcement officers. He recommended that the fine be reduced to \$36, which would reduce the income approximately \$105,000 per year or from \$568,000 to \$463,000 based on current figures, noting that revenue will likely rise as the program is expanded to other areas and eventually level out when the entire city is involved.

City Manager Jackson clarified that the total cost of City's Parking Enforcement program, which includes two supervisors, is close to \$1 million per year.

Mayor Furey pointed out that the City will incur additional costs when expanding the Optimized Street Sweeping program as well as maintaining it, which will come from the General Fund, which is where residual funds from parking fines go, so any excess could be viewed as paying for the future.

Responding to questions from the Council, City Treasurer Cortez provided information about the percentage of delinquent parking citations and associated fees.

Councilmember Griffiths noted that 15% of Torrance already had parking restrictions on street sweeping days before the current program was put in place so it would seem that the City has available data that could be extrapolated to arrive at an estimate of what revenue from citations will be when the program is fully implemented. He reported that reducing the citation fee to \$25 would still yield almost \$300,000 based on 2015-16 figures to offset the cost of the Parking Enforcement program, which was budgeted for before the Optimized Street Sweeping program was implemented. He stated that he would not want street sweeping citations to become a nuisance factor, relating his experience that residents appreciate the fact that Torrance is not overzealous in issuing parking tickets.

Councilmember Rizzo recalled that a dollar amount was assigned to the City's cost for writing a ticket at one time, and Finance Director Tsao advised that the cost is approximately \$45.

Councilmember Rizzo voiced his opinion that given this information, the current citation fee of \$43 was reasonable. He noted that according to information in the supplemental material, parking enforcement officers do not go in front of or follow street sweepers and this was confirmed by Police Chief Matsuda.

Councilmember Weideman indicated that he was not in favor of changing the fee at this time and felt it made sense to wait until the program has been fully implemented since citation fees can be changed at any time by majority vote of the Council.

Councilmember Herring asked about discrepancies in the figures in the staff report versus the figure provided by Finance Director Tsao regarding the City's cost for writing a ticket.

Finance Director Tsao explained that the figures referenced in the staff report account only for parking enforcement officers and do not include supervisors, vehicles, fuel, materials, as well as associated costs in the City Attorney's office and the City Treasurer's office and all these expenses bring the cost to approximately \$45 per citation. He advised that including late fees, the City nets approximately \$43 per citation so there is a slight deficit overall.

Councilmember Griffiths noted that these expenses have not changed since the implementation of the Optimized Street Sweeping program and suggested that an analysis may be needed to determine how parking enforcement staff can be used more effectively.

City Manager Jackson advised that a lot of the activity regarding street sweeping has been complaint generated because some residents have been waiting a long time to have cars moved in their neighborhood so streets can be swept.

Councilmember Griffiths voiced his opinion that the new signage and a small fine will accomplish this.

MOTION: Councilmember Griffiths moved to reduce the citation fee to \$25, and the motion died for lack of a second.

MOTION: Councilmember Herring moved to reduce the citation fee to \$38, and the motion died for lack of a second.

MOTION: Councilmember Goodrich moved to accept and file. The motion was seconded by Councilmember Weideman and passed by 5-2 vote, with Councilmembers Griffiths and Herring voting no.

City Manager Jackson offered to provide an update every three months and return with an evaluation once the Optimized Street Sweeping program has been fully implemented.

9F. EXTENSION OF CONSENT TO SUBLEASE AGREEMENT RE 3233 PACIFIC COAST HIGHWAY

Recommendation of the City Manager that City Council approve an Extension of Consent to Sublease Agreement (C-2606) of city-owned property located at 3233 Pacific Coast Highway to Nissan and Infiniti for the period of November 1, 2016 through December 31, 2016.

Councilmember Griffiths announced that he would not be participating in this item due to a potential conflict of interest. He explained that his home is not within 500 feet of the subject property, however the subject property is part of a single, legal parcel that covers the entirety of the airport and his home is within 500 feet of certain portions of the airport, which could potentially be a disqualifying conflict of interest, and since he was not able to receive a written formal advice letter from the Fair Political Practices Commission due to time constraints, he was exercising caution and disqualifying himself. He exited the dais.

Assistant City Manager Giordano reviewed the staff recommendation.

MOTION: Councilmember Ashcraft moved to concur with the staff recommendation. The motion was seconded by Councilmember Goodrich and passed by 6-0 vote, absent Councilmember Griffiths (recused).

Councilmember Griffiths returned to the dais.

10. HEARINGS – None scheduled.

11. APPEALS – None scheduled.

12. SECOND READING ORDINANCES – None scheduled.

13. ORAL COMMUNICATIONS #2

Councilmember Ashcraft spoke.

Councilmember Griffiths spoke.

Mayor Furey spoke.

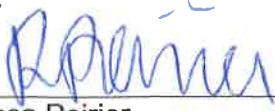
14. CLOSED SESSION

Considered earlier, see page 1.

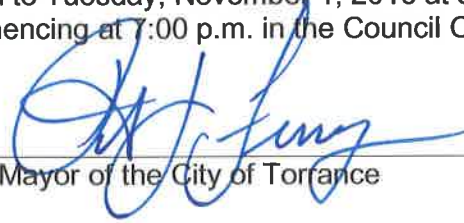
15. ADJOURNMENT

At 9:07 p.m., the City Council adjourned to Tuesday, November 1, 2016 at 5:30 p.m. for a closed 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 November 22, 2016