

**TORRANCE AIRPORT COMMISSION AGENDA
MAY 29, 2024
SPECIAL MEETING
5:00 P.M. WEST ANNEX COMMISSION MEETING ROOM**

**NOTICE OF SPECIAL MEETING
TORRANCE AIRPORT COMMISSION**

TO: Chair Kathy Cohen
Commissioner John De Rago
Commissioner Gary Seferian
Commissioner Rick Marshall
Commissioner Jeffrey Love
[Daily Breeze]

NOTICE IS HEREBY GIVEN that the Torrance Airport Commission will conduct a special meeting beginning at 5:00 p.m. on 29th day, May, 2024, in the West Annex Commission Room.

Said special meeting shall be for the purpose to Cure and Correct the Action Taken in Violation of the Brown Act at the Airport Commission's April 11, 2024 Meeting. Special Meeting, as described in the attached agenda.

Dated this 28th day of May, 2024

Gerry Spoke with Chair Cohen by phone.

Kathy Cohen, Chair

I, Rebecca Poirier, City Clerk of the City of Torrance, do hereby certify, under penalty of perjury, under the laws of the State of California, that the aforementioned notice of special meeting was delivered to each member of the Torrance Airport Commission, and sent by e-mail to each member of the press listed in the aforementioned notice at least 24 hours prior to the time set for the special meeting.

Dated this 28th day of May, 2024

Gerry Pinala

Gerry Pinala, Commission Liaison

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office at (310) 618-2780. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR35.102-35.104 ADA Title II]

Direct questions or concerns to the Commission Liaison at (310) 784-7900 or individual department head prior to submission to the Commission. Parties will be notified if the complaint will be included on a subsequent agenda.

Any correspondence received after 2:00 p.m. on Thursday May 29th, 2024 on any item on the agenda will be provided to the Commission electronically and available for public inspection in the City Clerk's Office.

**TORRANCE AIRPORT COMMISSION AGENDA
MAY 29, 2024
SPECIAL MEETING
5:00 P.M. WEST ANNEX COMMISSION MEETING ROOM
AT 3031 TORRANCE BL.**

**AIRPORT COMMISSION MAY TAKE ACTION ON ANY ITEM
LISTED ON THE AGENDA**

1. CALL MEETING TO ORDER

ROLL CALL: Commission members: De Rago, Love, Marshall, Seferian,
Chair Cohen.

2. FLAG SALUTE:

3. REPORT OF THE AIRPORT STAFF ON THE POSTING OF THE AGENDA

The agenda was posted on the Public Notice Board at 3031 Torrance Bl. and on the City's Website on Friday May 24, 2024.

4. ANNOUNCEMENT OF WITHDRAWN, DEFERRED, AND/OR SUPPLEMENTAL ITEMS

5. ORAL COMMUNICATIONS (Limited up to a 15 minute period)

*This portion of the meeting is reserved for comment on items on the Consent Calendar or not on the agenda. Under the Ralph M. Brown Act, the Commission cannot act on items raised during public comment, but may respond briefly to statements made or questions posed; request clarification; or refer the item to staff. **No longer than 1 minute per speaker.** If presenting handout material to Commission, please provide 10 copies to staff before speaking.*

6. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed by a Commissioner from the Consent Calendar and considered separately.

6A. APPROVAL OF MINUTES APRIL 11, 2024

7. ADMINISTRATIVE MATTERS

7A. General Services - Cure and Correct the Action Taken in Violation of the Brown Act at the Airport Commission's April 11, 2024 Meeting.

8. COMMISSION ORAL COMMUNICATIONS

9. ADJOURNMENT

9A. Adjournment of Airport Commission.



**MINUTES OF A REGULAR MEETING OF THE
TORRANCE AIRPORT COMMISSION AGENDA**

1. CALL MEETING TO ORDER

The Torrance Airport Commission convened in a regular session at 7:00 p.m. on Thursday, April 11, 2024, in the West Annex Meeting Room.

ROLL CALL

Present: Commissioners Cohen, Love, Marshall, Seferian, and Chair Minder.

Absent: Commissioner De Rago.

Also Present: City of Torrance Airport Manager Rafael Herrera, General Services Manager Gerry Pinela, Environmental Quality Officer Nora Duncan, and Planning Manager Gregg Lodan.

MOTION: Commissioner Seferian moved to excuse the absence of Commissioner De Rago. Commissioner Cohen seconded the motion; a roll call reflected a 5-0 approval (Commissioner De Rago absent).

2. FLAG SALUTE

Commissioner Marshall led the Pledge of Allegiance.

3. REPORT FROM THE AIRPORT STAFF ON THE POSTING OF THE AGENDA

General Services Manager Pinela reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard and on the City's Website on Thursday, April 4, 2024.

4. ANNOUNCEMENT OF WITHDRAWN, DEFERRED, AND/OR SUPPLEMENTAL ITEMS

General Services Manager Pinela reported that there were Supplemental Items provided to the Commission.

5. ORAL COMMUNICATIONS

Members of the public spoke.

6. CONSENT CALENDAR

6A. APPROVAL OF MINUTES: FEBRUARY 8, 2024

MOTION: Commissioner Cohen moved to approve the February 8, 2024, minutes. Commissioner Love seconded the motion; a roll call reflected a 5-0 approval (Commissioner De Rago absent).

7. ADMINISTRATIVE MATTERS

7A. ACCEPT AND FILE MONTHLY UPDATE OF AERONAUTICAL OPERATIONAL INFORMATION UNDER THE PURVIEW OF THE GENERAL SERVICES DEPARTMENT

City of Torrance Airport Manager Herrera provided a report on the monthly update of aeronautical operational information under the purview of the General Services Department:

- There are (341) hangars with (4) vacancies and (181) tie-downs with (40) vacancies.
- Staff continues to work with Lean Corporation regarding the AWOS system. Staff is currently reviewing documents provided by Lean Corporation and will present findings in a future meeting.
- The Taxiway Light Project has been priority for the airport. Staff is in the process of trying to get the contractor back to finish work as there were delays due to weather and contractual obligations. Staff anticipates the project to be completed May 2024.
- Meeting Room Schedule continues to grow.
- The hangar waitlist continues to grow with new additions in February and March 2024. There were minimal changes in the non-aviation hangar waitlist.
- (4) incidents occurred in the month of January 2024 and (2) incidents occurred in the month of February 2024; the Torrance Fire Department was not required for any incidents.
- (11,609) operations occurred in January 2024 and (7,532) operations occurred in February 2024; impact of landing fees and weather contributed to the decline in operations.

Commissioner Marshall requested a report from the Procurement Team handling the AWOS system project. Airport Manager Herrera acknowledged the request.

Chair Minder requested more communication from airport staff so that processes and projects are better understood. General Services Manager Pinela acknowledged the request.

Commissioner Seferian requested that corrections be made to the Taxiway Light Report. Airport Manager Herrera acknowledged the request.

Chair Minder requested that an apology be posted regarding the Taxiway Light Project delay. Airport Manager Herrera acknowledged the request.

Commissioner Seferian stated that a good faith effort should be made regarding the Taxiway Light Project and suggested providing pilots with information on the completion date. Airport Manager Herrera acknowledged the request.

Members of the public spoke.

A member of the public provided a document for the Commission to review regarding the Taxiway Light Project. General Services Manager Pinela provided a response stating that staff is continuing to work towards completion of the project.

MOTION: Commissioner Marshall moved to empower staff to reach out to the City Manager and ask for an explanation on the delay of the AWOS system.

Commissioner Seferian requested to amend the motion to include Mr. Gates's inquiries.

The Motion failed due to a lack of a second.

Chair Minder requested that the document produced by Mr. Gates be forwarded to City Council. General Services Manager Pinela confirmed that the document was directly sent to City Council and no response had been received.

MOTION: Commissioner Marshall moved to empower Chair Minder to request an audience with the City Manager to get answers to the (3) questions posed on the April 2, 2024, memo produced by Mr. Gates, to get a response in writing, and to return to the Commission with a report. Commissioner Seferian seconded the motion; a roll call reflected a 5-0 approval (Commissioner De Rago absent).

A member of the public spoke.

MOTION: Commissioner Marshall moved to accept and file Item 7A. Commissioner Cohen seconded the motion; a roll call reflected a 5-0 approval (Commissioner De Rago absent).

7B. ACCEPT AND FILE TORRANCE MUNICIPAL AIRPORT NOISE ABATEMENT QUARTERLY REPORT FOR QUARTER ONE 2024

Environmental Quality Officer Duncan presented Item 7B:

- The first quarter of 2024 had a total of (649) complaints with (616) of the complaints coming from a “regularly reporting party” (person that makes 10 or more reports); the term “regular” is qualified by usage and not personal identification.
- The highest reporting zones were Zone 10 with (437) complaints, Zone 8 with (112) complaints, and Zone 3 with (93) complaints.
- The first quarter had (1) noise violation, (8) training curfew violations, and (8) touch and go violations.

Commissioner Marshall requested that a noise violation report be provided that differentiates which recorder the violation was picked up on. Environmental Quality Officer Duncan acknowledged the request.

Commissioner Seferian inquired if reporting parties can be contacted to see if anything can be remedied. Environmental Quality Officer Duncan acknowledged the request and stated that noise abatement staff can reach out.

Members of the public spoke.

MOTION: Commissioner Marshall moved to accept and file Item 7B. Commissioner Cohen seconded the motion; a roll call reflected a 5-0 approval (Commissioner De Rago absent).

8. ORAL COMMUNICATIONS

Commissioner Seferian requested an update on naming the General Aviation Center after Mr. Frank D. Robinson. General Services Manager Pinela stated that he will follow up.

General Services Manager Pinela announced that COTAR will give a presentation on the next scheduled Commission meeting, Thursday, May 9, 2024.

9. **ADJOURNMENT**

MOTION: At 8:48 p.m. Commissioner Cohen moved to adjourn the meeting to Thursday, May 9, 2024, in the West Annex Meeting Room at 7:00 p.m. Commissioner Seferian seconded the motion; a roll call reflected a 5-0 approval (Commissioner De Rago absent).

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Subject to Approval

Honorable Chair and Members
of the Airport Commission
City Hall
Torrance, California

Members of the Commission:

SUBJECT: General Services - Cure and Correct the Action Taken in Violation of the Brown Act at the Airport Commission's April 11, 2024 Meeting.

RECOMMENDATION

The General Services Director recommends that the Airport Commission cure and correct the action taken in violation of the Brown Act at their April 11, 2024 meeting by voting to withdraw the motion.

BACKGROUND/ ANALYSIS

At its meeting of April 11, 2024, the Airport Commission took action to make a motion and vote on a motion that was not on the agenda. The motion was made to empower the Chair of the Airport Commission to set up a meeting with the City Manager, the Mayor, and community member Jim Gates to answer questions from Mr. Gates relating to the taxiway lighting project and to return with a report to the Airport Commission.

The motion was approved by a vote of 5 – 0 with Commissioner De Rago absent. In so doing, the Airport Commission took action as defined in Government Code § 54952.6 because:

- A majority of the members made a collective decision
- A majority of the members took an actual vote when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

The action violated the Brown Act because:

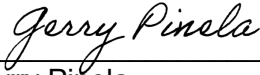
- It was taken on a matter that was not properly described in the agenda for the open meeting at which the discussion was taken on an item not appearing on the posted agenda in violation of Government Code § 54954.3(a) and action was taken in violation of Government Code § 54954.2(a)(3), and none of the exceptions specified in Government Code § 54954.2(b) was satisfied.

As you are aware, the Brown Act creates specific agenda obligations for notifying the public with a “brief description” of each item to be discussed or acted upon, and also creates a legal remedy for illegally taken actions — namely, the judicial invalidation of them upon proper findings of fact and conclusions of law.

Pursuant to that provision (Government Code Section 54960.1), the City Council has demanded that the Airport Commission hold a special meeting cure and correct the taken action in violation of the Brown Act on April 11, 2024.

Staff recommends that the Airport Commission withdraw the motion of April 11, 2024 to empower the Chair of the Airport Commission to set up a meeting with the City Manager, the Mayor, and community member Jim Gates to answer questions from Mr. Gates relating to the taxiway lighting project and to return with a report to the Airport Commission.

Respectfully Submitted,



Gerry Pinela
General Services,
Facilities Operations Manager

Attachments:

A – City Council Agenda Item 9E of May 7, 2024

Attachment: A

Council Meeting of
May 7, 2024

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

**SUBJECT: City Council - Discuss and Determine Action regarding Airport Commission.
Expenditure: None.**

RECOMMENDATION

In response to an oral request by Council Member Aurelio Mattucci with concurrence of the City Council, it is the recommendation of the City Council that the City Council discuss and determine direction regarding the Airport Commission acting on an item not on the agenda.

FUNDING

None required.

BACKGROUND AND ANALYSIS

During the Airport Commission's meeting of April 11, 2024, the Airport Commission made a motion and voted on a motion that was not on the agenda. The motion was made to empower the Chair of the Airport Commission to set up a meeting with the City Manager, the Mayor, and community member Jim Gates to answer questions from Mr. Gates relating to the taxiway lighting project and to return with a report to the Commission. The Brown Act prohibits legislative bodies from acting on items that are not on the agenda.

Additionally, it should be noted that beyond the Brown Act issue, the motion was an *ultra vires* act (beyond the powers) by the Airport Commission. The Airport Commission is an advisory body to the City Council. The Airport Commission does not have investigatory powers or have the power to demand meetings to question the City Manager or the Mayor. The powers of the Airport Commission are limited to those found in the Torrance Municipal Code. Staff has answered questions related to the taxiway lighting project in previous Airport Commission agenda items, including the meeting of April 11, 2024, in emails, and in Agenda Item 8D at the City Council meeting of April 9, 2024.

On April 23, 2024, Council Member Aurelio Mattucci made the following oral request that received City Council concurrence:

Requesting concurrence of my colleagues that City staff be directed to bring an agenda item on May 7th to: (1) cancel the Airport Commission meeting on May 9th, (2) call a special meeting of the Torrance Airport Commission to address and retract a non-agendized action taken by the Commission, and (3) provide Brown Act training to the Airport Commission prior to the Airport Commission returning to their regularly scheduled meetings.

A violation of the Brown Act can lead to invalidation of the legislative body's action, payment of a challenger's attorney fees, and even criminal prosecution. One option is for any interested person, including the district attorney, to seek to invalidate actions of a legislative body on the grounds that they invalidate an action of a legislative body on the grounds that they violate the Brown Act. Before filing a court action seeking invalidation, a person who believes that a violation has occurred must send a written cure or correct demand to the legislative body within 30 days for an open session violation and 90 days for a closed session violation. The City Council can direct staff to send the cure and correct demand. The Airport Commission will then have up to 30 days to cure and correct its action.

Another option is for any interested person, including the district attorney, to file a civil action to determine whether a past action of the legislative body constitutes a violation of the Brown Act and is subject to a mandamus, injunction, or declaratory relief action. Before filing an action, the interested person must, within 9 months of the alleged violation of the Brown Act, submit a cease and desist letter to the legislative body. The Airport Commission would then have 30 days after receipt of the letter to provide an unconditional commitment to cease and desist from the past action.

A violation of the Brown Act is a misdemeanor if (1) a member of the legislative body attends a meeting where action is taken in violation of the Brown Act, and (2) the member intends to deprive the public of information that the member knows or has reason to know the public is entitled to.

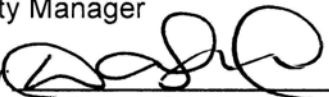
Staff is seeking direction from the City Council on how it would like to proceed regarding the Airport Commission acting on an item not on the agenda. Additional options for the Council to consider are:

1. Removing a member or members from the Airport Commission.
2. Suspending the activities of the Airport Commission for a certain period of time.
3. Dissolve the Airport Commission

Dissolving of the Airport Commission would entail the Transportation Committee of the City Council to be convened when necessary to hear certain items pertaining to the Airport. Items not needing to be heard by the Transportation Committee would be presented straight to the City Council.

Respectfully submitted,

Aram Chaparyan
City Manager

By 
Danny Santana
Assistant City Manager

CONCUR:


For Aram Chaparyan
City Manager