

I N D E XCity Council - January 2, 1975

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Adjourned at 10:05 P.M.

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MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in an Adjourned Regular Meeting on Thursday, January 2, 1975, at 6:00 P.M. in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

Present: Councilwoman Geissert; Councilmen Armstrong, Brewster, Surber, Uerkwitz, Wilson, and Mayor Miller. (It was necessary for Councilman Surber to leave the meeting at 7:40 P.M.)

Also present: City Manager Ferraro, City Attorney Remelmeyer, Deputy City Clerk Moss, and City Treasurer Rupert.
Absent: Assistant City Manager Scharfman and City Clerk Coil.

3. FLAG SALUTE:

Planning Associate Gomez led in the salute to the flag.

4. COMMISSION INTERVIEWS - JANUARY 28TH MEETING:

The January 2nd communication from City Clerk Coil recommending that the Commission Interviews be scheduled for 6:30 P.M. (instead of 7:00 P.M.) on January 28th because of the fact that the Council is scheduled to open bids for the sale of bonds for the Water Assessment District at the hour of 7:00 P.M. on that same date was noted by the Council.

MOTION: Councilman Wilson moved to concur with the above recommendation of the City Clerk. The motion was seconded by Councilman Armstrong, and roll call vote was unanimously favorable.

HEARINGS OTHER THAN PLANNING AND ZONING:

5. Civil Service Hearing - Appeal of Discharge by Morton R. Hesse.

Neither Mr. Hesse nor his attorney were present, and this item was held for later in the meeting. See Page 3.

6. 1974 Housing and Community Development Act.

Formal Staff presentations were provided by City Manager Ferraro and Team Captain Gomez.

Conclusions reached by the Council:

Housing Assistance Plan:

That new housing be totally eliminated -- it must be single-family, owner occupied dwellings; priorities should be given low

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income handicapped - senior citizens - and young adults; Staff was directed to return with options as to the funding process, with particular note of the "incentive approach" -- further, that the processing procedure insure that abuses do not occur, with applicants to be examined for total assets, not merely cash income but for all beneficial interests.

Community Development Programs/Projects:

There was extensive discussion pertaining to the Program/Project List, of record, and the List was modified as reflected below:

1. REHABILITATION OF OWNER-OCCUPIED HOMES.
2. MUNICIPAL SERVICES:
 - A. Establish Community Service Center
(hopefully, via old Torrance Memorial Hospital).
 - B. Fire Safety Education Program (2nd year).
 - C. Handicap Bus Equipment
 - D. Handicap Dial-a-Ride
 - E. Special Refuse Collection
 - F. Youth and Community Services Center
 - G. Human Resources Coordinator
 - H. Paramedics (2nd year).
3. REMOVAL OF ARCHITECTURAL BARRIERS.
 - A. Curb Modifications
 - B. Handicap Parking Sites
 - C. Special Doors for Handicapped in Civic Buildings
 - D. Wheelchair Ramps
4. PUBLIC WORKS.
 - A. Charles Wilson Park Development
 - B. Community Recreation Buildings
 - C. Convert North Fire Station to Community Center
 - D. Construction of Curbs and Sidewalks
 - E. Delthorne Park Development
 - F. Entradero Park Development
 - G. Half Width Streets
 - H. Install Bikeways
 - I. Magruder Pedestrian Overcrossing
 - J. Joslyn Center Phase II
 - K. Lago Seco Park Development
 - L. Madrona Pedestrian Overcorssing
 - M. Park Restrooms
 - N. Rehabilitate Downtown Water Mains
 - O. Replace Downtown Sewers
 - P. Replace Downtown Water Mains
 - Q. Sports Field Night Lighting
5. PUBLIC SAFETY.
(Entire section deleted)
6. AID TO NON-PROFIT SERVICE UNITS.
 - A. Switzer Center Rehabilitation
 - B. T.U.S.D. Child Care Center
 - C. Y.W.C.A. Child Care Service

7. LAND ACQUISITION.

- A. Madrona Marsh (2nd year)
- B. Ocean Avenue School Site (2nd year)
(Deleted: Old Torrance Memorial Hospital;
Taxes for Surplus School Properties).

Staff was directed to return "to the drawing board" for preparation of a revised summary and a "balanced budget" for the Council meeting of January 7, 1975.

(Councilman Surber left the meeting during the above discussion at 7:40 P.M.)

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At 8:40 P.M., Mayor Miller ordered a 10-minute recess.

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HEARINGS OTHER THAN PLANNING AND ZONING:

5. Civil Service Hearing - Appeal of Discharge by Morton R. Hesse.

Mayor Miller announced that this is the time, date, and place previously set by the City Council to hear the appeal of Police Officer Morton Robert Hesse -- Officer Hesse was discharged from his position of employment with the City by the Chief of Police and the City Manager on February 20, 1974, after an administrative hearing by the City Manager.

Continuing, Mayor Miller advised that Officer Hesse then requested a hearing before the Civil Service Commission on his discharge, in accordance with the provisions of the City Code. Accordingly, on February 25, 1974, the Chief of Police and the City Manager prepared and served on Officer Hesse a written statement of charges containing four counts. Officer Hesse filed an answer denying each and every count of the charges. The Civil Service Commission held a hearing in the matter on June 24, 1974; the Chief of Police and the City Manager were represented by Deputy City Attorney Steven Berman -- Officer Hesse was represented by Stephen W. Solomon, an attorney at law. Testimony was then taken, and the case was argued before the Commission. Following the end of the hearing the Commission made its findings on the four counts:

The Commission upheld the charges as to counts 1,2, and 4, and dismissed count 3. The Commission concluded as follows: "The Commission finds that counts 1,2, and 4 should be sustained; good and sufficient grounds existed for the discharge of Morton R. Hesse, and the discharge is therefore sustained."

Mayor Miller continued his formal statement: No dissenting opinion was filed. Officer Hesse now appeals the decision of the Civil Service Commission; the City Code grants the Officer the right to appeal his discharge to the City Council. It further provides that the City Council may, by 4/5ths vote, modify or overrule such decision -- inasmuch as the Council consists of 7 people, it means that by a vote of 6 of its 7 members the Council may modify or overrule the decision of the Commission sustaining the decision -- in view of Councilman Surber's departure from the meeting, the vote must be 5 of its 6 members.

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Council alternatives were then outlined by Mayor Miller, as well as the ground rules to be in effect at this hearing.

It was next ascertained by Mayor Miller that each Council-member had read the Statement of Charges; the Answer of Officer Hesse; the court reporter's transcript of the testimony and minutes taken at the hearing before the Civil Service Commission on Monday, June 24, 1974; and the Findings and Conclusions of the Commission.

Attorney William Ramey, representing Mr. Hesse, was present, as was Attorney Berman, representing the City Manager and the Chief of Police.

Questioned by Mr. Ramey was whether or not the Council had received copies of the psychiatric reports in possession of the City -- City Attorney Remelmeyer advised that such was not the case; if deemed important by the Council, it was his recommendation that the matter be referred back to the Civil Service Commission.

The opening presentation was made by Attorney Ramey who reviewed the history of this matter, with specific note of the pending Workmen's Compensation case; the psychiatric finding that "approximately 60% of Mr. Hesse's on-going emotional stress, contributing to his alcoholism, was due to his employment as a Police Officer,"; the City-directed psychiatric examination by Dr. Franklin which generally concurred in the above findings; the record which supports the fact that Mr. Hesse's alcoholism has been aggravated by his employment -- a matter which is outside the decision-making jurisdiction of the Civil Service Commission.

It was the plea of Mr. Ramey that the Council set aside the Civil Service Commission findings, take the time to review the added psychiatric record, or refer the matter back to the Civil Service Commission for their review of same. Further noted by Mr. Ramey was the January 9th hearing before the Workmen's Compensation Appeals Board, at which time it will be determined whether or not Mr. Hesse's alcoholism has been caused or aggravated by his employment.

On behalf of the City, Attorney Berman commented that the transcripts of the Civil Service Commission hearing clearly state the case, specifically noting that the above referenced ^{first} psychiatric report, although available, had not been introduced to the Civil Service Commission at the time of the hearing. Mr. Berman then outlined the acts (not alcoholism) for which Mr. Hesse had been fired, a dismissal which was a completely appropriate action.

Rebuttal by Mr. Ramey reaffirmed the relationship of alcohol and the acts for which Mr. Hesse was dismissed -- all of which supports the undisputed record that Mr. Hesse is an alcoholic, and that such alcoholism has been aggravated by his employment as a Police Officer. The Dr. Franklin report was deemed new evidence by Mr. Ramey and deserving of consideration by the Council.

Mr. Berman's closing remarks were directed to the various avenues available in determinations yet to be made regarding the job-related alcoholism aspect of this matter -- with specific note that the only issue now before the Council is whether or not, based on the evidence submitted, the firing of Mr. Hesse should be upheld.

It was the finding of City Attorney Remelmeyer, at Mayor Miller's question, that the Dr. Franklin psychiatric report is not relevant evidence, since its contents, and like information, is part of the decision to be made by the Workmen's Compensation Appeals Board. Mr. Remelmeyer added that the determination as to whether or not Mr. Hesse should be a Police Officer is based upon the Council's analysis of the charges, the transcript, and the findings -- this is a separate issue from the one before the Workmen's Compensation Appeals Board.

Discussion was directed to likely procedures involving Workmen's Compensation, and the role of the City; pertinent Government Code sections and the interpretation thereof; the definition of jurisdictions in this matter; etc.

Councilman Uerkwitz MOVED that it be the finding of the Council that the Dr. Franklin psychiatric report is not relevant evidence, and that the Council should proceed with the hearing. The motion was seconded by Councilman Armstrong; there were no objections, and it was so ordered.

Further comments from Mr. Ramey were invited by Mayor Miller; Mr. Ramey responded that he had no further presentation. It was pointed out by Attorney Berman that the Civil Service Commission had had first hand observance of the witnesses, and were in the best position to determine the accuracy of conflicting statements.

It was unanimously agreed to recess for a Personnel Session in this matter -- the hour was 9:45 P.M. -- Councilman Uerkwitz so MOVED; the motion was seconded by Councilman Armstrong, and roll call vote was unanimously favorable (Councilman Surber absent). It was clarified that the City Manager, City Attorney, and Chief of Police would not join in the Executive Session.

The Council returned at 10:00 P.M. and took the following action:

Mayor Miller announced that the Council concurs with the recommendation of the Civil Service Commission on Charges 1, 2, and 4. The Council was then polled, with the following response:

AYES: COUNCILMEMBERS: Armstrong, Geissert, Uerkwitz,
Wilson; Mayor Miller.
NOES: COUNCILMEMBERS: Brewster.
ABSENT: COUNCILMEMBERS: Surber.

It was next announced by Mayor Miller that the Council concurs in the decision of the Civil Service Commission that Morton R. Hesse be discharged -- with the poll as follows:

AYES: COUNCILMEMBERS: Armstrong, Geissert, Uerkwitz,
Wilson; Mayor Miller.
NOES: COUNCILMEMBERS: Brewster.
ABSENT: COUNCILMEMBERS: Surber.

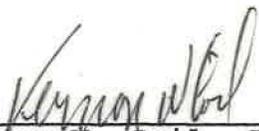
ORAL COMMUNICATIONS:

7. Councilman Armstrong requested Staff review regarding interest of Senate Commerce Committee in Wildlife legislation and the invited input from cities.

ADJOURNMENT:

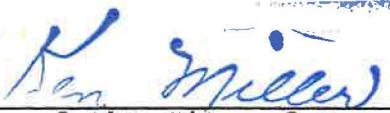
At 10:05 P.M., Councilman Uerkwitz moved to adjourn to Tuesday, January 7th, at 5:30 P.M. The motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable (Councilman Surber absent).

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Vernon W. Coil, Clerk of the
City of Torrance, California

APPROVED:



Mayor of the City of Torrance