

INDEX
TORRANCE CITY COUNCIL – APRIL 15, 2014

<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 Withdrawn, Deferred or Supplemental Items	2
5. Council Committee Meetings and Announcements	2
6. <u>COMMUNITY MATTERS</u>	
6A. Proclamation re “National Child Abuse Prevention Month”	2
6B. Recognition of Bishop Montgomery High School Boys Basketball Team	2
7. <u>ORAL COMMUNICATIONS #1</u>	
8. <u>CONSENT CALENDAR</u>	
8A. Approval of Minutes	3
8B. Living Dedication Tree Program 2013 Annual Report	3
8C. Purchase of Replacement Picnic Tables and Drinking Fountains	3-4
11. <u>PUBLIC SAFETY</u>	
11A. Agreement to Provide Ambulance and Patient Billing Services	4
12. <u>ADMINISTRATIVE MATTERS</u>	
12A. Resolutions re MOU for TCEA and TRREO	4-5
14. <u>APPEALS</u>	
14A. Appeal of Airport Noise Decision re Aircraft N706JJ – Hitomi Jinda	5-8
17. <u>ORAL COMMUNICATIONS #2</u>	
18. <u>EXECUTIVE SESSION</u>	
18. <u>EXECUTIVE SESSION</u>	1, 9
19. <u>ADJOURNMENT</u>	
19. <u>ADJOURNMENT</u>	9

At 10:30 p.m., the meeting was adjourned to Tuesday, April 22, 2014 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

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

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 6:00 p.m. on Tuesday, April 15, 2014 in the Council Chamber at Torrance City Hall.

ROLL CALL

Present: Councilmembers Ashcraft, Barnett, Brewer, Furey, Sutherland, Weideman and Mayor Scotto.

Absent: None.

Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers 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 the above-mentioned item and agenda matters listed under 18A) Conference with Labor Negotiator, and 18B) Real Property – Conference with Real Property Negotiator, pursuant to California Government Code §54957.6 and 54925.8.

The City Council reconvened at 7:03 p.m. with all members present.

Councilmember Weideman announced that he abstained from discussion of Item 18B(2) regarding Lisi Aerospace due to a conflict of interest.

No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/ INVOCATION

The flag salute was led by former Torrance Police Chief Jim Herren.

The non-sectarian invocation was given by Councilmember Sutherland.

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

City Clerk Herbers reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Friday, April 11, 2014.

MOTION: Councilmember Brewer 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 Barnett and passed by unanimous vote.

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

No items were withdrawn; supplemental material available for Item 14A.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Councilmember Sutherland announced that the Finance and Governmental Operations Committee met earlier to review the 2nd quarter of the 2013-2014 budget and a report will be forwarded for consideration at next week's City Council meeting.

City Clerk Herbers announced that reservations for a free Commissioner Certification Training class to be held on Thursday, April 24, at 6:00 p.m. are available online at www.CommissionerCert.htm. She noted that this class is required to apply for appointment to any of the City's ten commission or boards.

City Clerk Herbers announced that a candidate forum for City Clerk and mayoral candidates will be held on Wednesday, April 16, at Anza Elementary School and that a candidate forum for City Council candidates will be held on Thursday, April 17, at the Nakano Theatre, with additional information available at www.TorranceVotes.org.

Mayor Scotto invited residents to contact him or other members of the Council if they have questions about statements made at candidate forums.

6. **COMMUNITY MATTERS**

APPOINTMENT OF POLICE CHIEF

City Manager Jackson announced the appointment of Mark Matsuda to the position of City of Torrance Chief of Police. He provided background information about his qualifications and highlighted his career with the Torrance Police Department.

Mayor Scotto offered his congratulations, noting that Torrance was recently named the 10th safest city in the United States.

6A. **PROCLAMATION RE "NATIONAL CHILD ABUSE PREVENTION MONTH"**

Mayor Scotto presented a proclamation declaring the month of April as **National Child Abuse Prevention Month** in the City of Torrance to Richstone Center Development Director Allison Tanaka, who invited the public to participate in the 27th annual Pier-to-Pier Walkathon on Saturday, April 26.

6B. **RECOGNITION OF BISHOP MONTGOMERY HIGH SCHOOL BOYS BASKETBALL TEAM**

Mayor Scotto recognized the Bishop Montgomery High School Boys Basketball Team as the 2014 CIF Division 4 Champions and presented certificates of recognition to team members Chris Barnes, Justin Bibbins, Austin Cole, Anthony Langston, Morgan Means, Blake Miles, Matthew Mondesir, Christian Oshita, Jordan Schakel, Abdul Sheriff, Ethan Thompson, and Stephen Thompson; Head Coach Doug Mitchell; and Assistant Coaches Kareem Mutrie, Omar Okoli, and Matt Starkley.

7. ORAL COMMUNICATIONS #1

7A. Joel Massa, Torrance, announced that former Secretary of the Air Force Michael Donley will be speaking on the strategic challenges facing the Air Force on Saturday, April 19, at 11:00 a.m. at the Western Museum of Flight, with additional information at 310.326.9544.

7B. David Gelbaum, Torrance Sister City Association, announced that the annual Bunka-Sai cultural festival will be held on Saturday, April 26, and Sunday, April 27, at the Torrance Cultural Arts Center from 11:00 a.m. to 5:00 p.m., with proceeds to benefit the Sister City's student exchange program.

7C. Kerry Ryerson, Harbor Regional Center, requested that the Council consider subsidizing the cost of the rental of a portable stage for the center's 40th anniversary celebration on Saturday, May 10.

7D. Dan Thomas, community ambassador for American Red Cross, commended the City for hosting an emergence preparedness workshop last weekend at the Nakano Theatre. He invited the public to download a free earthquake notification app.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation

Recommendation of the City Clerk that City Council approve the City Council minutes of March 4, March 11, March 18, and March 25, 2014.

8B. LIVING DEDICATION TREE PROGRAM 2013 ANNUAL REPORT

Recommendation

Recommendation of the Parks and Recreation Commission and the Community Services Director that City Council accept and file the Living Dedication Tree Program Annual Report for the period of January through December 2013.

8C. PURCHASE OF REPLACEMENT PICNIC TABLES AND DRINKING FOUNTAINS

Considered separately, see below.

MOTION: Councilmember Brewer moved for the approval of Consent Calendar Items 8A and 8B. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

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

8C. PURCHASE OF REPLACEMENT PICNIC TABLES AND DRINKING FOUNTAINS

Recommendation

Recommendation of the Community Services Director that City Council:

- 1) Appropriate \$60,988.78 from the Park Equipment Replacement Fund for the purchase of picnic tables and drinking fountains at various parks; and
- 2) Authorize a sole source purchase to Outdoor Creations, Inc. of Round Mountain, CA in the amount of \$44,962.50 for the sole source purchase of picnic tables.

At Councilmember Sutherland's request, Community Services Director Jones explained that this is a sole source purchase because Outdoor Creations is the only company that manufactures this type of single-piece concrete picnic table, which was selected because it's extremely durable.

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

11. PUBLIC SAFETY

11A. AGREEMENT TO PROVIDE AMBULANCE AND PATIENT BILLING SERVICES

Recommendation

Recommendation of the Fire Chief that City Council:

- 1) Consent to the assignment of the contract services agreement (C2011-229) for the provision of ambulance and patient billing services from Gerber Ambulance Company, Inc., d.b.a. Gerber Ambulance Service to FCA Corp., a California corporation; and
- 2) Consent to the delegation of the contract services agreement from FCA Corp. to Care Ambulance Service, Inc.

Fire Captain Hudson, EMS Coordinator, reported that staff was recommending that the Council approve the assignment of the City's current contract with Gerber Ambulance, which expires in December 2014, to FCA Corp, parent company of Care Ambulance Service, Inc.

Robert Heffner, president/CEO of FCA Corporation, reported that the company has been operating in LA and Orange County for over 50 years and has a fleet of over 200 ambulances. He related his belief that Torrance will benefit by having these added resources available in the event of an incident involving mass casualties. He noted that existing management at Gerber Ambulance will remain in place.

Robert Gerber, president of Gerber Ambulance, reported that five new ambulances will be put into service in the near future.

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

12. ADMINISTRATIVE MATTERS

12A. RESOLUTIONS RE MOU FOR TORRANCE CITY EMPLOYEES ASSOCIATION AND TORRANCE RECURRENT RECREATIONAL EMPLOYEES ORGANIZATION

Recommendation

Recommendation of the City Manager that City Council adopt Resolutions pursuant to Memoranda of Understanding setting forth the hours, wages, and working conditions for employees represented by the Torrance City Employees Association (TCEA) and Torrance Recurrent Recreational Employees Organization (TRREO) for the period April 6, 2014 to December 31, 2017 and repeal Resolutions 2011-43 (TCEA) and 2011-44 (TRREO) in their entirety.

Assistant to the City Manager Chaparyan briefly reviewed changes to the Memoranda of Understanding for employees represented by TCEA and TRREO, which include increases in pay of 2.1% in year 1, 2.0% in year 2, and 4.0% in year 3, for a total package of 8.1% over 45 months.

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

RESOLUTION NO. 2014-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES
REPRESENTED BY THE TORRANCE CITY EMPLOYEES ASSOCIATION (TCEA) AND
REPEALING RESOLUTION NO. 2011-43

MOTION: Councilmember Weideman moved to adopt Resolution No. 2014-38. The motion was seconded by Councilmember Furey and passed by unanimous vote.

RESOLUTION NO. 2014-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES
REPRESENTED BY THE TORRANCE RECURRENT RECREATION EMPLOYEES
ORGANIZATION (TRREO) FOR THE PERIOD OF APRIL 6, 2014 THROUGH
DECEMBER 31, 2017 AND REPEALING RESOLUTION NO. 2011-44

MOTION: Councilmember Weideman moved to adopt Resolution No. 2014-39. The motion was seconded by Councilmember Furey and passed by unanimous vote.

The City Council briefly recessed from 8:04 p.m. to 8:19 p.m.

14. APPEALS

14A. APPEAL OF AIRPORT NOISE HEARING BOARD DECISION RE AIRCRAFT N706JJ

Recommendation

Recommendation of the Community Development Director and the Airport Noise Hearing Board that the determination by the Airport Noise Hearing Board that a violation of the Airport Noise limits was committed on December 8, 2013 by Aircraft N706JJ, piloted by Hitomi Jinda be upheld.

Deputy Community Development Director Cessna noted that the following items in the appeal document (Staff report Attachment A) were not brought forward at the hearing before the Airport Noise Hearing Board: 1) Item 2C – Referring to Robinson R22 Pilot Operating Handbook; 2) Exhibit B – Robinson R22 Pilot Operating Handbook; 3) Item 3 – Concerning FAA case law; and 4) Exhibit C – FAA Aviation Noise Abatement Policy.

Mayor Scotto advised that the City may object to the presentation of evidence that was not previously presented to the Airport Noise Hearing Board and the Council must determine whether just cause is shown to justify the presentation of such evidence at this hearing.

Stan Barankiewicz, legal counsel for the appellant, stated that all of the items relate to safety, which was discussed at the Airport Noise Hearing Board, and voiced objections to their exclusion.

Mayor Scotto questioned why Mr. Barankiewicz did not present the items to the hearing board, and Mr. Barankiewicz reported that he did not represent Hitomi Jinda at that time.

It was the consensus of the Council to allow the items to be presented.

Using slides to illustrate, Mr. Barankiewicz explained that the only reason Hitomi Jinda, the pilot of Aircraft N706JJ, triggered Noise Monitor #5 on December 8, 2013 was because she was trying to avoid overflying a taxiing airplane and maintain a safe distance from a departing helicopter, noting that safety always takes precedence over noise when piloting aircraft. He pointed out that the Airport Noise Hearing Board's findings do not refute that the appellant's actions were taken for purposes of safety and contended that federal policy preempts local control when dealing with safety. He stated that while staff argued that there was a history of violations, the only evidence cited consisted of letters addressed to someone else alleging that Aircraft N706JJ exceeded the noise limit and neither Ms. Jinda nor Aircraft N706JJ has ever been found guilty of a noise violation. He noted that a contractor operates the monitoring equipment and questioned whether results are checked by City staff before violation letters are sent out. He stated that he listened to the recording from the incident earlier today and it sounded like something other than helicopter noise was involved at the end of the recording.

Councilmember Furey reported that according to City records, 10 noise violation letters were sent out regarding Aircraft N706JJ since November 2008. Mr. Barankiewicz clarified when he said there were no violations, he was referring to adjudicated violations.

Deputy Community Development Director Cessna stated that on December 8, 2013, Aircraft N706JJ, a Robinson R22 helicopter piloted by Hitomi Jinda, registered noise levels of 89.7 SENEL (Single Event Noise Exposure Level) and 79.9 maximum sound level at Monitor #5, which exceeds noise limits by more than 1.5 decibels - the guideline used by the City. She reported that there have been several incidents where this aircraft has exceeded noise limits and 10 notices of violation were sent out, however, no response was received until the notice of the hearing before the Airport Noise Hearing Board. She advised that it was rare for a Robinson R22 helicopter to exceed noise limits and especially for this to happen repeatedly. She explained that while safety is a consideration, the hearing board did not believe activity at the airport on December 8 was such that would excuse the exceedance of noise limits. She reported that staff verifies the noise monitor's results before a violation is brought before the hearing board and staff listened to the tape again at Mr. Barankiewicz's request and heard no outside noise that would have impacted the reading.

Mayor Scotto questioned why action was not taken earlier with regard to this aircraft, and Deputy Community Development Director Cessna explained that during the period the violations occurred, there were staffing issues at the Noise Abatement office and changes to the system that resulted in undue delays. She reported that under the current policy, an aircraft that has three noise violations would go before the Airport Noise Hearing Board.

Responding to questions from the Council, Deputy Community Development Director Cessna reported that it was not known whether or not the appellant was the pilot when the other noise violations occurred and confirmed that Ms. Hitomi owns a helicopter training facility at Torrance Airport. She explained that the TMC provides that an aircraft and/or the pilot may be banned from the airport after three violations as determined by the Airport Noise Hearing Board; that it is presumed that the aircraft owner is the pilot unless someone else is identified; and that enforcement efforts typically focus on the aircraft owner since he or she has control over who pilots the aircraft.

Richard Root, Torrance, related his belief that most residents would like airport noise regulations strictly enforced and recommended that the City eliminate the 1.5 decibel margin of error and take action on all noise violations as is done in Santa Monica.

City Attorney Fellows advised that the 1.5 decibel margin of error discourages claims that monitoring equipment was not properly calibrated.

John Rogers, aviation noise consultant for appellant, questioned the Airport Noise Hearing Board's authority to pass judgment on the pilot of a helicopter who was complying with federal law, which requires that a pilot avoid the flow of fixed-wing aircraft per Code of Federal Regulations §91.129(f).

Chuck Street, executive director of Los Angeles Area Helicopter Operators Association, related his experience that Hitomi Jinda is a conscientious, responsible pilot, noting that she is currently working with other helicopter pilots on developing routes to mitigate noise for residents. He suggested that letters of violation might not have reached her since the helicopter is leased.

In response to Mayor Scotto's inquiry, Mr. Street confirmed that he has flown into Torrance Airport approximately 100 times, including on the same flight path, without triggering the noise monitor. He suggested that wind shear may have been a factor in the noise violation.

Jim Berryman, fixed-wing/helicopter pilot operating out of Torrance Airport, reported on problems he has had triggering noise sensors at Torrance Airport, including one time when piloting a helicopter. He reported that he trained at JJ Helicopter and found Ms. Jinda to be extremely conscientious.

John Bailey, president of Southeast Torrance Homeowners Association and member of L.A. Area Helicopter Airport Noise Coalition and LAX Community Noise Roundtable, reported that he attended the Airport Noise Board hearing on January 16, 2014 and urged the Council to uphold the board's decision. He questioned whether this aircraft had violations dating before 2008, relating his understanding that there was an additional violation in 2003. He noted that JJ Helicopter declined to participate in Torrance Helicopter Route Committee meetings held by the City in an attempt to address the helicopter noise problem.

Tom Witherill, Torrance, stated that it appears that Ms. Jinda followed all regulations and suggested that a mechanical issue may be at fault. He questioned whether violation letters reached Ms. Jinda since she is not the registered owner of the aircraft.

Ryan Mand, Torrance, noted that Ms. Jinda likely flies a helicopter more than once a day since she is an instructor so the number of violations in relation to the number of flights is relatively small. He suggested the possibility that traffic noise from Crenshaw Boulevard could skew noise monitor results.

In response to Councilmember Ashcraft's inquiry, Deputy Community Development Director Cessna reported that all the violations for this aircraft involved Monitor #5.

Returning to the podium, Mr. Barankiewicz emphasized that the noise violation occurred only because Ms. Jinda was avoiding overflight of an airplane taxiing on the airfield in compliance with FAA regulations. He reported that the violation letters were sent to the owner of the aircraft, which is a leasing company in Orange County, not Ms. Jinda or JJ Helicopter.

Responding to questions from the Council, Mr. Barankiewicz clarified that the aircraft did not violate the maximum noise limit, but the sensor was triggered due to the duration of the noise and this occurred because the helicopter had to fly closer than usual to Monitor #5 to avoid the departing aircraft.

Mayor Scotto expressed concerns that there was no evidence that Ms. Jinda received any of the violation letters since they were sent to the leasing company in Orange County.

Deputy Community Development Director Cessna advised that staff has no way of knowing who is piloting an aircraft and violation letters are sent to registered owners because they are the ones who are ultimately responsible.

In response to Councilmember Furey's inquiry, City Attorney Fellows confirmed that the Council could uphold the violation for the aircraft and vacate the violation for the pilot.

A brief discussion ensued, and it was the consensus of the Council to uphold the violation for aircraft and grant the appeal for the pilot since there was no evidence that Ms. Jinda received notice of the previous violations or that she was the pilot in those other instances.

MOTION: Councilmember Brewer moved to grant the appeal of pilot Hitomi Jinda and vacate the noise violation and to uphold the decision of the Airport Noise Hearing Board with regard to Aircraft N706JJ and sustain the noise violation. The motion was seconded by Councilmember Furey and passed by unanimous vote.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Sutherland reported that Torrance police officers raised \$4200 for the Special Olympics at the "tip-a-cop" fundraiser held last week.

17B. Councilmember Sutherland reported that he attended two ribbon-cutting ceremonies last week, noting that both businesses are based in Japan and they selected Torrance because they believe it's a good place to do business.

17C. Councilmember Brewer offered a reminder that there will be recycling events this Saturday to commemorate Earth Day, with details on the City's website.

17D. Mayor Scotto, with the concurrence of Council, requested that staff bring forward an Urgency Ordinance at the April 22 Council meeting creating an exemption to TMC requirements for mobile food vendors at the AYSO Founder's Cup Soccer Tournament on Saturday, April 26, and Sunday, April 27, that would allow the use of portable restroom facilities and a maximum of five mobile food vendors.

17E. Referring to discussion during Item 14A, Mayor Scotto requested that staff explore ways to ensure that airport noise violation letters get to the appropriate people and the City gets confirmation that they have been received.

17F. John and Tricia Blanco, Torrance, expressed concerns about signage for the new street sweeping program.

17G. Kurt James, Torrance, echoed concerns about proposed street sweeping signage.

17H. John Bailey, Torrance, stated that he shares concerns about airport noise violation letters and suggested that staff contact other airports with noise abatement offices to see how they handle them.

17I. Ryan Mand, Torrance, requested that a recycling bin be provided for plastic water bottles in the Council Chamber.

18. **EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1.

19. **ADJOURNMENT**

At 10:30 p.m., the meeting was adjourned to Tuesday, April 22, 2014 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

Attest:

/s/ Frank Scotto
Mayor of the City of Torrance

/s/ Sue Herbers
Sue Herbers, CMC
City Clerk of the City of Torrance

Approved on May 20, 2014