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TORRANCE CITY COUNCIL OCTOBER 28, 2014

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At 8:58 p.m., the meeting was adjourned to Tuesday, November 4, 2014 at 5:30 p.m. for an executive session, with regular business 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 7:02 p.m. on Tuesday, October 28, 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, Acting Deputy City Clerk Semana and other staff representatives.

2. FLAG SALUTE/ INVOCATION

The flag salute was led by Councilmember Barnett.

The non-sectarian invocation was given by Reverend Bill Hurst, First Lutheran Church.

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

Acting Deputy City Clerk Semana reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, October 23, 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 WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

No items were withdrawn or deferred.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Barnett announced that the City Council Finance and Governmental Operations Committee will meet on Tuesday, November 4, at 5:00 p.m. in the Council Chamber to discuss the 2014-15 first quarter budget review.

Councilmember Ashcraft reported that a motorist recently struck two children at the intersection of Newton Street/Madison Street as they were on their way to school. With the concurrence of Council, she requested that staff review the locations where crossing guards are posted to determine if changes are needed and forward the analysis to the City Council Employee Relations and Public Safety Committee.

Councilmember Weideman reported that the Cultural Arts Commission has been working for several years to enhance the gazebo at Wilson Park and the project was now ready for final review. With the concurrence of Council, he requested that conceptual designs along with the history of the project be forwarded to the City Council Citizen Development and Enrichment Committee for review prior to submittal to the City Council.

6. COMMUNITY MATTERS

6A. PROCLAMATION RE “CALIFORNIA RETIRED TEACHERS WEEK”

Mayor Furey presented a proclamation declaring the week of November 2 through November 8 as California Retired Teachers Week in the City of Torrance to the following members of California Retired Teachers Association: Sandee Hickman, President; Maria Avent, Corresponding Secretary; Jan Taylor (& husband Glenn Taylor), Financial Secretary ; Judith McCoy, Luncheon Coordinator; Beverly Weideman, Hospitality; Paula DiFiore, Programs; Nikki Marlette, Membership; Karen Beverly, Recording Secretary; Joann Bailey, Publicity; Rosita Maryland, Historian; Audrie Wing, Insurance; George Nakano, Legislation; Susie Chan, Scholarships; Mary Miller, Resource Services; Bonnie Inskeep, Treasurer and Katrin Tellez, Website Manager.

6B. DISCOVER TORRANCE TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT

Discover Torrance Chair Linda Amato (Doubletree Hotel) and Treasurer Barrett Patel (Best Western Avita Suites) presented the Discover Torrance Tourism Business Improvement District Annual Report, using slides to illustrate.

Councilmember Barnett commented positively on the report, but requested more detailed information about the “Marketing” expense, which totals approximately \$345,000.

For the benefit of the public, Economic Development Manager Fulton explained the funding mechanism for Discover Torrance.

In response to Councilmember Goodrich’s inquiry, Economic Development Manager Fulton confirmed that Discover Torrance was exploring the possibility of providing funding for the Torrance Rose Float.

7. ORAL COMMUNICATIONS #1

7A. Angie Flores, Newton Street, expressed concerns about cut-through traffic on Newton Street and the danger it poses to school children. She recommended that additional school zone signage be installed and urged the Council to explore traffic calming measures.

Mayor Furey noted that the City Council Public Safety Committee will be reviewing this matter per Councilmember Ashcraft’s request under “Council Committees and Announcements.”

7B. Lopsie Schwartz, Torrance, requested that something be done in the interim to improve safety since the review by the committee could take some time to complete.

7C. Margaret Lindsey, Destination Art, announced that the organization’s non-profit art studio/gallery in downtown Torrance will hold its grand opening on November 15 from 4:00 – 8:00 p.m.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation

Recommendation of the City Clerk that City Council approve the City Council minutes of October 7, and October 14, 2014.

8B. AUGUST 2014 AND SEPTEMBER 2014 MONTHLY INVESTMENT REPORTS

Recommendation

Recommendation of the City Treasurer that City Council accept and file the monthly investment reports for the months of August 2014 and September 2014.

8C. CHANGE ORDER RE 35TH ANNIVERSARY TURKEY TROT FUN RUN PARTICIPANT SWEATSHIRTS

Considered separately, see below.

8D. UPGRADE DATA COMMUNICATIONS NETWORK EQUIPMENT PROJECT

Recommendation

Recommendation of the Communications & Information Technology Director that City Council:

- 1) Appropriate \$190,936.97 from the Data Communications Replacement Fund for the Upgrade Data Communications Network Equipment project;
- 2) Authorize a purchase order to CDW Government LLC, (CDW-G), of Vernon Hills, IL, for the purchase of Cisco Network equipment in the amount of \$166,936.97; and \$24,000 for contracted network implementation services and miscellaneous supplies as needed from various vendors; and
- 3) Authorize and appropriate an additional \$8,600 annually to fund the ongoing annual equipment replacement and maintenance of the new equipment beginning in CIT's fiscal year 2015/2016 operating budget.

8E. FISCAL YEAR 2015-2017 SHORT RANGE TRANSIT PLAN

Recommendation

Recommendation of the Transit Director that City Council approve the Fiscal Year 2015-2017 Short Range Transit Plan (SRTP) for submission to the Los Angeles County Metropolitan Transportation Authority (LACMTA).

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. CHANGE ORDER RE 35TH ANNIVERSARY TURKEY TROT FUN RUN PARTICIPANT SWEATSHIRTS

Recommendation

Recommendation of the Community Services Director that City Council:

- 1) Appropriate \$3,030 from the Race Donation Account for the purchase of 35th Anniversary Turkey Trot Fun Run participant sweatshirts; and
- 2) Authorize a change order to the three year purchase order with Custom Embroidery (PO# 2013-190) in the amount of \$3,030 for a combined total not to exceed \$273,030.

In response to Councilmember Goodrich's inquiry, Recreation Services Manager Brunette clarified that participant sweatshirts for the Turkey Trot Fun Run comprise only a part of this purchase order and their cost is more than offset by entry fees.

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

12. ADMINISTRATIVE MATTERS

12A. NOVEMBER 4, 2014 GENERAL ELECTION BALLOT MEASURES

Recommendation

Recommendation of the City Council State Legislative Advocacy Committee that City Council approve and concur with the Committee's position on the state, county and local measures on the 2014 General Election to be held on November 4, 2014.

Management Associate Jones reported that the City Council State Legislative Advocacy Committee met on October 21 to review the state, county and local measures on the November 4, 2014 General Election ballot and determined that five ballot measures met the City's criteria for taking a position – impact to local control, fiscal impact to the City, impact to public safety. She provided a summary of the committee's recommendations as follows:

Proposition 1 – Water quality – No position

Proposition 47 – Reduction of criminal sentences – Oppose

Proposition P – Safe parks – Support

Measure T – Renovate/upgrade school facilities – Support

Measure U – Renovate/upgrade athletic facilities – Support

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

12B. CONTRACT AMENDMENT RE GRAFFITI ABATEMENT SERVICES/ BUS STOP MAINTENANCE

Recommendation

Recommendation of the General Services Director and Transit Director that City Council:

- 1) Approve a contract amendment with Graffiti Protective Coatings, Inc. (C2012-086), for \$462,788 and extend the term through June 30, 2017 to provide graffiti removal services in the City of Torrance, for a new not to exceed amount of \$1,096,753; and
- 2) Approve a contract amendment with Graffiti Protective Coatings, Inc. (C2012-087) for \$104,353 and extend the term through June 30, 2017 to provide bus stop maintenance for the City of Torrance, for a new not to exceed amount of \$249,313.

Facility Services Manager Landis reported that staff was recommending that the City exercise its option to extend the existing contract for graffiti removal and bus stop maintenance through June 2017 to make it clear that the contract was entered into prior to January 1, 2015 because contracts entered into after that date are subject to prevailing wages per Senate Bill 7. He noted that this action will save the City approximately \$175,000 each year.

Councilmember Griffiths commended staff for the graffiti removal program, relating his belief that it's a tremendous asset to have a city that's graffiti free.

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

12C. RESOLUTION RE MATCHING GRANT AWARD CONTRACT FOR MODIFICATIONS TO FLEET SERVICES FACILITY

Recommendation

Recommendation of the General Services Director that City Council adopt a Resolution approving and executing a matching grant award contract from the Mobile Source Air Pollution Reduction Review Committee's Clean Transportation Funding Program (#ML14054) in the amount of \$350,000 for modifications to the City's Fleet Services facility at 20500 Madrona Avenue.

Facility Services Manager Landis advised that the proposed modifications to the Fleet Services facility will include safety features that will enable staff to perform maintenance on the City's growing fleet of CNG -fueled vehicles in-house.

Councilmember Goodrich recommended that the cost of infrastructure modifications be factored in when the purchases of alternative fuel vehicles are considered.

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

RESOLUTION NO. 2014-123

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING THE ACCEPTANCE OF A GRANT AWARD FROM THE MOBILE SOURCE AIR POLLUTION REDUCTION COMMITTEE CLEAN TRANSPORTATION FUNDING PROGRAM BY AUTHORIZING CITY COUNCIL TO APPROVE AND THE MAYOR TO SIGN A GRANT AWARD AGREEMENT WITH THE MOBILE SOURCE AIR POLLUTION REDUCTION COMMITTEE

MOTION: Councilmember Ashcraft moved to adopt Resolution No. 2014-123. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

12D. BENSTEAD PLUNGE SWIMMING POOL AND MECHANICAL RENOVATION

Recommendation

Recommendation of the General Services Director and Community Services Director that City Council:

- 1) Award a contract with California Commercial Pools, Inc. for \$458,590 with a 5% contingency of \$22,930 for the Benstead Plunge Swimming Pool and Mechanical Renovation (B2014-44);
- 2) Approve a 10% project management fee of \$45,859; and \$5,000 in deputy inspection services and \$3,500 for bulk head removal and reinstall; and
- 3) Accept and appropriate and additional \$25,020 in Prop A grant funds and appropriate \$41,102 from the Parks and Recreation Facility Fund to the Benstead Plunge Renovation (FEAP #866) for a new not to exceed project budget of \$566,122.

Facility Services Manager Landis provided an overview of the Benstead Plunge Renovation project, which is scheduled to begin mid-November and be completed by mid-January, noting that the schedule has been coordinated with local schools that use the pool.

Councilmember Ashcraft recommended that the pool's electrical system be thoroughly checked after the pool has been drained, citing recent news stories about swimmers being shocked or electrocuted due to malfunctions at other facilities.

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

12E. CONTRACT FOR MCMASTER PARK IMPROVEMENTS

Recommendation

Recommendation of the General Services Director and Community Services Director that City Council:

- 1) Determine that McMaster Park Improvements is categorically exempt from environmental review pursuant to Section 15301 of the Guidelines implementing California Environmental Quality Act (CEQA);
- 2) Award 5% contingency of \$85,059 for the McMaster Park Improvements (B2014-37);
- 3) Approve a contract amendment with Land Concern Ltd. (C2013-073) to extend the term to December 31, 2015;
- 4) Approve a 10% project management fee of \$170,118; and
- 5) Authorize a not to exceed amount of \$24,000 for data and telephone site work.

Facility Services Manager Landis provided an overview of the McMaster Park Improvements Project. He reported that the project will begin after the first of the year and take approximately 180 days to complete.

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

13. HEARINGS

At 8:07 p.m., Assistant City Attorney Sullivan joined the meeting and City Attorney Fellows left the meeting.

13A. ORDINANCE REGULATING UNATTENDED COLLECTION BOXES

Recommendation

Recommendation of the Community Development Director that City Council:

- 1) Adopt a Negative Declaration (EAS14-00004) to establish that the regulation of unattended collection boxes does not have a significant effect on the environment; and,
- 2) Adopt an Ordinance modifying the Torrance Municipal Code to regulate unattended collection boxes.

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

Planning Manager Lodan briefly reviewed amendments made to the proposed Ordinance to address the City Council's concerns as discussed at the October 7, 2014 City Council meeting. He noted that the term "unattended donation/collection bins" has been changed to "unattended collection boxes" to be consistent with the State Welfare and Institutions Code.

Councilmember Barnett stated that he was initially opposed to collection boxes, but now believes they can be effectively regulated, pointing out that there may be some benefit to the City

in terms of credit towards waste diversion goals. Noting that unpermitted bins have continued to proliferate despite the current moratorium, he suggested the possibility of expediting applications for organizations that have “played by the rules” and made an effort to obtain the necessary licenses. He related his preference that Section 92.40.4 of the Ordinance be amended replacing the word “conducted” with “operated.”

In response to Councilmember Rizzo’s inquiry, Planning Manager Lodan confirmed that the 100 collection box limit applies to all boxes in Torrance, including those on school property.

In response to Councilmember Griffiths’ inquiry, Planning Manager Lodan provided clarification regarding one-time permit fees and annual business license fees for collection boxes. He confirmed that non-profit organizations are not charged business license fees.

Councilmember Goodrich recommended that staff explore ways to recoup the cost of removing boxes that have been abandoned and establish a waiting list for operators seeking to install collection boxes after the 100-box cap has been reached. He proposed increasing the minimum radius between bins from 500 feet to 750 feet to prevent them from becoming concentrated in one area. He noted that at the October 7 meeting he had suggested that the Ordinance be reviewed after one year, but with the understanding that Councilmembers can request a review at any time under “Orals” he was willing to drop his insistence on an automatic review.

Councilmember Rizzo suggested that the City may wish to consider contracting out the removal of unpermitted bins similar to the Police Department’s towing contract.

Indicating that she would not support the Ordinance, Councilmember Ashcraft stated that she has not spoken to a single resident who supports allowing the bins in Torrance. She requested that staff report back to the Council in six months regarding the costs associated with enforcing the Ordinance and its efficacy.

Mayor Furey invited public comment.

Julie Dover, CEO of Goodwill SOLAC (Southern Los Angeles County), recommended that applicants be required to submit a plan detailing how they will dispose of “undesirable material,” which can include hazardous waste.

Peter Kelly, representing PlanetAid, expressed support for the proposed Ordinance, relating his belief that it protects the community’s interests, while being fair to collection box operators and allows residents to take advantage of a convenient way to recycle.

Janet McCarthy, Goodwill SOLAC, expressed concerns about the proliferation of unpermitted bins and the demands on staff time to have them removed. She recommended that applicants be required to provide a certified agreement with property owners, which includes the naming of each other as an “additional insured” on their insurance policies. She submitted a report from the State of California on the current business status of Angel Bins, the operator whose application was the impetus for the Ordinance.

In response to Councilmember Weideman’s inquiry, Finance Director Tsao confirmed that the City verifies the status of a non-profit organization before issuing a business license.

Councilmember Weideman questioned how applications would be prioritized given the limited number of collection boxes allowed.

Assistant City Attorney suggested that priority could be given to companies with collection boxes in place before the moratorium was enacted or another option would be to ban companies that illegally installed boxes during moratorium from having boxes in Torrance for a period of two years.

Councilmember Weideman expressed support for increasing the minimum radius between collection boxes to 750 feet and limiting the number of boxes to 100.

Mayor Furey asked about Ms. McCarthy's suggestion concerning insurance requirements.

Community Development Director Gibson advised that applicants are not typically required to provide insurance information during the land use entitlement process, which focuses on the appropriateness of the proposed land use.

Assistant City Attorney Sullivan noted the Section 92.40.3(f) of the Ordinance requires the collection box operator to provide a certificate of liability insurance as part of the application process.

Mayor Furey questioned whether a plan should be required for the disposal of undesirable materials as mentioned by Ms. Dover.

City Manager Jackson advised that the disposal of hazardous material is strictly regulated by State and Federal law.

Assistant City Attorney Sullivan recommended that Section 92.40.4(d)(8) be amended to clarify that bin operators must comply with all Federal, State and Local "laws" in addition to guidelines and requirements when disposing undesirable materials.

A brief discussion ensued regarding appropriate language for the amendments.

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

MOTION: Councilmember Goodrich moved to adopt a Negative Declaration; to approve an ordinance summary for publication; and to adopt an ordinance regulating unattended collection boxes with the following amendments:

- 1) Change the word "conducted" to "operated" in Section 92.40.4.
- 2) Change the 500-foot minimum spacing requirement to 750 feet while maintaining the 100 collection box cap.
- 3) Amend Section 92.40.4(d)(8) adding the word "laws."
- 4) Add "First priority in applications shall be given to companies with boxes in place prior to the moratorium."
- 5) Add "Any company that placed or installed a collection box during the moratorium or after the effective date of this ordinance without an application or permit will be prohibited from applying for a permit for a period of two years from the adoption of this ordinance or two years from the placement of a collection box without an application and permit."

The motion was seconded by Councilmember Weideman and passed by a 6-1 vote, with Councilmember Ashcraft voting no.

ORDINANCE NO. 3780

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, ADDING ARTICLE 40 TO CHAPTER 2 OF DIVISION 9 OF THE TORRANCE MUNICIPAL CODE TO REGULATE THE INSTALLATION AND OPERATION OF UNATTENDED COLLECTION BOXES

MOTION: Councilmember Weideman moved to adopt Ordinance No. 3780 as amended. The motion was seconded by Councilmember Rizzo and passed by a 6-1 vote, with Councilmember Ashcraft voting no.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Goodrich reported that after he mentioned at last week's meeting he was taking advantage of MWD rebates by replacing his front lawn with drought tolerant landscaping, he was approached about doing a segment for Torrance Community Television and the first of two installments detailing his progress will air on Thursday, October 30, at 6:00 p.m.

17B. Councilmember Griffiths offered a reminder about the time change on Sunday morning due to the end of daylight savings time and wished everyone a happy Halloween.

17C. Councilmember Rizzo also wished everyone a happy Halloween.

17D. Councilmember Ashcraft offered wishes for a safe Halloween.

17E. Councilmember Barnett urged drivers to be extra cautious when driving through residential neighborhoods on Halloween. He offered a reminder about the Halloween Carnival at Wilson Park.

17F. Mayor Furey encouraged attendance at the Halloween Carnival, noting that it has a family atmosphere and provides a safe alternative to trick-or-treating.

17G. Mayor Furey announced that the Excellence in Arts Awards will be presented on Saturday, November 1, in the Toyota Meeting Hall.

18. EXECUTIVE SESSION – None.

19. ADJOURNMENT

At 8:58 p.m., the meeting was adjourned to Tuesday, November 4, 2014 at 6:00 p.m. for an executive session, with regular business commencing at 7:00 p.m. in the Council Chamber.

Attest:

/s/ Patrick J. Furey
Mayor Patrick J. Furey

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

Approved on November 18, 2014