

**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 6:30 p.m. on Tuesday, September 21, 2004 in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Lieu, McIntyre, Nowatka, Scotto, Witkowsky, and Mayor Pro Tem Mauno.

Absent: Mayor Walker.

Also Present: City Manager Jackson, City Attorney Fellows
City Clerk Herbers, and other staff representatives.

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Agenda Item 17 was considered out of order at this time.

17. EXECUTIVE SESSION

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 17A) Conference with Labor Negotiator; 17B) Real Property – Conference with Real Property Negotiator; and Redevelopment Agency – Conference with Legal Counsel – Anticipated Litigation pursuant to California Government Code Sections 54957.6, 54956.8 and 54956.9(c).

The Council reconvened in Council Chambers at 7:02 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Nowatka.

Councilmember Witkowsky gave the non-sectarian invocation for the meeting.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Scotto moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember McIntyre, and passed by unanimous roll call vote (absent Mayor Walker).

MOTION: Councilmember Scotto 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 McIntyre and passed by unanimous roll call vote (absent Mayor Walker).

4. WITHDRAWN OR DEFERRED ITEMS

City Manager Jackson announced that Agenda Item 12A (CUP04-00018: Tormed Buildings) had been withdrawn.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Mayor Pro Tem Mauno asked that the meeting be adjourned in memory of Franklin Howe, retired city employee and 60-year resident of Torrance, who passed away September 13, 2004.

Councilmember McIntyre announced that the Ad Hoc Torrance Rose Float Association would be meeting on Monday, September 27, at 4:30 p.m. in the 3rd Floor Assembly Room to discuss fundraising.

Councilmember Scotto announced that the Finance and Governmental Operations Committee would be meeting on Tuesday, October 26, at 5:30 p.m. in the Council Chambers.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2004-115 RE HARRY B. MEISEL

RESOLUTION NO. 2004-115

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
HONORING FIREFIGHTER HARRY B. MEISEL UPON HIS RETIREMENT
AFTER THIRTY YEARS OF SERVICE

MOTION: Councilmember Scotto moved for the adoption of Resolution No. 2004-115. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Mayor Walker).

To be presented at a later date.

6B. RESOLUTION NO. 2004-116 RE FRANK CORREA, JR.

RESOLUTION NO. 2004-116

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
HONORING FRANK CORREA, JR. UPON HIS RETIREMENT
AFTER TWENTY-THREE YEARS OF SERVICE

MOTION: Councilmember Scotto moved for the adoption of Resolution No. 2004-116. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Mayor Walker).

To be presented at a later date.

6C. PROCLAMATION RE “WALK FOR DIABETES DAY”

Mayor Pro Tem Mauno presented a proclamation to Jim Matthews, Corporate Sponsorship Chair, Valerie Chavez, Youth Walk Ambassador, and Sepideh Sedadi, Committee Support, declaring Sunday, September 26, 2004 as the American Diabetes Association’s *Walk for Diabetes Day* in the City of Torrance and asking that every citizen in our community participate in this fund-raising walk to fight diabetes and help find a cure.

7. CONSENT CALENDAR

7A. LIBRARY COMMISSION ANNUAL REPORT FOR 2003-04

Recommendation

Recommendation of the **City Librarian** and the **Library Commission** that City Council accept and file the Library Commission’s 2003-2004 Annual Report.

7B. DESIGNATION OF VOTING DELEGATE FOR NATIONAL LEAGUE OF CITIES ANNUAL BUSINESS MEETING

Recommendation

Recommendation of the **City Manager** that City Council approve the recommended designation of voting delegate Mayor Dan Walker to represent the City of Torrance at the National League of Cities Annual Business Meeting on December 4, 2004.

7C. APPROVAL OF FINAL TRACT MAP NO. 52429

Recommendation

Recommendation of the **Community Development Director** that City Council approve the release of three subdivision bonds for Tract Map 52429, located at 5580 Del Amo Boulevard. (JCC Homes)

7D. APPROVAL OF FINAL TRACT MAP NO. 54062

Recommendation

Recommendation of the **Community Development Director** that City Council:

- 1) Approve Final Map No. 54062, creating 5 condominium units on one lot, located at 2413 Cabrillo Avenue, which substantially conforms to and meets all conditions of approval of the Tentative Map; and
- 2) Accept a 10' corner cut-off easement at the alley intersection for street and highway purposes. (Pacific Capital Estates)

7E. CITY OF TORRANCE EMPLOYEE PARTICIPATION AS LOS ANGELES COUNTY POLL WORKERS

Recommendation

Recommendation of the **City Manager** that City Council approve a plan to allow City of Torrance employees paid leave to participate as Los Angeles County poll workers on election days.

MOTION: Councilmember McIntyre moved for the approval of Consent Calendar Items 7A through 7E. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote (absent Mayor Walker).

11. ADMINISTRATIVE MATTERS

11A. STATE OF LOCAL EMERGENCY RE CAROLWOOD AND SINGINGWOOD

Recommendation

Recommendation of the **City Manager** and the **City Attorney** that City Council continue the state of local emergency, proclaimed March 2, 2001 for properties located on Carolwood Lane and Singingwood Drive.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote (absent Mayor Walker).

11B. AUTHORIZATION TO EXAMINE SALES AND USE TAX RECORDS

Recommendation

Recommendation of the **Finance Director** that City Council adopt a Resolution authorizing the City Manager, Assistant City Manager and Director of Finance, or other officer or employee of the City designated in writing by the City Manager, Assistant City Manager, or Director of Finance to the State Board of Equalization ("Board") to represent the City with authority to examine sales and use tax records of the Board.

MOTION: Councilmember McIntyre moved to concur with the staff recommendation. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote (absent Mayor Walker).

RESOLUTION NO. 2004-117

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AUTHORIZING EXAMINATION OF SALES AND USE TAX RECORDS**

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2004-117. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Mayor Walker).

11C. AUTHORIZATION OF AUDIT OF TELECOMMUNICATION COMPANIES

Recommendation

Recommendation of the **Finance Director** that City Council adopt a Resolution authorizing the audit of telecommunication companies doing business in Torrance and the issuance of subpoenas for the production of books and other documents necessary in the audit of utility users' tax revenue.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote (absent Mayor Walker).

RESOLUTION NO. 2004-118

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AUTHORIZING AN AUDIT OF TELECOMMUNICATION COMPANIES
AND THE ISSUANCE OF SUBPOENAS REQUIRING PRODUCTION OF
BOOKS OR OTHER DOCUMENTS NECESSARY IN THE AUDIT OF
TAXES PAID TO THE CITY OF TORRANCE

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2004-118. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Mayor Walker).

11D. REFUNDING OF WATER REVENUE BONDS

Recommendation

Recommendation of the **Finance Director** that City Council adopt a Resolution authorizing the issuance of not to exceed \$5,500,000 aggregate principal amount of City of Torrance Water Revenue Refunding Bonds, Series 2004, approving the execution and delivery of an indenture and other matters.

Finance Director Tsao advised that staff was recommending the refunding of water revenue bonds thereby reducing the annual debt service from \$700,000 to approximately \$610, 000, with the average coupon reduced from 6.2% to 3.45%.

In response to Mayor Pro Tem Mauno's inquiry, Finance Director Tsao confirmed that the City's refunding of the bonds was similar to a homeowner's refinancing of a mortgage without extending the maturity date.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote (absent Mayor Walker).

RESOLUTION NO. 2004-119

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,500,000
AGGREGATE PRINCIPAL AMOUNT OF CITY OF TORRANCE WATER
REVENUE REFUNDING BONDS, SERIES 2004, APPROVING THE
EXECUTION AND DELIVERY OF AN INDENTURE AND OTHER MATTERS
RELATED THERETO

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2004-119. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote (absent Mayor Walker).

The Council convened in joint session with the Public Finance Authority from 7:20 p.m. to 7:25 p.m. to consider Agenda Item 11E and companion Item 4A on the Public Finance Authority Agenda.

11E. REFUNDING OF 1995 CERTIFICATES OF PARTICIPATION

Recommendation

Recommendation of the **Finance Director** that City Council adopt Resolutions approving, authorizing, and directing the issuance of Certificates of Participation in an amount not to exceed \$50,000,000.

Finance Director Tsao advised that in response to the Council's direction to find additional funds for the City's capital needs, staff was recommending the refunding of the 1995 Certificates of Participation (COPs) which would generate approximately \$11 million in capital project monies.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote (absent Mayor Walker).

RESOLUTION NO. 2004-120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING, AUTHORIZING, AND DIRECTING EXECUTION OF CERTAIN LEASE FINANCING DOCUMENTS, APPROVING SALE OF CERTIFICATES, APPROVING A PRELIMINARY OFFICIAL STATEMENT, AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2004-120. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Mayor Walker).

11F. MODIFICATIONS TO THE FIVE-YEAR CAPITAL BUDGET

Recommendation

Recommendation of the **City Manager** and the **Finance Director** that City Council approve modifications to the Five-Year Capital Budget.

Finance Director Tsao reviewed staff's recommendation for the allocation of \$19 million in additional funding available for Capital Improvement Projects:

North Torrance Library & McMaster Park Redevelopment	\$ 4,380,000
Residential Curb/Gutter/Sidewalk Replacement Program	2,000,000
Fire Station #2 and #3 remodels – additional funds	300,000
Police Department Compound – additional funds	250,000
Henderson Library Renovation	720,000
Citywide Sidewalk Ramping/Grinding – additional funds	1,500,000
Torrance Blvd. Rehabilitation (Hawthorne to west City limit)	1,300,000
Torrance Blvd. Rehabilitation (Sartori to Hawthorne)	2,100,000

Sepulveda Blvd. Rehabilitation (Hawthorne to west City limit)	2,400,000
Crenshaw Blvd. Rehabilitation (182 nd to 190 th)	1,550,000
Residential Street Rehabilitation	1,500,000
190 th Street Rehabilitation (Hawthorne to west City limit)	200,000
Street Tree Program – additional funds	300,000
Replacement Radios – expedite current plan	<u>500,000</u>
Total	\$19,000,000

Responding to questions from the Council, Finance Director Tsao confirmed that adjustments could be made to these allocations at a later date and noted that the monies should be spent within three years.

City Manager Jackson, in response to Councilmember Lieu, confirmed that additional funds could be allocated to the North Torrance Library and McMaster Park Redevelopment should State funding not come through, but it might necessitate the re-prioritization of other projects.

Councilmember Witkowsky commended Finance Director Tsao and his staff for their efforts to find additional funds for capital projects.

MOTION: Councilmember Witkowsky moved to approve the recommended modifications to the Five-Year Capital Budget. The motion was seconded by Councilmember Lieu and passed by unanimous roll call vote (absent Mayor Walker).

11G. PERS TWO-YEAR SERVICE CREDIT

Recommendation

Recommendation of the **City Manager** that City Council open an additional phase of the process of offering a two-year service credit in their PERS System to one class of employees whose job may be eliminated through budget reductions. This will cost no more than \$35,000 and is pursuant to Government Code 20903.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote (absent Mayor Walker).

11H. LAX MASTER PLAN AND MASTER PLAN EIR/EIS

Recommendation

Recommendation of the **City Manager** that City Council adopt a Resolution opposing the LAX Master Plan and Master Plan EIR/EIS going before the City Council of Los Angeles.

Mayor Pro Tem Mauno reported that numerous cities around the airport have taken the same position opposing the LAX Master Plan.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote (absent Mayor Walker).

RESOLUTION NO. 2004-121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE OPPOSING THE PROPOSED LAX MASTER PLAN AND MASTER PLAN EIR/EIS GOING BEFORE THE CITY COUNCIL OF LOS ANGELES AND REQUESTING THAT THE LAX MASTER PLAN INCORPORATE A FORMULA FOR GATE REDUCTION TO BEGIN ONCE THE 78 MILLION ANNUAL PASSENGER LEVEL IS OBTAINED

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2004-121. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Mayor Walker).

111. WIRELESS TELECOMMUNICATION FACILITIES

Recommendation

Recommendation of the **Community Development Director** that City Council approve an Ordinance relating to requirements for the review and approval of wireless telecommunications facilities.

The **Community Development Director** further recommends that City Council approve a summary of the ordinance for publication.

Mayor Pro Tem Mauno noted supplemental material available at the meeting.

Community Development Director Gibson reported that the proposed ordinance implements provisions that address the application, review and decision-making process for the installation of wireless telecommunication facilities in Torrance, explaining that an effort was made to provide a reasonable number of opportunities for wireless communication facilities while at the same time providing for reasonable regulation of those facilities. He noted that the City Attorney's office and Rutan & Tucker assisted in the drafting of the Ordinance and that Deputy City Attorney Patrick Sullivan and Bill Marticorena of Rutan & Tucker were available to answer questions.

Robert Jystad, of the law firm of Cole, Raywid & Braverman, representing AT&T Wireless, noted that written comments were submitted in opposition to the proposed ordinance on behalf of his client.

MOTION: Councilmember Scotto moved to concur with the staff recommendation and to approve the ordinance summary for publication. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Mayor Walker).

ORDINANCE NO. 3561

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING ARTICLE 19 TO CHAPTER 3, DIVISION 1, OF THE TORRANCE MUNICIPAL CODE, AND ADDING ARTICLE 39 TO CHAPTER 2, DIVISION 9, TO THE TORRANCE MUNICIPAL CODE PERTAINING TO WIRELESS TELECOMMUNICATIONS FACILITIES

MOTION: Councilmember Witkowsky moved for the adoption of Ordinance No. 3561. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Mayor Walker).

Deputy City Attorney Sullivan noted that a letter was received from Nossaman, Gunther, Knox & Elliott, LLP on behalf of Sprint PCS, dated September 20, 2004 and signed by Michael W. Shonafelt.

12. HEARINGS

12A. CUP04-00018: THE TORMED BUILDINGS (DAVID BUXTON)

Recommendation

The **Planning Commission**, by virtue of a tie vote, was unable to reach a consensus for a Conditional Use Permit (CUP04-00018) to allow the establishment of controlled access parking for an existing medical office complex on property located in the Hawthorne Boulevard Corridor Specific Plan, Hospital, Medical, Dental Sub-district at 3400 and 3440 Lomita Boulevard.

The **Community Development Director** recommends that City Council adopt a Resolution approving an appeal of the Planning Commission's tie vote, and approve as conditioned CUP04-00018.

CUP04-00018: THE TORMED BUILDINGS (DAVID BUXTON)

Item was withdrawn and will be re-advertised when a new date is set.

12B. EXTENSION OF TEMPORARY MORATORIUM ON INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES

Recommendation

Recommendation of the **Community Development Director** that, if the City Council chooses not to adopt the draft Wireless Telecommunications Ordinance ("WTO") on the September 21, 2004 City Council agenda, the City Council adopt an interim Ordinance as an urgency measure, extending the period of the existing temporary moratorium on the installation of wireless communications facilities throughout the City ("Moratorium Extension Ordinance" "MEO"). If adopted, the MEO will take effect immediately upon its passage, and will remain in effect for one year.

The **Community Development Director** further recommends that City Council approve a summary of the ordinance for publication.

Finally, the **Community Development Director** recommends that City Council issue the staff report as the "written report describing measures taken to alleviate the condition which led to the adoption of Ordinance No. 3548" as required by Government Code section 65858.

Item was withdrawn because Agenda Item 11I was approved.

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The Council reconvened as the Redevelopment Agency at 7:39 p.m. and adjourned at 7:41 p.m.

16. ORAL COMMUNICATIONS

16A. City Clerk Herbers reminded everyone that voters must be registered to vote by October 18, 2004 in order to vote in the November 2 election, and reported that sample ballot pamphlets could be mailed as early as September 23 or as late as October 10. She noted that information on absent voter ballots and early electronic voting could be found on the city's website or on lavote.net, and that the ballot includes a Charter Amendment for the City of Torrance - Measure T.

16B. Police Chief Herren reported that the City's animal control program, which was implemented last year, was now fully staffed and doing quite well.

16C. Councilmember Lieu noted that the California Public Utilities Commission would be voting on whether to split the 310 area code on September 23; stated that it was a bad idea because approximately 3 million phone numbers remain unused and changing the area code would adversely affect both businesses and residents; and urged that people make their views known to the CPUC by contacting them by fax (415.703.1758), phone (415.703.3700), or e-mail at rmn@cpuc.ca.gov.

16D. Councilmember Lieu congratulated Chief Herren and the Police Department on the animal control program, noting that he has heard good things about the City-run program.

16E. Councilmember Lieu encouraged everyone to register to vote.

16F. Councilmember McIntyre extended condolences to the family of Edgar Duplan, a 24 year-old Army specialist who was killed last week while on patrol in Baghdad.

16G. Councilmember McIntyre announced that M&M candies will be sold in pink packages from September through November with 100% of the proceeds to be donated to breast cancer research.

16H. Councilmember McIntyre commented positively on the City-run animal control program.

16I. Councilmember McIntyre reported that City employee Kathy Pullard's daughter Megan recently returned from 6 weeks in Japan as part of a group of 10 students on a trip sponsored by Toyota.

16J. Referring to Consent Calendar Item 7E, Councilmember Nowatka noted that in an effort to help ease the shortage of poll workers, Torrance will now be providing paid leave for employees who serve as Los Angeles County poll workers on election day.

16K. Councilmember Nowatka congratulated Chief Herren on the hiring of the new Emergency Coordinator Andrew Pashaun, noting that he comes highly recommended.

16L. Councilmember Nowatka encouraged residents to fax or phone the CPUC with their opposition to the 310 area code split, noting that Commissioner Loretta Lynch has been a strong supporter of the City's position.

16M. Councilmember Scotto echoed remarks about the area code split, noting that it would be very expensive for businesses to reprint their stationery.

16N. Councilmember Scotto stated that he was pleased that the animal control program is now fully staffed and related his understanding that the City will be able to extend its hours. Chief Herren reported that the City will be able to extend hours on evenings and weekends and lessen the City's reliance on L.A. County for after-hours service.

16O. Councilmember Witkowsky congratulated Brian Sunshine, Linda Cessna and Pat Wren for the fantastic employee variety show, which raised funds for the American Cancer Society and the Wellness Center.

16P. Noting that Rosh Hashanah was celebrated last week and Yom Kippur will be observed this week, Councilmember Witkowsky wished the Jewish community a wonderful new year.

16Q. Mayor Pro Tem Mauno stated that he attended the California Metropolitan Water District tour in northern California, which he found to be very informative, and thanked Metropolitan Water District Director Bill Wright for his efforts. He noted that the City will have to rely more on water from northern California as the allotment from the Colorado River is scheduled to be reduced in the coming years and reported that Torrance is one of the leaders in the recycling of water in California.

16S. Mayor Pro Tem Mauno noted that the Artesia Boulevard improvement project is nearing completion and commended everyone involved.

16T. Charles Oates, Grass Valley, representing retired Torrance Police Officers, stated that he has tried unsuccessfully for over a year to get three issues placed on the Council agenda concerning (1) the medical stipend paid to retirees; (2) the bundling of benefits known as pension spiking, and (3) provisions of the MOU which are not being enforced, therefore, he felt compelled to bring these issues up under "Orals." He briefly outlined his concerns regarding these issues, and Mayor Pro Tem Mauno offered to meet with Mr. Oates to discuss his concerns.

17. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

18. ADJOURNMENT

At 8:15 p.m., the meeting was adjourned to Tuesday, September 28, 2004, at 4:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

***Adjourned in Memory of
Franklin Howe***