

**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 5:30 p.m. on Tuesday, June 5, 2001, in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Cribbs, Messerlian, Nowatka, Scotto, Walker, Witkowsky, and Mayor Hardison.

Absent: None.

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

Agenda Item 16 was considered out of order at this time.

16. EXECUTIVE SESSION

At 5:30 p.m., pursuant to Government Code Sections 54957.6, 54956.9(a), 54956.9(b) and 54956.8, the Council recessed into a closed session to discuss matters listed on the meeting agenda under 16a) Conference with Labor Negotiator; 16b) Conference with Legal Counsel – Existing Litigation; 16c) Conference with Legal Counsel – Anticipated Litigation; and 16d) Real Property – Conference with Real Property Negotiator.

The Council reconvened in Council Chambers at 7:10 p.m. absent Councilmember Messerlian who left City Hall at 6:40 p.m.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Scout Steve Zelik of West High School, a member of Scout Troop 851.

Pastor Daniel T. Moriarity, Lutheran Ascension Church, gave the invocation for the meeting.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Cribbs 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 Nowatka, and hearing no objections, Mayor Hardison so ordered.

MOTION: Councilmember Cribbs 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 Nowatka, and hearing no objections, Mayor Hardison so ordered.

4. WITHDRAWN OR DEFERRED ITEMS

None.

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Mayor Hardison requested that the meeting be adjourned in memory of Guy Hartwill Lee, a former member of the Parks & Recreation Commission and a former City employee.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Scotto announced that the Ad Hoc Veterans Memorial Committee meeting was rescheduled to Wednesday, June 13, 2001 at 5:30 p.m. in the 3rd Floor Assembly Room, City Hall.

City Clerk Herbers invited staff and the public to view watercolors and mixed media work of Torrance Artist Guild member Natalie Sproson in the City Clerk's office through the end of June. In addition she called to attention to an exhibition continuing through July 6 titled "2001: An Art Odyssey" that will feature works by artists of the Torrance Artists Guild, past, present and future at the Joslyn Gallery with a reception on Friday, June 7, 2001 at 7:00 p.m.

Councilmember Witkowsky announced that the Public Safety Committee would meet on Tuesday, June 12, 2001 at 4:00 p.m. in City Council Chambers to view the new police recruitment video.

Fire Chief Bongard announced that ExxonMobil would conduct a Community Alert test on Wednesday, June 7, 2001.

7. CONSENT CALENDAR

7a. APPROVAL OF MINUTES – APRIL 24, AND MAY 1, 2001

7b. AUTHORIZATION FOR SALE OF SURPLUS VEHICLES

Recommendation

Recommendation of the **General Services Director** that City Council authorize the sale of one (1) surplus/obsolete vehicle to Torrance Unified School District.

7c. CHANGE ORDER RE PURCHASE OF AUTOMOTIVE REPAIR PARTS

Recommendation

Recommendation of the **General Services Director** that City Council approve a change order to the existing purchase order with Peerless Automotive of Torrance for automotive repair parts. This change order will increase the purchase order by \$10,000.

7d. **ACCEPTANCE AND APPROPRIATION OF DONATIONS**

Recommendation

Recommendation of the **City Librarian** that City Council accept and appropriate donations made to the Library from Moog, Inc., and Toyota Motor Sales, USA, Inc., for the Library's 2001 Summer Reading Program.

7e. **RENEWAL OF FINANCIAL SOFTWARE MAINTENANCE AND SUPPORT**

Recommendation

Recommendation of the **Information Technology Director** that City Council approve the expenditure for one year of financial software maintenance and support from PeopleSoft for an amount not-to-exceed \$76,983.48.

7f. **CONTRACT RE DEMOLITION OF STRUCTURES AT 2314 DEL AMO BLVD.**

Recommendation

Recommendation of the **City Manager** that City Council authorize a contract to Conserv Environmental of Gardena, CA, for \$27,850 for demolition of existing structures at 2314 Del Amo Boulevard and \$2,785 for project management fees.

7g. **PURCHASE OF BALLISTIC POLICE HELMETS AND CARRYING BAGS**

Recommendation

Recommendation of the **Chief of Police** that City Council authorize a purchase order be issued to All State Police Equipment Company, Pomona, CA, in the amount of \$38,193.12 for the sole-source purchase of 168 Gentex Ballistic Police Helmets and carrying bags for the helmets.

7h. **AGREEMENT FOR FISCAL YEAR 2001-02 DIAL-A-LIFT SERVICES**

Recommendation

Recommendation of the **Transit Director** that City Council authorize the Mayor to execute and the City Clerk to attest to a Second Amendment to Agreement C98-153 with Laidlaw Transit Services, Inc. for the operation of the Torrance Dial-A-Lift (DAL) at a cost not to exceed \$284,443 for the period from July 1, 2001 to June 30, 2002.

7i. **AMENDMENT TO AGREEMENT FOR MUNICIPAL AREA EXPRESS (MAX) COMMUTER SERVICE**

Recommendation

Recommendation of the **Transit Director** that City Council authorize an amendment to contract C98-142 with Coach USA, Inc. for the operation of the Municipal Area Express (MAX) at a cost not to exceed \$808,285.86 per year, totaling \$1,616,571.72 for the period from July 1, 2001 to June 30, 2003.

7j. **ACCEPTANCE AND ALLOCATION OF STATE OF CALIFORNIA OFFICE OF CRIMINAL JUSTICE PLANNING TECHNOLOGY GRANT**

Recommendation

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

- 1) Accept the \$150,953 increase from the California Office of Criminal Justice Planning Technology Grant. Further, appropriate these funds, along with \$14,381.81 in interest, for a total appropriation of \$165,334.81 to provide partial funding for the purchase of additional Mobile Data Computers for police vehicles. The \$28,174.19 difference to be funded through a combination of previously appropriated and allocated Technology Grant and Asset Forfeiture funds; and
- 2) Authorize a purchase order to be issued for an amount not to exceed \$193,509 to Kontron Mobile Computing, Eden Prairie, MN, for the sole-source purchase of 25 mobile data computers to be installed in the Police Department's marked patrol vehicles.

MOTION: Councilmember Walker moved for the approval of Consent Calendar Items 7a through 7j. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember Messerlian).

11. **ADMINISTRATIVE MATTERS**

11a. **CONTINUATION OF STATE OF LOCAL EMERGENCY**

Recommendation

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

Building and Safety Director Isomoto reported that the hillside was continuing to move at a slow rate and noted that initial topographic studies by the homeowners' consultants have been completed and that field testing was expected to begin within the next week.

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

11b. **APPROVAL OF ANIMAL CONTROL SERVICES CONTRACT FOR FISCAL YEAR 2001-2002**

Recommendation

Recommendation of the **Building and Safety Director** that City Council approve a one-year contract with Los Angeles County Department of Animal Care and Control for provision of animal control services.

Building and Safety Director Isomoto reported that the modifications approved at the April 24, 2001 Council meeting had been incorporated into the new contract. He advised that, in conjunction with the contract, the City would be adopting Los Angeles County Title 10 for the purpose of animal regulation, however, in cases of conflict

between the Torrance Municipal Code and the County's Title 10, Torrance's regulations would prevail.

Mayor Hardison noted supplemental material consisting of additional public correspondence and staff's response to it.

Councilmember Scotto, echoed by Councilmember Nowatka, expressed concerns that the contract calls for a minimum of 60 hours a week of field service as computed on an annualized basis which means that the County could theoretically provide zero hours of service on any given week. To address this concern, City Attorney Fellows recommended replacing the word "minimum" with the word "average."

Councilmember Nowatka requested that any reports provided to the Environmental Commission on animal control also be provided to the City Council.

In response to Mayor Hardison's inquiry, Environmental Services Administrator Cessna stated that it was her understanding that revenue collected in June for 2001-2001 license renewals would be included as offsetting revenue for the 2001-2002 contract but she had not had an opportunity to verify this with the County.

City Manager Jackson, in response to Councilmember Witkowsky, discussed the procedure that would be followed should the County fail to correct the problems that have been mentioned by residents and the City decides to invoke the 30-day cancellation clause.

Environmental Services Administrator Cessna advised that in past years her staff has received very few complaints about animal control services; that the County has been very responsive to those complaints; and that she hoped that the new enhanced program would help provide a true picture of what is going on in the City with regard to this issue.

Ms. Elizabeth Rosinsky, 5005 Milne Drive, read a letter from her father Sheldon Rosinsky outlining concerns about the proposed contract and recommending that the agreement be amended to include provisions: 1) requiring detailed monthly reports from the County on animal control services; 2) allowing the City to conduct both scheduled and unscheduled inspections of the animal shelter; 3) specifying performance measurements to ensure quality of service; and 4) providing remedies for breach of contract.

Mr. Ray Jackman, 3115 W. 181st Street, suggested that the Environmental Quality and Energy Conservation Commission serve as an oversight committee for the new contract and report to the City Council on a quarterly basis.

Ms. Michelle Duncan, 4826 Mayor Drive, voiced concerns that the contract includes no monetary penalties should the County fail to meet the terms of the agreement, maintaining that it was unlikely that service would improve in the absence of any consequences. She suggested that the City use a more efficient contractor to collect license revenues and allocate the additional funds collected to hire its own animal control officers.

MOTION: Councilmember Cribbs moved for the approval of the contract, amending Section 1(n) as follows: "The Director agrees to provide services on a demand basis but not less than ~~a minimum~~ an average 60 hours a week of in-city service on an annualized basis for the life of this Agreement." The motion was seconded by Councilmember Walker and passed by unanimous roll call vote (absent Councilmember Messerlian).

RESOLUTION NO. 2001-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE EXECUTION OF THAT CERTAIN AGREEMENT FOR ANIMAL CONTROL SERVICES BETWEEN THE CITY OF TORRANCE AND LOS ANGELES COUNTY

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2001-59 as amended. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote (absent Councilmember Messerlian).

12. HEARINGS

12a. SECOND PUBLIC HEARING ON PROPOSED BUDGET FOR FY 2001-03

Recommendation

Recommendation of the **Finance Director** that City Council open the second public hearing on the City of Torrance proposed two-year operating budget for fiscal years 2001-03.

Mayor Hardison announced that this was the time and place for a public hearing on the proposed operating budget for fiscal years 2001-03. City Clerk Herbers confirmed that the hearing had been properly advertised.

In response to Mayor Hardison's inquiry, Fire Chief Bongard provided clarification regarding the proposal to use additional revenue from new ambulance contract to offset the cost of funding the new Captain position in the second year of the budget. He explained that the City charges \$23 for each transport to cover medical supplies; that that fee is currently billed to the customer by the ambulance company and passed on to the City once collected; and that the City was proposing to have the ambulance company pay the fee whether or not they collect it. He estimated that this could result in an additional \$65,000 in revenue annually.

Responding to Councilmember Scotto's inquiry, Fire Chief Bongard indicated that the collection rate for this fee is currently running at about 60 to 70 percent, noting that some insurance carriers have balked at paying the fee.

Mayor Hardison invited public comment on the proposed budget. As no speakers came forward, the public hearing was closed.

MOTION: Councilmember Walker moved to close the public hearing. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

MOTION: Councilmember Walker moved to concur with the staff recommendation as follows:

- ◆ Approved base budget which includes: 1) \$850,000 from prior year carryover as funding for the subsequent fiscal year; 2) Reserves for energy and training; 3) Rate mitigation reserve in Water; 4) Additional transfers of excess monies generated from the non-aeronautical land lease, FY2001-03, \$550,000 and \$300,000 respectively; 5) Rebating any windfall on Utility Users' Tax to the taxpayers due to the increase in electricity rates.
- ◆ Approved budget modifications as previously proposed: 1) any additional funds that become available due to the outcome of the hearings for eliminating the ZEST route and consolidation of routes be allocated to adding four senior ride taxi program vouchers; 2) increase grant funding for non-profit social services agencies an additional \$7,000 to a total of \$30,000 for the 2001-03 fiscal years fund by unallocated one time monies; 3) the addition of a Fire Captain in place of the one Secretary position for the 2002-03 fiscal year which would require the re-balancing of the 2002-03 budget.
- ◆ Approved in concept both years of the two-year operating budget, deferring formal action on the second year of the budget pending the outcome of the initiative election on the assessments for street lighting.

The motion was seconded by Commissioner Scotto and passed by unanimous roll call vote (absent Councilmember Messerlian).

Mayor Hardison expressed concerns about the addition of the Fire Captain position in the second year of the budget, stating that she hoped the department would continue to look for creative ways to to close the gap in funding.

12b. PUBLIC HEARING RE THE CITY OF TORRANCE LIGHTING DISTRICT NO. 99-1

Recommendation

Recommendation of the **Planning Director** that City Council take the following actions:

- 1) Hold the Public Hearing on the proposed levy of assessments within the City of Torrance Lighting District No. 99-1 for Fiscal Year 2001-2002; and,
- 2) Adopt a Resolution confirming the diagram and assessment for Fiscal Year 2001-2002 and ordering the improvements in connection with the City of Torrance Lighting District No. 99-1.

Mayor Hardison announced that this was the time and place for a public hearing on the City of Torrance Lighting District No. 99-1. City Clerk Herbers confirmed that the hearing had been properly advertised.

Transportation Manager Semaan Transportation Planner Semaan noted that the City of Torrance Lighting District No. 99-1, pursuant to the Landscaping and Lighting Act of 1972, was created on June 15, 1999 to finance the maintenance and servicing of streetlights, safety lights and traffic signals in the City and that a majority of the ballots returned by property owners were cast in favor of the assessment. He advised that the City Council is required to conduct annual proceedings for each year the City Council proposes to levy assessments against properties in the Lighting District and that based on the analysis contained in the Engineer's Report, it was determined that it would not

be necessary to change the rate or method of the assessment this year and that neither property owner balloting nor mailed notice was required.

Mayor Hardison asked about the \$10,629 increase in the City's contribution. Transportation Planner Semaan explained that that City was absorbing the increase in power rates in order to maintain the cap on the special benefit portion of the assessments so that it would not be necessary to conduct another property owner balloting proceeding.

In response to Mayor Hardison's inquiry, Transportation Planner Semaan reported that the Public Utilities Commission determines the rates charged for streetlights; that the breakdown of the cost is approximately two-thirds maintenance and one-third energy; and that the City has approximately 11,000 streetlights at a cost of \$17 per month each.

Mayor Hardison invited public comment. As no speakers came forward, the public hearing was closed.

MOTION: Councilmember Cribbs moved to close the public hearing. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember Messerlian).

RESOLUTION NO. 2001-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2001-2002 IN CONNECTION WITH THE CITY OF TORRANCE LIGHTING DISTRICT NO. 99-1 PURSUANT TO THE PROVISIONS OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, AS PROVIDED BY ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION

MOTION: Councilmember Scotto moved for the adoption of Resolution No. 2001-60. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember Messerlian).

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The Redevelopment Agency met from 8:03 p.m. to 8:05 p.m.

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15. OTHER

15a. FILING OF ARGUMENT/ REBUTTAL ARGUMENT AGAINST THE INITIATIVE TO REPEAL STREETLIGHTING ASSESSMENTS

Considered later in the meeting due to the absence of Councilmember Messerlian, see page 10.

15b. ORAL COMMUNICATIONS

City Clerk Herbers invited the Council and the public to attend a Public Forum on Creating a Livable Community (in association with the Kettering Foundation) using the topic of A Nice Place to Live: Choices for a Vital Community on Monday, June 18, 2001 at 7:00 p.m. (doors open at 6:30 p.m.) in the meeting room of the Katy Geissert Library. There is no charge for the interactive dialogue but interested parties are asked to call 618-8711 or 320-3815 by June 12 to reserve a seat to ensure materials.

Councilmember Cribbs thanked the staff for the excellent open house and employee car show at the City Yard.

Councilmember Cribbs noted traffic concerns at Pacific Coast Highway and Crenshaw Boulevard. Planning Director Gibson stated that the City was aware of the traffic congestion at this location and was in discussions with Caltrans as they control the Pacific Coast Highway side of the intersection. Transportation Planner Semaan indicated that traffic signals on Pacific Coast Highway have not been fully synchronized.

Councilmember Nowatka echoed comments on the City Yard open house and commented favorably on the Oodles of Noodles event at the Cultural Arts Center on Sunday.

Councilmember Nowatka reported that he was working with South Bay Cities Council of Governments (SBCCOG) on a committee reviewing the EIR/EIS for LAX expansion plans and invited public participation. Noting that the consultant hired by SBCCOG to evaluate the draft EIR/EIS discovered several problems with the report, he offered examples of areas of concern.

Councilmember Walker echoed comments on the City Yard open house and noted that he had enjoyed seeing the car show idea from the previous year come to life.

Councilmember Witkowsky noted traffic concerns on Airport Drive at Robinson Way.

Councilmember Witkowsky gave notice of a speed limit sign being obstructed by trees near Magruder Middle School.

Mayor Hardison commented on the City Yard open house and the hybrid electric bus.

Mayor Hardison stated that she had enjoyed attending the Oodles of Noodles cultural diversity event and commented on its growth, noting that it was now an area event. She commended the Cultural Division for their participation.

Mayor Hardison announced that SCE had indicated that undergrounding projects (Artesia Blvd) would be restarted or continued. She further noted the receipt of a letter from Los Angeles County 4th District Supervisor Don Knabe pledging \$1 million in County funds for work on Artesia Blvd. to help cover the shortfall. She thanked Assistant to the City Manager Sunshine for his assistance in looking for additional funding sources.

16. EXECUTIVE SESSION

At 8:24 p.m., the City Council recessed to closed session to continue deliberations on matters listed on the agenda. The Council reconvened in open session at 10:52 p.m., Councilmember Messerlian having returned to City Hall at 8:40 p.m. No formal action was taken on any matter considered in closed session.

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Agenda Item 15a was considered out of order at this time.

15a. FILING OF ARGUMENT/ REBUTTAL ARGUMENT AGAINST THE INITIATIVE TO REPEAL STREETLIGHTING ASSESSMENTS

Recommendation

Recommendation of the **City Attorney** that City Council consider the options available to the City Council regarding the filing of an argument and rebuttal argument against the initiative measure to repeal the City's assessments on real property for municipal street lighting.

City Attorney Fellows discussed the California Elections Code regulations for the submittal of written arguments for and against initiative measures and outlined the City Council's options as follows: 1) The Mayor could be authorized to submit and sign the argument and any authorized rebuttal argument on behalf of the entire City Council; 2) The argument/ rebuttal argument could be signed by up to five members of the Council; or 3) An ordinance could be adopted to allow all seven members to sign. He advised that should the Council wish to allow rebuttal arguments, it should direct the City Clerk to include a provision authorizing the filing of rebuttal arguments in the resolution that will be brought forward for the calling of the election. He noted that the Council could adopt the ordinance included in the agenda material at this evening's meeting as an urgency ordinance, with the second reading at next week's meeting, and it would become effective immediately without the usual 30-day waiting period.

MOTION: Member Scotto moved to adopt an ordinance allowing all seven members of the City Council to submit and sign the argument and any authorized rebuttal argument against the initiative measure. The motion was seconded by Councilmember Witkowsky, and passed by unanimous roll call vote.

Following a brief discussion, City Clerk Herbers was directed to bring forward a resolution authorizing the filing of rebuttal arguments at the appropriate time.

Mayor Hardison stated that before taking action on the Ordinance, she wished to have confirmation that all seven members of the Council intended to sign the argument, and all indicated that that was their intention.

URGENCY ORDINANCE NO. 3500

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING ALL SEVEN MEMBERS OF THE CITY COUNCIL TO SIGN AN ARGUMENT AND ANY AUTHORIZED REBUTTAL ARGUMENT AGAINST THE INITIATIVE MEASURE TO REPEAL THE CITY'S ASSESSMENTS ON REAL PROPERTY FOR MUNICIPAL STREET LIGHTING THAT WILL BE SUBMITTED TO THE VOTERS AT THE NOVEMBER 6, 2001 ELECTION.

MOTION: Councilmember Messerlian moved for the adoption of Urgency Ordinance No. 3500. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

17. ADJOURNMENT

At 11:08 p.m., the meeting was adjourned to Tuesday, June 12, 2001, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

*Adjourned in memory of
Guy Hartwill Lee*

Attest:

Mayor of the City of Torrance

Sue Herbers
City Clerk of the City of Torrance

Approved on July 10, 2001