

**MINUTES OF AN ADJOURNED REGULAR MEETING OF THE TORRANCE CITY COUNCIL**

**1. CALL TO ORDER**

The Torrance City Council convened in an adjourned regular meeting at 6:32 p.m. on May 10, 2005, in Council Chambers.

**ROLL CALL**

Present: Councilmembers Lieu, Mauno, McIntyre, Nowatka, Scotto and Mayor Walker.

Absent: Councilmember Witkowsky.

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

**17. EXECUTIVE SESSION**

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on the agenda matter listed under 17.A) Conference with Real Property Negotiator pursuant to California Government Code Section 54956.8.

The City Council reconvened at 7:00 p.m.

**2. FLAG SALUTE/INVOCATION**

The Pledge of Allegiance was led by Councilmember Lieu.

The invocation was given by Councilmember Scotto.

**3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING**

**MOTION:** Councilmember Mauno 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 Lieu and a voice vote reflected unanimous approval (absent Councilmember Witkowsky)

**MOTION:** Councilmember Mauno 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 Lieu and a roll call vote reflected unanimous approval (absent Councilmember Witkowsky).

**4. WITHDRAWN OR DEFERRED ITEMS**

None.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Councilmember Scotto announced the 46th annual Armed Forces Day Parade and Observance, May 20-22 with a parade on Saturday, May 21 at 1:30 p.m. on Torrance Boulevard from Crenshaw to Madrona. There will be displays and events at the Del Amo Fashion Center Mall #11 on Friday from 10 a.m. to 7 p.m. and Sunday from 10 a.m. to 3 p.m. with U.S. Coast Guard Band concerts held at the Armstrong Theatre on Friday at 2 p.m. and 7 p.m. and free tickets available at 10 a.m.

Fire Chief Bongard announced Fire Service Day on Saturday, May 14 with an open house at all fire stations from 10 a.m. to 4 p.m. and demonstrations at S.C.R.O.C. at 11 a.m., 1 p.m. , and 3 p.m.

Police Chief Herren announced Peace Officers Memorial week (Blue Ribbon week) from May 15-21 with a Torrance Police Memorial Service held Wednesday, May 18 at 10 a.m. at the Toyota meeting hall in the Cultural Arts Center.

**6. COMMUNITY MATTERS**

**6A. PROCLAMATION RE LETTER CARRIER FOOD DRIVE DAY**

**Proclamation** declaring Saturday, May 14, 2005 as ***Letter Carrier Food Drive Day*** in the City of Torrance, and encouraging all citizens to participate by leaving unopened, non-perishable food items near their mailboxes for pick up by their letter carrier to help those less fortunate in our community.

Councilmember Mauno presented the proclamation to President of NALC Branch 2207, Wayne Pfeiffer; Manager of Customer Service in Torrance, Dave Johnson; and Letter Carriers Mimi Ritz and Steve Kelley. Mr. Pfeiffer thanked residents for their efforts and Ms. Johnson noted that the food collected carried food banks through difficult times until the holidays.

**6B. PROCLAMATION RE AMERICAN CANCER SOCIETY RELAY FOR LIFE OF TORRANCE DAYS**

**Proclamation** declaring Saturday, May 14 and Sunday, May 15, 2005 as ***American Cancer Society Relay for Life of Torrance Days*** in the City of Torrance, and urging all citizens to recognize and participate in this anti-cancer campaign held in our community.

Councilmember McIntyre presented the proclamation to Andrea Perez and Hedy Deck, co-chairs of the American Cancer Society Relay for Life of Torrance. Ms. Perez thanked the Mayor and Council and expressed hope for finding a cure. Ms. Deck thanked Councilmember Witkowsky for agreeing to host the event on Saturday, May 14 at South High School.

**6C. PROCLAMATION RE BLUE RIBBON WEEK AND CALIFORNIA PEACE OFFICERS' MEMORIAL DAY**

**Proclamation** declaring May 15 through May 21, 2005 as ***Blue Ribbon Week*** in the City of Torrance, and further proclaiming May 15, 2005 as ***California Peace Officers' Memorial Day***.

Councilmember Nowatka presented the proclamation to Community Affairs Officer Kristine Kiesling who thanked the Mayor and Councilmembers noting that National Police Week is a time to remember those who work to protect Torrance residents every day.

She listed police officers and a crossing guard killed in service of the City of Torrance and encouraged everyone to wear a blue ribbon to remember them.

**6D. PROCLMATION RE OLDER AMERICANS MONTH**

**Proclamation** declaring the month of May 2005 as ***Older Americans Month*** in the City of Torrance, and urging all residents to acknowledge these men and women who have given so generously of their time and talents to improve the quality of life for all.

Councilmember Scotto presented the proclamation to Commission on Aging Chair Carol Dean who expressed appreciation for everything the city does on their behalf.

**6E. OLDER AMERICAN AWARD – MARY P. MILLER**

Recommendation of the **Commission on Aging** and the **Community Services Director** that City Council recognize **Mary P. Miller** as this year's recipient of the Older Americans Award.

Mayor Walker presented the award to Mary Miller who thanked the Council, Mayor Walker, the Commission on Aging and her family. She serenaded the Council and indicated that she was gratified to teach vocal music and direct choir for many years and has enjoyed participating in civic duties as a commissioner.

**6F. COMMISSIONER RECOGNITION**

Recommendation of the **City Clerk** that the Mayor and City Council recognize former commissioners for their service to the City of Torrance.

Mayor Walker recognized commissioners from the Airport Commission, Edith Dominguez (not present); Cable TV and Advisory Board, Eileen Haussmann (not present) and Richard Tsao; Civil Service Commission, Steven Busch (not present), Patrick Furey (not present) and Tom Monson (not present); Community Services Commission, Diane Tanaka; Cultural Arts Commission, Betty Kohler; Disaster Council, Danielle Callas (not present); Environmental Quality and Energy Conservation Commission, Francis Castillo (not present), Sandi Monda (not present) and Linden Nishinaga; Library Commission, Virginia Levanas (not present), Tara Unverzagt (not present), and Jamie Ruth Watson (not present); Parks and Recreation Commission Dean Mayeda (not present); and Traffic Commission, Ron Ogden (not present) and Robert Billet (not present).

**6G. COMMISSION APPOINTMENTS**

Recommendation of the City Clerk that City Council review applications and make appointments to fill vacancies on the Civil Service, Library, and the Parks and Recreation commissions. The City Clerk further recommends that the City Clerk administer the Oath of Office to commissioners present.

Mayor Walker announced that the Civil Service Commission position would be held until there is a full Council as there was a tie vote.

The following commissioners were chosen by unanimous ballot:

Library Commission: Wendy Wang  
Parks and Recreation Commission: Richard Perkins

City Clerk Herbers administered the Oath of Office to Ms. Wang and Mr. Perkins.

Mayor Walker called a recess to congratulate new Commissioners from 7:47 p.m. to 7:56 p.m.

Mayor Walker led the singing of Happy Birthday to honor Ian Tanza.

**7. CONSENT CALENDAR**

Councilmember Scotto asked to pull items 7E and 7I.

**7A. TORRANCE FLITE PARK ESTOPPEL CERTIFICATE RE 3481 AIRPORT DRIVE**

**Recommendation**

Recommendation of the **Land Management Team** that City Council authorize the Mayor to execute and the City Clerk to attest to an Estoppel Certificate for Torrance Flite Park, LLC for property located at Torrance Municipal Airport/Zamperini Field, 3481 Airport Drive, Lease #C2001-118 concerning the Option Parcel.

**7B. INTERNATIONAL SURF FESTIVAL SPONSORSHIP**

**Recommendation**

Recommendation of the **Community Services Director** that City Council accept the invitation to join the cities of Redondo Beach, Hermosa Beach, Manhattan Beach, and Los Angeles County as an official sponsor of the International Surf Festival.

**7C. RETIRING POLICE K-9 AND PURCHASE AND TRAINING OF NEW POLICE K-9**

**Recommendation**

Recommendation of the **Chief of Police** that City Council:

- 1) Approve the sale of retiring Police K-9, Hero, to his current handler for the customary sum of \$1; and
- 2) Appropriate and allocate \$16,750 to 2005 K-9 Purchase and Training (FEAP #510) for the purchase and training of a new Police K-9.

**7D. AGREEMENT RE WESCO INFRASTRUCTURE TECHNOLOGIES L.P.**

**Recommendation**

Recommendation of the **Public Works Director** that City Council:

- 1) Approve the plans and specifications for the I-37 Downtown Sewer Rehabilitation Project (B2005-13) on file in the City Clerk's Office (B2005-13);
- 2) Award a public works agreement to WESCO Infrastructure Technologies, L.P. in the amount of \$604,910.50 and authorize a 5% contingency in the amount of \$30,245.53 for this project; and
- 3) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

**7E. MV TRANSPORTATION CONTRACT SERVICES AGREEMENT**

**Recommendation**

Recommendation of the **Transit Director** that City Council authorize the Mayor to execute and the City Clerk to attest to the contract services agreement with MV Transportation for the provision of operations and maintenance services for the Municipal Area Express (MAX) Commuter Bus Service (B2005-06) from July 1, 2005 through June 30, 2008 for a total "Agreement Sum" of \$ 2,631,254.

**Item considered out of order**

**7F. AARDVARK TACTICAL INC. CHANGE ORDER RE BULLET-RESISTANT VESTS**

**Recommendation**

Recommendation of the **Chief of Police** that City Council authorize a change order in the amount of \$18,500 to Aardvark Tactical Inc., (Purchase Order #19768) for bullet-resistant vests, for a total expenditure authorization of \$43,499.99.

**7G. CONTRACT SERVICES AGREEMENT RE ELITE SECURITY SERVICES, INC.**

**Recommendation**

Recommendation of the **Transit Director** that City Council authorize the Mayor to execute and the City Clerk to attest to contract services agreement with Elite Security Services, Inc. to provide security services for the Torrance Transit System (B2005-08) from July 1, 2005 through June 30, 2006, at a cost not to exceed \$176,280.

**7H. CONSULTING SERVICES AGREEMENT RE KATZ, OKITSU & ASSOCIATES**

**Recommendation**

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

- 1) Approve an amendment to the consulting services agreement with Katz, Okitsu, & Associates, Inc. to extend the term until July 30, 2005 for the design services of the two proposed traffic signals at intersection of Fallenleaf Drive and Whiffletree Lane with Rolling Hills Road, and a raised landscape median island on Rolling Hills Way, as part of the Rolling Hills Way Area Traffic Calming Efforts; and
- 2) Authorize the Mayor to execute and City Clerk to attest to said amendment.

**7I. VENDOR CONTRACTS RE UNITED OIL SERVICE STATION AND ARCO AM/PM MINI MART SERVICE STATION**

**Recommendation**

Recommendation of the **General Services Director** that City Council authorize vendor contracts with the United Oil Service Station located at 21190 Hawthorne Blvd., Torrance CA and the ARCO AM/PM Mini Mart Service Station located at 1210 Crenshaw Blvd. in Torrance CA. The combined total expenditure for these two (2) contracts is not to exceed \$446,250 (\$223,125 per vendor contract). These vendor contracts will provide for the purchase of unleaded 87 octane gasoline for use in the city-owned and operated vehicles pending completion of upgrades to the city's underground gasoline storage tanks located in the City Yard and the Torrance Airport. The two vendor contracts will be effective May 1, 2005 through September 30, 2005.

**Item considered out of order**

**MOTION:** Councilmember Nowatka moved to approve items 7A through 7D, and 7F through 7H as written. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval

**Considered out of order.**

**7E. MV TRANSPORTATION CONTRACT SERVICES AGREEMENT**

Recommendation of the Transit Director that City Council authorize the Mayor to execute and the City Clerk to attest to the contract services agreement with MV Transportation for the provision of operations and maintenance services for the Municipal Area Express (MAX) Commuter Bus Service (B2005-06) from July 1, 2005 through June 30, 2008 for a total "Agreement Sum" of \$ 2,631,254.

Councilmember Scotto reported that he served on the MAX committee

Patrick Sullivan reported that the Municipal Area Express (MAX) Policy Steering Committee (PSC) comprised of representatives from seven agencies from San Pedro to El Segundo had approved the item on April 18, 2005. He indicated that the steering committee sets the budget and awards contracts for the MAX and the role of the Council as defined in the MAX contract between the seven agencies is to enter into an agreement with MV Transportation. He noted that the MAX Bus Service Agreement states that Torrance shall enter into an agreement with a respondent approved by the PSC.

Councilmember Lieu questioned why the item came before the Council if there is no option to vote against it and Mr. Sullivan explained that Torrance is the lead agency providing staff, in-house handling of the budget, RFPs and oversees the legal aspects of MAX but the agreement is not a joint powers authority, rather it is an entity set up with those by laws in effect since April 1990.

Councilmember Lieu pointed out that they are being asked to validate an agreement they have not heard arguments for and he felt if the matter comes before the Council they should be able to say no.

Mr. Sullivan clarified that their role is to ratify what the steering committee did and he noted that the dispute is not with the individual entities but between MAX employees represented by teamsters and their new employer which is MV Transportation.

Councilmember Lieu questioned the consequences of a no vote from the Council and Mr. Sullivan explained that the contract runs out on June 30, 2005 and MAX will stop running unless that contract is extended. He added that the MV Transportation bid was \$230,000 lower over the three year period than the current contract and he pointed out that Councilmember Scotto represented Torrance at the meeting and the City of Los Angeles had abstained. If Torrance is uncomfortable with the way MAX operates it can terminate its membership in MAX but 90 days notice must be given before the end of the fiscal year or a joint powers agreement could be done which would require a buy in of the other agencies involved.

Councilmember Lieu reiterated his contention that Torrance should have the option to disagree and he objected to other cities being able to control what Torrance decides. Mr. Sullivan reiterated that Torrance is the administrator for MAX representing the other agencies and Torrance is to administratively approve what the MAX Board did.

Councilmember Mauno shared similar concerns and he expressed discomfort with the unusual policy of ratifying something that someone else had decided. He questioned how other member cities felt.

Responding to Mayor Walker, Mr. Sullivan explained that the city has a 33% share and the difference in the contracts is \$230,000.

Transit Manager Mills explained that MAX Services is a cooperative agreement between several cities and the proportionary shares are divided based on the number of miles in the city and number of boardings. The Torrance share is about 32% or \$139,000 per year and the City of Los Angeles has the second largest share which is about the same size as the Torrance share.

Responding to Councilmember Nowatka, Mr. Sullivan explained that there were similarities between MAX and WiN but in this case the decision of the MAX policy steering committee is final on the award of the contract. Councilmember Nowatka stated that was also the case with WiN and he pointed out that there was nothing new going on here. A vendor has been found to do the service cheaper and in doing that 11 employees will be absorbed who still be union members. He questioned the impact of a no vote and whether that would obligate Torrance for the \$230,000 and Mr. Sullivan indicated that other member cities would not vote to spend that extra money. Councilmember Nowatka expressed concern that the bottom line could be the demise of MAX and Mr. Sullivan agreed that if the other cities did not revise their vote MAX would cease on June 30, 2005.

Councilmember Scotto reported Coach USA is the present contractor, the system has 11 drivers and every three years the contract goes out to bid. He related that the teamsters and drivers were present at a meeting on April 4, 2005 where he proposed delaying the decision for a few weeks so the teamsters could have discussions with their drivers and MV Transportation. MV assured the committee that benefits and salaries would stay in place and no one would lose their job and drivers would be absorbed if necessary. After two weeks of talks the two sides were unable to work anything out. Councilmember Scotto reiterated that it would cost \$230,000 more to keep the contract with Coach USA. If MV Transportation is chosen 11 drivers go to a new company, keep their benefits and their pay is guaranteed, but the teamsters would lose 11 drivers in their union. He urged the Council to ratify the item noting that there might not be enough time to hire new drivers if need be.

Eric Tay, Teamsters Local, asserted that the teamsters were not concerned with losing 11 members rather they were concerned that the drivers would not get all their benefits as they would lose their retirement and all that is gone into it from the start of the contract. He felt the MAX System was good for the public but he needed to ensure the drivers were taken care of.

Councilmember McIntyre received clarification that only 1 of 11 drivers had pension benefits vested and Mr. Tay explained that it takes five years to vest and the other drivers have been in the program for almost 2 years.

Keith Whalen, Executive Vice President of MV Transportation, reported that they had committed in writing that employees would keep current wages and benefits as well as annual increases. He noted that relative to pension, MV offers a 401k program that does not have a vesting period and is matched by the employee with the program going with the employee if they leave. He indicated that if the teamsters wanted to cash out MV Transportation would be happy to roll that into a 401k plan for the employees.

Mr. Whalen indicated familiarity with the challenges of a being a driver and he noted that the owner of MV Transportation manages and runs the largest minority owned and managed company in the system. He indicated working with MAX previously and being familiar with the quality expectations of the MAX Steering and Selection Committee, and he

stated that he would honor their expectations, do an outstanding job, be a great employer and a great partner with the communities.

Responding to Councilmember McIntyre, Mr. Whalen indicated it was their intention to retain the employees for many years. He clarified that the 90 day period is a State of California requirement but they would like the employees to stay indefinitely.

Responding to Councilmember Lieu, Mr. Whalen explained that they were not able to participate in the Teamsters Retirement Program but would welcome rolling that money into a 401k. He indicated that there was no waiting period for health insurance, vacation time would be honored, current contribution levels relative to the premium on health insurance would be honored and annual increases would continue.

Jacob Haik, a representative for Janice Hahn, conveyed her concerns about the matter noting that their vote to abstain should have been a vote against. He indicated that all Councilmembers should have received a letter from Ms. Hahn and he read an excerpt from last paragraph indicating that government must be responsible to the workforce when decisions such as these are made and the decision would have an effect on their quality of life. He reported that Ms. Hahn urged the Council to deny the contract due to concerns with the employees' loss of pension.

Mayor Walker asked for clarification as there was information in the third paragraph in the letter received from Councilwoman Hahn that conflicted with what has been previously stated by MV Transportation. The third paragraph of Ms. Hahn's letter stated that currently 11 employees who participate in the Teamsters Pension Plan would lose their pension plan and all contributions made to that and they would not get another raise for three years at which time they would get a one cent raise. The letter indicated that under the current contract they would be at \$14 on January 1 and Ms. Hahn noted concerns about benefit costs under new contract.

Mr. Whalen indicated that Ms. Hahn's understanding of the situation was incorrect.

Mr. Sullivan reported that MV Transportation had made an unconditionally satisfied guarantee on page 64 of the item and in addition to contractual warranties, in the event the city is dissatisfied for any reason during the term of the contract the city may terminate the contract. If the contract were to be terminated MV would return any and all profits in the final 12 months of the contract. He noted that the guarantee is the Council's tool to fall back on if there are any problems.

Councilmember Scotto reminded everyone that the contract is redone every three years and in three years it is possible that the contract could go back to Coach USA as the low bidder typically gets the contract.

Councilmember Nowatka pointed out that the consortium owns the buses and the contract is for an operator.

Councilmember Mauno asked whether there were provisions in the contract for going to a month to month or an in between measure and Mr. Sullivan explained that the contract terminated by its own terms on June 30, 2005 and negotiations would have to be entered in order to continue it.

Councilmember Mauno felt the decision to be significant and a policy statement and he again expressed discomfort with the procedure of approving something the Council had not been able to review.

Mr. Sullivan suggested that the Council could direct staff in the future to look into forming a Joint Powers Authority.

Councilmember Lieu indicated that he would vote no because pensions would be lost and he expressed support for Coach USA who came in and did a very good job when MAX wasn't doing very well. He pointed out a level of risk using something new and he did not support introducing risk and taking away pensions to save \$26,000. Councilmember Lieu opposed the structure of the MAX agreement which allows other cities to make decisions for Torrance.

**MOTION:** Councilmember Scotto moved to approve item 7e. Councilmember Nowatka seconded the motion and the discussion continued.

Mayor Walker indicated that he would vote against the item because he did not like being put in the situation of being forced to approve something someone else had decided. He reported seeing too many businesses think that the way to cut the bottom line is to cut benefits and retirement. He asserted that going out to RFP every three years did not benefit the rider as the service would always go to the lowest bid and he felt that if you find a good provider you should stick with it and work within the costs. He pointed out if the vote is tied 3-3 people would come up with creative ways of solving the problem in a short period of time.

A roll call on the motion was taken: AYES: Councilmember Nowatka and Scotto. NOES: Councilmembers Lieu, Mauno, McIntyre and Mayor Walker. **Motion failed.**

Councilmember Scotto asserted that staff needed direction as riders would be stranded beginning July 1, 2005. He noted that the issue was larger than 11 drivers and he pointed out that four other cities had voted for the proposal.

Transit Manager Mills indicated that there were 100,000 MAX boardings annually.

Councilmember Lieu suggested further communication and Mayor Walker suggested that the City of Los Angeles could clarify their position.

Councilmember Mauno suggested the Board have an emergency meeting to work out something month to month and he acknowledged that MAX is a vital service but he felt there would be sufficient time to respond to the decision.

Councilmember Scotto explained that if Torrance would fund the additional \$230,000 the other cities would go along with the plan and while he has sympathy for the drivers he was also concerned with stranded riders.

City Manager Jackson suggested that MAX convene a special meeting to consider the matter and how to deal with it as there may be serious consequences to Torrance's role as an administrator.

Councilmember Nowatka expressed concern that Torrance had given themselves liability and Mr. Sullivan asserted that the liability would be the angry citizens because if other cities don't change their vote MAX will end.

Responding to Councilmember Lieu, Mr. Sullivan explained that councilmember representatives had already voted on the matter at the steering committee meeting.

Councilmember Mauno felt that creative thinking and policy would occur quickly and the matter would come back to the Council as there are additional options that should be explored. He expressed discomfort with being forced into a box and acknowledged that MAX is a valuable service.

Councilmember Lieu pointed out that the City of Los Angeles had also abstained and he felt there would be ways to make up the difference.

City Manager Jackson expressed concern with running into difficulties with transit operations noting that if the other agencies dropped off, Torrance would have to pickup of the other 2/3 of the costs. He pointed out the rising cost of transit operations with fuel costs in particular rising significantly but funding is restricted. He noted the lack of excess money to be spent on a regional transportation system and Councilmember Scotto stated that the total budget is \$2,631,000 for the expenditure.

Mayor Walker asserted that the Council would be setting a precedent if they accepted the recommendation and they had questions they wanted answered and a process they wanted looked at. He assured everyone that riders would not be left on the street corner and he felt the process could be looked at in a different way conceptually. Direction was given to send back to MAX for additional consideration.

**Considered out of order.**

**71. VENDOR CONTRACTS RE UNITED OIL SERVICE STATION AND ARCO AM/PM MINI MART SERVICE STATION**

**Recommendation**

Recommendation of the **General Services Director** that City Council authorize vendor contracts with the United Oil Service Station located at 21190 Hawthorne Blvd., Torrance CA and the ARCO AM/PM Mini Mart Service Station located at 1210 Crenshaw Blvd. in Torrance CA. The combined total expenditure for these two (2) contracts is not to exceed \$446,250 (\$223,125 per vendor contract). These vendor contracts will provide for the purchase of unleaded 87 octane gasoline for use in the City-owned and operated vehicles pending completion of upgrades to the City's underground gasoline storage tanks located in the City Yard and the Torrance Airport. The two vendor contracts will be effective May 1, 2005 through September 30, 2005.

Councilmember Scotto clarified that he did not want to bid on the contract but he questioned why only stations within half a mile of City Hall were considered as it might have been possible to negotiate a discount since the city is buying 1750 gallons per day.

Dave Winnett indicated that convenience was a major issue and a list of 24-hour service stations within a small area was formulated with two chosen to allow for contingency.

Councilmember Scotto pointed out that in the past the city had used stations that were not close to City Hall with the logic that vehicles were going to be all over Torrance anyway. He expressed concern that a sizable amount of money could have been saved by shopping around.

Mr. Winnett reported that there had not been a whole lot of interest in offering a discount and he explained that the project did not go out for formal bids due to time constraints. He acknowledged that more time, a proper bid and a larger area would have probably netted a discount.

**MOTION:** Councilmember Scotto moved to approve item 71 as written. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

**9. PLANNING AND ECONOMIC DEVELOPMENT**

**9A. PLANNING COMMISSION 2004 ANNUAL REPORT**

Recommendation of the **Planning Commission** and the **Community Development Director** that City Council accept and file the Planning Commission 2004 Annual Report.

**MOTION:** Councilmember McIntyre moved to adopt the staff recommendation. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

**11. ADMINISTRATIVE MATTERS**

**11A. CLASS SPECIFICATION FOR WORKERS' COMPENSATION CLAIMS EXAMINER**

Recommendation of the **Human Resources Director** and the **Civil Service Commission** that City Council approve the proposed class specification for Workers' Compensation Claims Examiner.

Human Resources Manager Lawrence reported that the Worker's Compensation Claims Examiner classification had been updated to reflect the many changes in the benefit structure, to include state certification requirements and to reflect what the employee is currently handling.

**MOTION:** Councilmember McIntyre moved to adopt the staff recommendation. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

**11B. MODIFICATIONS RE TORRANCE COMMUNITY TRANSIT PROGRAM**

Recommendation of the **Transit Director** that City Council approve the following proposed program modifications to the Torrance Community Transit Program:

- 1) Establish a maximum subsidy for each ride not to exceed \$13;
- 2) Place a cap on the standard number of tickets per month at 16 and;
- 3) Evaluate requests for additional tickets on a case by case basis for a specified limited time period for medical reasons only, but in no case authorize more than 32 per month.

Transit Manager Mills reported that the item was a follow up to an action on March 1 of approving a one time increased appropriation of \$475,000 for the Torrance Community Transit Program. Staff has returned with cost mitigation recommendations to maintain the \$1 million net funding cap, has prepared a number of recommendations, and has met with the affected parties.

Transit Manager Mills provided a brief overview of the program per the material of record noting that the program had already exceeded the \$1 million cap four months prior to the end of the fiscal year due to increased costs resulting from increased fuel costs and increased ride length. The current senior taxi program provides trips to satellite points with riders required to pay for trips outside the service area. The Dial-a-Taxi program serves Torrance, Lomita, and Redondo Beach with 22% of the trips costing over \$13.

Staff recommended establishing a maximum subsidy for each ride not to exceed \$13 with riders paying anything over that amount by cash, credit cards or additional tickets and boundaries and satellite points would be eliminated. A maximum of 16 tickets per month would be issued with requests for additional tickets evaluated on a case by case basis but never more than 32 tickets per month issued.

Alternatives considered but not recommended were raising prices to \$5 and decreasing tickets sold from 16 to 8 to reach the program cap.

Transit Manager Mills reported that the taxi cab companies were supportive of the recommendations, the disabled community understood, and while the Commission on Aging did not endorse the changes, they understood the need for the recommendations. He summarized next steps and presented projected costs for 2006 with the recommended changes which would achieve the cap.

Councilmember Scotto felt that the proposal would hurt the people who need it the most and with the elimination of satellite points those going to Kaiser would exceed the \$13 limit.

Transit Manager Mills clarified that they were proposing to honor medical requests for additional tickets but to eliminate consideration for educational requests on a case by case basis.

Responding to Councilmember Scotto, Transportation Manager Mills explained that the intent of the changes was to accommodate the majority and if the base cost was raised to \$5 per person everyone would be impacted. Since 22% of the trips are over \$13 that means 78% should not have to be impacted by the proposed changes. He pointed out that the Dial a Ride program had already received a 100% increase to their fare.

Councilmember Scotto noted a comparison to surrounding cities three years ago indicated that Torrance provided the lowest number of tickets and Transportation Manager Mills pointed out that attachment C provided a comparative and except for Carson Torrance now provides the most tickets. He pointed out that the city had only so many dollars to stretch and must be sensitive to low income residents which is why they provide discounts based on income.

Councilmember McIntyre questioned whether the increase in trip length was due construction and Transportation Manager Mills acknowledged that was part of it with congestion and detours but he added that health care had changed with a number of providers eliminating satellite offices and the October 2003 grocery strike changed shopping patterns of most people which affected their travel patterns.

Councilmember McIntyre questioned the criteria for additional tickets based on medical need and Transportation Manager Mills stated that a doctor's note would be sufficient. He indicated that staff would make attempts to act as a liaison between Access

Services which offers an unlimited number of rides and the city had no intention of leaving anyone stranded.

Councilmember Mauno suggested spot audits with stiff penalties for transgressions and Transportation Manager Mills explained that any driver who receives more than five verifiable complaints receives a \$1,000 per month penalty and that has been enforced once. He noted that if there is a pattern the cab company is charged per hour for auditing. A past audit revealed discrepancies, the majority of which were simple math errors and the city closely monitors the program to stretch the money as far as possible.

Councilmember Mauno questioned when the item would come back before the Council and Transportation Manager Mills indicated that the matter would come back in mid-June with contract agreements but the issue would be ongoing for many years and expanding as the aging population continues to grow.

Councilmember Lieu questioned whether taxi companies had been asked to provide subsidies as a public service and he noted the companies would be enjoying additional profits with the increase in business.

Transportation Manager Mills indicated that staff had asked for a discount but cab drivers are independent and fuel costs are cutting into individual driver profits. He reported that contracts were up on June 30, 2005 and the Council needed to approve new contracts.

Councilmember Lieu asked Transportation Manager Mills to approach the taxi companies and ask for a discount and Transportation Manager Mills agreed to meet with them again. He reminded the Council that notifications of changes needed to be sent out and time is short.

Carol Dean, Chair of the Commission on Aging, reported that while the commission was appreciative of the Senior Taxi program provided by the city and the transportation department had done an outstanding job, she was concerned with dropping designated medical locations and she asked staff to find a remedy to that.

Bea Virobik, Focal Point on Aging, pointed out the importance of the service noting that many seniors use Torrance transit for medical appointments to satellite areas and she expressed concern for those with limited income.

City Manager Jackson suggested that staff could bring the item back in two weeks and work during that time to gauge the interest of taxi cab companies to assist which would help but would not close the gap being faced. He noted that they could work beyond the July 1 deadline but that would continue to bleed off transit operations funds.

Mayor Walker felt that it unlikely that independent contractors would be able to provide the level of discount needed.

City Manager Jackson cautioned that if the company didn't assume responsibility, drivers might select who they pick up and who they don't which could diminish the service level.

Mayor Walker noted that the program would continue to grow and should be used to help those who don't have the ability through friends, family, neighbors, or finances to take care of their transportation needs.

The Council agreed to hold the Item for two weeks.

\*

The Torrance Redevelopment Agency met from 9:17 p.m. to 9:18 p.m.

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**16. ORAL COMMUNICATIONS**

**16a.** Councilmember Lieu reported attending the dedication of Discovery Park, the first new park in Torrance in 20 years.

**16b.** Councilmember Lieu congratulated leaders and members of AFSCME Local 1117 who won with 85% of the vote on an 88% employee turnout.

**16c.** Councilmember Mauno commented on the AFSCME vote last week observing that employees want stability.

**16e.** Councilmember Mauno reported touring the Joslyn Center and he was looking forward for the exterior phase to begin.

**16f.** Councilmember Mauno congratulated the RSVP Volunteers.

**16g.** Councilmember Nowatka asked that City Manager investigate faxes received by residents that appear to be from the City of Torrance indicating their census tract has been targeted and City Manager Jackson agreed to look into the matter.

**16h.** Councilmember Scotto reported attending the opening of Discovery Park and he commented that the design made very creative use of the small space and he felt that the park would be very well used.

**16i.** Councilmember Scotto reiterated that Armed Forces Day concerts were scheduled for Friday, May 20, 2005

**16j.** Mayor Walker reported attending the dedication of Discovery Park and reminisced about when the area contained a large water tank. He was pleased that the area has been cleaned up, was not used for condos and is now a park with a senior complex on one side and an apartment for the physically challenged on the other.

**17. EXECUTIVE SESSION**

Considered earlier.

**18. ADJOURNMENT**

At 9:24 p.m., the meeting was adjourned to Tuesday, May 17, 2005, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

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Attest:

/s/ Sue Herbers  
Sue Herbers, CMC  
City Clerk of the City of Torrance

/s/ Dan Walker  
Mayor of the City of Torrance

Approved on July 12, 2005