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**TORRANCE CITY COUNCIL – SEPTEMBER 16, 2014**

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At 9:29 p.m., the meeting was adjourned to Tuesday, September 23, 2014 at 5:30 p.m. for an executive session, with regular business commencing at 7:00 p.m. in the Council Chamber.

September 16, 2014

**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, September 16, 2014 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) Real Property – Conference with Real Property Negotiator, and 18B) Conference with Legal Counsel – Existing Litigation pursuant to California Government Code §54956.8 and 54956.9(d)(1).

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

**2. FLAG SALUTE/ INVOCATION**

The flag salute was led by Councilmember Goodrich.

The non-sectarian invocation was given by Councilmember Griffiths.

**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, September 11, 2014.

**MOTION:** Councilmember Goodrich 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 Rizzo and passed by unanimous vote.

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 WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS**

No items were withdrawn or deferred; supplemental material was available for Items 8D, 12A and 12C.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Councilmember Weideman asked that the meeting be adjourned in memory of Rebeckah Ruth Remelmeyer, wife of former City Attorney Stanley Remelmeyer, who passed away on September 9 at the age of 88.

Mayor Furey announced that Pacific Sports, in cooperation with the City of Torrance, will be hosting the Herbal Life Triathlon on Sunday, September 21, which will begin and end at Torrance Beach, and that Palos Verdes Boulevard is expected to be closed between 7:00 – 10:00 a.m., with additional information available at [www.triathlon.com](http://www.triathlon.com) or 310.618.5880.

Mayor Furey provided information about the two cooling centers being operated this summer at the Bartlett Center, 1318 Cravens Avenue, and the Katy Geissert Civic Center Library, 3301 Torrance Boulevard, with additional information available at 310.618.5880 or on the City's website.

Mayor Furey reported that West Nile virus has been detected in the area and urged the public to take precautions, including wearing protective clothing and insect repellent containing DEET when engaging in outdoor activities, mosquito-proofing their homes, and eliminating stagnant water where mosquitos breed.

**6. COMMUNITY MATTERS**

**6A. PROCLAMATION RE “COASTAL CLEANUP DAY”**

Mayor Furey presented a proclamation declaring Saturday, September 20, 2014 as **Coastal Cleanup Day** in the City of Torrance to Nina Lang (Beach Captain), Sunny Lai and Edith Garcia (Co-Captains), Sonya Vicerra and Paul Mejia (American Honda) and Donna Duperron (Torrance Area Chamber of Commerce). The public was invited to participate in Coastal Cleanup Day by collecting trash at Torrance Beach from 9:00 a.m. to noon on Saturday, September 20.

**6B. PRESENTATION BY SOUTHERN CALIFORNIA GAS COMPANY ON ADVANCED METER PROJECT**

Marcella Lowe, public affairs manager for Southern California Gas Company, gave a presentation on the Advanced Meter Project being implemented in Torrance.

**7. ORAL COMMUNICATIONS #1**

**7A.** Aaron Corkins, president of West Torrance Little League, reported that the league has been burdened with extremely high water bills for the use of Entradero Park and requested that the Council consider forgiving the past due balance.

**7B.** Mark Stephenson, Torrance, asked for the Council's assistance with a California Public Records Act request for the video, minutes, agenda and staff reports for the September 27, 2005 City Council meeting.

**7C.** Chris Cagle, South Bay Workforce Investment Board, thanked the City of Torrance for choosing to merge with the South Bay WIB and stated that he looks forward to a very productive relationship.

**8. CONSENT CALENDAR**

**8A. APPROVAL OF MINUTES**

**Recommendation**

Recommendation of the City Clerk that City Council approve the City Council minutes of August 19 and August 26, 2014.

**8B. LEASE AMENDMENT FOR USE OF PORTION OF GREENWOOD PARK**

**Recommendation**

Recommendation of the City Manager that City Council approve second amendment to lease by and between the City of Torrance (City) and Knowledge Universe Education, LLC (C2000-101) for use of a portion of certain real property located at 1520 Greenwood within Greenwood Park.

**8C. SUBSIDY OF RENTAL FEES FOR PEDIATRIC THERAPY NETWORK'S USE OF TOYOTA MEETING HALL**

Considered separately, see below.

**8D. AGREEMENTS RE PREPARATION OF PROJECT STUDY REPORTS**

**Recommendation**

Recommendation of the Public Works Director that City Council approve the Cooperative Agreements between California Department of Transportation, Caltrans and City of Torrance, allowing Caltrans to prepare Project Study Reports (PSR) for Hawthorne Boulevard Corridor Improvements T-141 and Western Avenue at Sepulveda Boulevard Intersection Improvements T-142. Expenditure: \$150,000.

**8E. APPROVAL OF JOB DESCRIPTION FOR AQUATICS PROGRAM COORDINATOR**

**Recommendation**

Recommendation of the Human Resources Manager that City Council approve the proposed job description for Aquatics Program Coordinator classification.

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

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

**8C. SUBSIDY OF RENTAL FEES FOR PEDIATRIC THERAPY NETWORK'S USE OF TOYOTA MEETING HALL**

**Recommendation**

Recommendation of the City Manager that City Council approve the subsidy of rental fees in the amount of \$973 of the Toyota Meeting Hall by the Pediatric Therapy Network for March 14, 2015.

Management Aide Ko reported that the proposed subsidy is for the Pediatric Therapy Network's use of the Toyota Meeting Hall for a one-day seminar on the Zones of Regulation.

Mark Stephenson, Torrance, expressed concerns that this organization might not qualify per Article 16 of the California Constitution for the disbursement of taxpayer resources and voiced his opinion that there should be a vetting process for any non-profit organization that requests subsidies from the City to ensure that it makes efficient use of donated funds.

Mayor Furey responded that the Pediatric Therapy Network is a non-profit organization that has been actively involved in the community for many years and everyone on the Council recognizes the valuable service it provides for disabled children.

City Attorney Fellows advised that this subsidy does not amount to a gift of public funds per the California Constitution and that the Council could establish a formal review process, but it is not required.

**MOTION:** Councilmember Barnett moved to approve the subsidy. The motion was seconded by Councilmember Griffiths and passed by unanimous vote.

## **12. ADMINISTRATIVE MATTERS**

### **12A. FUNDING FOR 2015 ROSE PARADE FLOAT**

#### **Recommendation**

Recommendation of the City Council Citizen Development and Enrichment Committee that City Council concur with the Committee's recommendation to:

- 1) Approve funding on a one-time basis for the 2015 Rose Parade Float at \$80,000;
- 2) Allocate \$20,000 from the 2014/2015 Rose Float contingency budgeted as long as the TRFA addresses shortfalls; and
- 3) Seek City Council direction for consideration of long-term funding as part of the upcoming budget process.

Councilmember Weideman, chair of the Citizen Development and Enrichment Committee, reviewed the committee's recommendation.

Bill Sutherland, former City Councilmember, provided background information about the Council's decision to eliminate funding for the Torrance Rose Float approximately three years ago due to a major budget shortfall resulting from the downturn in the economy. He urged the Council to approve funding for the 2015 Torrance Rose Float because it will honor hometown hero Louis Zamperini, who will also be honored as the Rose Parade's grand marshal.

Roseanne Villalobos, president of Torrance Rose Float Association, thanked the Council for considering TRFA's request for funding.

Richard Chin, president of the Pasadena Tournament of Roses Association, stated that Louis Zamperini was selected as grand marshal of the Rose Parade because he was the embodiment of this year's theme "Inspiring Stories" and related his belief that it was only fitting that Mr. Zamperini's hometown should have a float in the parade. He discussed the economic benefits of the parade, noting that it is watched by 80 million people worldwide and approximately 700,000 people line the parade route.

Tim Estes, president of Fiesta Parade Floats, shared a rendering of the 2015 Torrance Rose Float, which depicts various aspects of Louis Zamperini's life.

Georgeann Griswold, vice president of Torrance Rose Float Association, urged everyone to support TRFA's fundraising efforts, noting that the \$100,000 requested will not cover the entire cost of the Rose Float. She announced that there will be a "Halloween Fun Night" fundraiser on October 24 sponsored by the Torrance Elks lodge.

Mark Stephenson, Torrance, voiced his opinion that funding the Rose Float was not an efficient use of taxpayer resources since the Rose Parade is a cultural event and recommended that these funds go instead to enhance charitable support services for Torrance's indigent and homeless population.

Councilmember Goodrich asked if the Pasadena Tournament of Roses Association would be able to provide any financial assistance for Torrance's float.

Mr. Chin stated that he would be glad to relay such a request to the executive committee, however providing funding for a float sponsor is not something the association has ever done during his 25 years with the organization.

Councilmember Goodrich stressed the need for a long-term funding strategy for the float so it is not done on a last-minute basis every year.

Councilmember Griffiths reported that he grew up in Pasadena and has observed the benefits of this long-standing tradition first hand, including the sense of community it fosters among those who participate and the global exposure it provides for float sponsors. Relating his belief that this was money well spent, he proposed funding the float on an on-going basis as long as TRFA continues to raise funds to cover a portion of the cost.

Councilmember Ashcraft voiced her opinion that the Rose Parade was far more than just a cultural event as it provides Torrance with an opportunity for worldwide exposure as an adjunct to the City's "Discover Torrance" campaign.

Mayor Furey expressed support for funding the Rose Parade float, noting that the upcoming movie from Laura Hillenbrand's book about Louis Zamperini's life, is sure to spark renewed interest to this year's parade.

Also expressing support, Councilmember Weideman noted that Torrance's participation in the Rose Parade dates back to 1913 and came about as a result of Jared Sidney Torrance's involvement with the Pasadena Hunt Club.

**MOTION:** Councilmember Weideman moved to approve one-time funding for the 2015 Rose Parade Float totaling \$100,000 per the committee's recommendation and to direct staff to provide options for long-term funding during the budgetary process. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

## **12B. RESOLUTION RE PAY RANGE FOR AQUATICS PROGRAM COORDINATOR**

### **Recommendation**

Recommendation of the Human Resources Manager that City Council adopt a Resolution amending Resolution No. 2014 - 60 for Certain Full Time Salaried and Hourly Employees implementing the pay range for Aquatics Program Coordinator.

Human Resources Manager Lawrence reported that this item implements the salary range for the newly created position of Aquatics Program Coordinator, noting that the job description was approved under Consent Calendar Item 8E.

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

## RESOLUTION NO. 2014-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2014-60 SETTING FORTH CHANGES TO THE HOURS, WAGES, AND WORKING CONDITIONS FOR CERTAIN FULL TIME SALARIED AND HOURLY EMPLOYEES

**MOTION:** Councilmember Ashcraft moved to adopt Resolution No. 2014-108. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

### 12C. AGREEMENT/APPROPRIATION OF FUNDS FOR BROADCAST OF CITICABLE ON KNET CHANNEL 25.2

#### Recommendation

Recommendation of the City Manager that City Council:

- 1) Enter into a contractual services agreement with the City of Santa Monica to broadcast CitiCABLE on low power television station KNET channel 25.2;
- 2) Appropriate one-time expenditure of \$31,500 (including 5% contingency) for headend equipment for KNET to enable broadcast CitiCABLE programming;
- 3) Appropriate an annual expenditure of \$10,080 (including 5% contingency) for channel operational cost recovery to the City of Santa Monica; and
- 4) Appropriate an annual expenditure of \$24,834.60 (including 5% contingency) for a dedicated leased circuit with AT&T for the delivery of CitiCABLE programming from Torrance to KNET in Los Angeles.

Cable and Community Relations Manager Smith stated that broadcasting CitiCable on KNET will allow the public to view programming, including City Council meetings, from Orange County to Lancaster via a rooftop or set-top antenna and will provide another means to notify the public in the event of an emergency.

Mayor Furey voiced support for the proposal, citing the benefit of improved transparency because more people will be able to view City Council meetings.

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

### 13. HEARINGS

#### 13A. MOD14-00001: BUFFALO FIRE DEPARTMENT RESTAURANT/MICHAEL SHAFER – 1261 CABRILLO AVENUE

#### Recommendation

Recommendation of the Planning Commission and the Community Development Director that City Council deny the appeal and adopt a Resolution to approve a Modification of previously approved Conditional Use Permit (CUP90-59) to allow live music from January through September on Saturdays from 6:00 P.M. to 9:00 P.M. within the plaza area to an existing restaurant on property located in the Downtown Commercial District in the DRP zone at 1261 Cabrillo Avenue.

Councilmember Griffiths announced that he was abstaining from consideration of Item 13A because he was on the Planning Commission and took part in the hearing when this Modification was approved and exited the Council Chamber.

Councilmember Rizzo disclosed that he was on the Planning Commission when the Modification was considered on two occasions, but he was not on the commission when it was approved, therefore he would be participating in this hearing.

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

Planning Manager Lodan provided background information about the Planning Commission's action on the proposed Modification, noting that it was ultimately approved after a three-month trial period with added conditions limiting concerts to one day a week, nine months a year.

Steve Frame, 1281 Cabrillo Avenue, appellant, submitted additional written material. He contended that the applicant has violated conditions of approval in Planning Commission Resolution No. 14-012 because he has failed to work with Community Development staff on additional noise attenuation measures (Condition 16) and sound levels have exceeded 85 decibels per measurements taken by him at concerts on July 26, August 2, August 9, August 16, August 30, September 6, and September 13, 2014 (Condition 17). He maintained that the concerts will cause a significant reduction in property values and they constitute a nuisance due to their frequency and loud volume levels. He asserted that MOD14-00001 conflicts with provisions of Buffalo Fire Department's ABC (Alcoholic Beverage Control) license, the Downtown Torrance Master Association (DTMA) CC&Rs, and the existing Conditional Use Permit 90-59, all of which restrict the types of commercial activities that are allowed to ensure that adjacent residents are not negatively impacted. He voiced his opinion that MOD14-00001 is illegal because it does not fulfill all the requirements listed under TMC (Torrance Municipal Code) §95.1.6(b) in order for a Conditional Use Permit to be issued and it violates §95.1.11, which prohibits a Conditional Use Permit from authorizing a nuisance.

In response to Mayor Furey's inquiry, Mr. Frame reported that he took the sound measurements using an inexpensive measuring device he purchased at Radio Shack, conceding that the device does not meet standards for use as evidence in a court of law.

Mr. Frame was informed that the City does not enforce restrictions imposed by other agencies such as the ABC and the DTMA.

Councilmember Ashcraft asked about disclosures when Mr. Frame purchased his condominium.

Mr. Frame stated that he signed a disclosure confirming that he understood he was purchasing in a mixed-use development and could expect "sights, sounds and odors associated with an urban environment," however he did not interpret this to mean that there would be a rock concert outside his window every Saturday night.

Michael Shafer, owner/chef of Buffalo Fire Department, applicant, reported that the ABC investigated allegations that the concerts violate the restaurant's ABC license and determined that they were unfounded. He stated that he and the restaurant manager constantly monitor the sound level at concerts and it has never been higher than 85 decibels. He emphasized that the concerts are only from 6:00 – 9:00 p.m. and no alcoholic beverages are consumed except in designated areas. He explained that the purpose of the concerts is to encourage people to visit downtown Torrance and bring more vibrancy to the area. He submitted petitions with over 800 signatures in support of the concerts.



Councilmember Ashcraft asked about the type of music played at the concerts, and Mr. Shafer reported that there is a variety of music, including salsa, country western, and oldies.

David Henseler, Torrance, expressed support for the concerts, relating his experience that the music was not excessively loud and those in attendance can still carry on conversations.

Lisa Daniels, Torrance, stated that she enjoys attending the concerts and finds the music to be very low key. She reported that she now frequents businesses in downtown Torrance she discovered as a result of attending the concerts.

Julie Randall, downtown Torrance resident and business owner, reported that the concerts have increased foot traffic in the downtown area and brought customers into her store.

Emily (no last name given) expressed support for the concerts.

Returning to the podium, Mr. Frame disputed Mr. Shafer's claim that the sound level at concerts has been 85 decibels or lower. He stated that the plaza, which is surrounded by high density condominiums, is not a suitable venue for concerts and he would have never purchased a condominium in this development if he had known this would be allowed. He reiterated his position that the concerts are a nuisance and contended that the Planning Commission did not give enough consideration to the impact on residents.

**MOTION:** Councilmember Weideman moved to close the public hearing. The motion was seconded by Councilmember Barnett and passed by unanimous vote (absent Councilmember Griffiths).

Councilmember Weideman recalled that during his tenure on the Planning Commission, Mr. Shafer brought forward other applications for community events and related his understanding that the motivation for this permit was to streamline the process so that he did not have to obtain a permit for each event. Noting that he read the minutes from the Planning Commission hearings, he voiced his opinion that the Planning Commission had paid attention to residents' concerns and did their best to address them when adjudicating this case.

Councilmember Rizzo stated that when this application was originally submitted to the Planning Commission, Mr. Shafer requested approval for events seven days a week, year round; that after much discussion and a lot of give-and-take, a reasonable compromise was reached as a result of the hearing process; and that he believed the resolution ultimately approved by the Planning Commission reflects that compromise.

Mayor Furey voiced his opinion that the Planning Commission acted appropriately in granting this permit and that Mr. Frame had not met the burden for overturning the commission's decision. He indicated that he was not swayed by Mr. Frame's sound meter readings since they were not independently verified.

**MOTION:** Councilmember Goodrich moved to deny the appeal and approve MOD14-00001. The motion was seconded by Councilmember Rizzo and passed by unanimous vote (absent Councilmember Griffiths).

## RESOLUTION NO. 2014-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DENYING AN APPEAL AND APPROVING A MODIFICATION OF A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (CUP90-59) AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 3 OF THE TORRANCE MUNICIPAL CODE TO ALLOW LIVE MUSIC AND SOCIAL EVENTS FOR THE COMMUNITY ON THE OUTDOOR PLAZA AREA ON PROPERTY LOCATED WITHIN THE FORMER REDEVELOPMENT DOWNTOWN PROJECT AREA IN THE DRP ZONE AT 1261 CABRILLO AVENUE. **MOD14-00001: BUFFALO FIRE DEPARTMENT RESTAURANT**

**MOTION:** Councilmember Ashcraft moved to adopt Resolution No. 2014-109. The motion was seconded by Councilmember Weideman and passed by unanimous vote (absent Councilmember Griffiths).

Councilmember Griffiths returned to the dais at this time.

### 17. ORAL COMMUNICATIONS #2

**17A.** Councilmember Griffiths invited the public to attend a free Business Expo sponsored by the Torrance Area Chamber of Commerce on Thursday, September 18, from 4:00 – 7:00 p.m. at the Cultural Arts Center.

**17B.** Councilmember Griffiths announced that the 19<sup>th</sup> annual Halloween Ball hosted by Chef Michael Shafer and benefitting the Pediatric Therapy Network will be held on Sunday, October 12, 2014 from 4:00 – 9:00 p.m. in a tent in front of the Depot Restaurant, which will feature a dinner buffet, a costume contest and live and silent auctions, with additional information available at [www.PediatricTherapyNetwork.org](http://www.PediatricTherapyNetwork.org).

**17C.** Councilmember Rizzo reported that in commemoration of 9/11, he attended a production of *110 Stories* last Thursday, which he found to be very moving, and encouraged everyone to go see it if they get the chance.

**17D.** Councilmember Goodrich noted that the Pediatric Therapy Network is one of Torrance's most respected non-profit organizations and encouraged people to support it by attending the Halloween Ball.

**17E.** Jamie Watson, Torrance, expressed appreciation for the Council's recognition of the passing of her mother Rebeckah Remelmeyer.

**17F.** David Henseler and Karen Greenberg, representing South Bay Sunrise Rotary Club, invited the public to attend the "Rat Beach Bike Tour" fundraiser, which benefits local charities, including the Pediatric Therapy Network, Wounded Heroes and Harbor Regional Center, on September 27 beginning and ending at the Seaside Lagoon, with additional information available at [www.RatBeachBikeTour.com](http://www.RatBeachBikeTour.com).

**17G.** Georgeann Griswold, Torrance Rose Float Association, thanked the Council for approving funding for the 2015 Torrance Rose Float and requested that anyone with leads for potential sponsors call 310.618.2425.

17H. Mayor Furey offered a reminder about Coastal Cleanup Day on Saturday, September 20, at Torrance Beach followed by the triathlon on Sunday, September 21.

18. **EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1.

19. **ADJOURNMENT**

At 9:29 p.m., the meeting was adjourned to Tuesday, September 23, 2014 at 5:30 p.m. for an executive session, with regular business commencing at 7:00 p.m. in the Council Chamber.

***Adjourned in memory of  
Rebeckah Ruth Remelmeyer***

Attest:

/s/ Patrick J. Furey  
\_\_\_\_\_  
Mayor Patrick J. Furey

/s/ R. Poirier  
\_\_\_\_\_  
City Clerk Rebecca Poirier, MMC

Approved on October 14, 2014