

**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, September 25, 2007 in the City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Barnett, Brewer, Drevno, Nowatka, Witkowsky, and Mayor Scotto.

Absent: Councilmember Sutherland.

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

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Agenda Item 13A was considered out of order at this time.

13. HEARINGS

13A. HEARING ON STATUS OF PETITIONER'S REVIVED INTEREST IN EMPLOYMENT

Recommendation

The **City Manager** recommends that City Council comply with the Writ of Mandate issued by the Los Angeles Superior Court by conducting a hearing to determine the status of Petitioner's revived interest in employment with the City of Torrance. Consideration of employment matters may be conducted in a closed session per California Government Code 54957.

Mayor Scotto noted that all parties were present and that the petitioner had requested that the hearing be conducted in closed session.

At 7:13 p.m., the City Council returned to open session and Counsel Wohlenberg for the City announced that:

Six members of the Council voted in favor of the orders, with Mr. Sutherland not present or voting due to an excused absence. And that the City Council ordered as follows:

1. The City Council orders the Torrance Police Department to conduct a full background check of the Petitioner as described in California Government Code section 1031, and the applicable regulations as described in Respondents' Hearing Brief.
2. The City Council orders the Torrance Police Department to conduct the background check, and to complete the background check as quickly as is practicable.
3. The background check shall cover the approximately nine-year period between the Petitioner's termination and the present, as discussed by the Superior Court during the June 1, 2007 hearing on the issuance of its Writ of Mandate.
4. The results of the background check shall be returned to the City Council for completion of the determination of the status of Petitioner's revived interest in employment as ordered by the Superior Court, and, if appropriate, the determination of back pay as ordered by the Superior Court.

The City Council recessed at 7:15 p.m. and reconvened at 7:25 p.m., with the meeting continuing in regular agenda order.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Brewer.

Councilmember Nowatka gave the non-sectarian invocation.

3. **REPORT OF CITY CLERK ON POSTING OF THE AGENDA / MOTION TO WAIVE FURTHER READING**

City Clerk Herbers reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, September 20, 2007.

MOTION: Councilmember Brewer 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 passed by unanimous roll call vote (absent Councilmember Sutherland).

4. **WITHDRAWN OR DEFERRED ITEMS**

City Manager Jackson announced that Agenda Item 13B (CUP06-00004, DIV06-00005, PRE06-00011: Mike Adli – 332 Paseo de la Playa) was being withdrawn and would be rescheduled to the October 23 City Council meeting, with the matter to be re-noticed and re-advertised.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Fire Chief Bongard announced that Exxon Mobil Torrance Refinery would hold its Monthly Community Alert Siren testing Wednesday, October 3, at approximately 11:30 a.m.

Councilmember Witkowsky announced that the City Council would meet in a joint session with the Commission on Aging on Tuesday, October 16, at 5:30 p.m. in the Garden Rooms at the Cultural Arts Center.

City Clerk Herbers announced that Commission Certification classes would be held on October 18 and November 14 with pre-registration required. She directed interested individuals to call 310.6185880 or go online for a registration form at www.tornet.com/commissionercert/htm.

6. **COMMUNITY MATTERS**

6A. **RESOLUTION NO. 2007-90 RE ED LANDRUM**

RESOLUTION NO. 2007-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING ED LANDRUM UPON HIS RETIREMENT FROM THE CITY AFTER THIRTY-ONE YEARS OF SERVICE

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2007-90. The motion was seconded by Councilmember Witkowsky and passed by unanimous vote (absent Councilmember Sutherland).

Mayor Scotto presented the resolution to Ed Landrum, who accepted with appreciation.

Transit Director Turner commended Mr. Landrum for his commitment to making Torrance Transit a premier transit system in the South Bay area and wished him well in his retirement.

6B. **PROCLAMATION RE “NATIONAL PREPAREDNESS MONTH”**

Mayor Scotto presented a proclamation declaring the month of September 2007 as ***National Preparedness Month*** in the City of Torrance to Police Captain Kevin Kreager and Assistant to the City Manager Brian Sunshine.

Assistant to the City Manager Sunshine invited everyone to attend the Disaster Preparedness Expo on Saturday, September 29, from 10:00 a.m. to 2:00 p.m. in the Torrance Cultural Arts complex, which will include displays, demonstrations, and over 30 vendors selling emergency kits and supplies. He noted that a blood drive will be held at the Nakano Theatre in conjunction with this event.

6C. CERTIFICATE OF RECOGNITION BY THE AMERICAN CANCER SOCIETY

Katie Holmes, American Cancer Society, presented a Certificate of Recognition to the City of Torrance for supporting and collaborating on the May 2007 Relay for Life, which raised \$150,000 for cancer research.

7. ORAL COMMUNICATIONS #1

None.

8. CONSENT CALENDAR

8A. APPROVAL OF FINAL TRACT MAP NO. 53477

Recommendation

The **Community Development Director** recommends that City Council approve the release of three subdivision bonds for Tract Map No. 53477, which was subdivided by Silzan Co., Inc., and located at 2200 - 2248 Dominguez Street.

8B. LICENSE AGREEMENT FOR GROUNDWATER MONITORING WELLS

Recommendation

The **Community Development Director** recommends that City Council approve a license agreement with ConocoPhillips Company, for three (3) groundwater monitoring wells.

8C. APPROPRIATION/ PURCHASE ORDER FOR CURBSIDE REFUSE AND RECYCLING CONTAINERS

Considered separately, see pages 4-5.

8D. CONSULTING SERVICES AGREEMENT WITH CALIFORNIA CODE CHECK

Considered separately, see page 5.

8E. CONTRACT WITH AIR MANAGEMENT INDUSTRIES, INC.

Recommendation

The **General Services Director** recommends that City Council:

- 1) Award a contract with Air Management Industries, Inc. for \$119,900 with a 5% contingency of \$5,995;
- 2) Approve a 10% project management fee of \$11,990; and
- 3) Appropriate \$5993 from the Building Maintenance Facility Fund to Duct Cleaning at City Hall FEAP #315 and Duct Cleaning at the Police Department FEAP #320 (B2007-28).

8F. CONTRACT WITH ACTION CONTRACTORS

Recommendation

The **General Services Director** recommends that City Council:

- 1) Authorize a contract amendment with Action Contractors for \$9,035 for additional paving associated with the Construction of two executive hangars (FEAP #375); and
- 2) Appropriate \$9,035 from the Airport Enterprise Fund.

8G. PURCHASE ORDER FOR PARAMEDIC RESCUE TRUCK BODY

Recommendation

The **General Services Director** and **Fire Chief** recommend that City Council authorize a sole-source purchase order to Phenix Enterprises, Inc. of Pomona, CA in the amount of \$47,509.84 (includes sales tax), for the purchase and installation of one (1) paramedic rescue truck body.

8H. AGREEMENT AMENDMENT FOR CLASSIFICATION STUDY

Recommendation

The **Human Resources Director** recommends that City Council approve an amendment to consulting services agreement with Grace Consulting (C2006-206) for an amount not to exceed \$27,000 to conduct a classification study for field operations classes.

8I. AGREEMENT FOR CUSTODIAL MAINTENANCE AT WILSON PARK FACILITIES

Recommendation

The **Acting Community Services Director** recommends that City Council approve an agreement in the amount of \$24,336 with Priority Building Maintenance for the annual custodial maintenance at the Wilson Park Sports Center, Roller Hockey and Skate Park facilities.

8J. ANNUAL PURCHASING AGREEMENT WITH SC FUELS

Recommendation

The **General Services Director** and **Transit Director** recommend that City Council award an annual purchasing agreement to SC Fuels of Orange, CA in a total amount not to exceed \$3,055,000 as follows:

- 1) Approve renewal of an existing purchasing agreement with SC Fuels for California Air Resources Board (CARB)-approved Ethanol-blended (no MTBE) 87-Octane unleaded gasoline, diesel fuel #2, and ultra-low sulfur diesel fuel (ULSD), and
- 2) Award an annual purchasing agreement to SC Fuels for B20 blend biodiesel (B20), as a cooperative purchase with the City of Inglewood (Contract No. 6080-0000208). The term of the agreement will run from October 1, 2007, through September 30, 2008.

8K. CITIZEN DEVELOPMENT AND ENRICHMENT COMMITTEE REPORT

Considered separately, see page 5.

MOTION: Councilmember Witkowsky moved for the approval of Consent Calendar Items 8A, 8B and 8E through 8J. The motion was seconded by Councilmember Brewer and passed by unanimous vote (absent Councilmember Sutherland).

Consent Calendar Items 8C, 8D, and 8K were considered separately at this time.

8C. APPROPRIATION/ PURCHASE ORDER FOR CURBSIDE REFUSE AND RECYCLING CONTAINERS

Recommendation

The **Public Works Director** recommends that City Council:

- 1) Appropriate \$33,254.40 from the Sanitation Enterprise Fund for the purchase of automated refuse and recycling containers; and
- 2) Authorize a purchase order with Toter Incorporated of Statesville, NC in the amount of \$33,254.40 for the sole source purchase of 636 Toter automated curbside refuse and recycling containers.

Sanitation Services Manager Knapp reported that the purchase includes larger recycling bins and smaller refuse containers to provide residents with more options and address storage issues.

MOTION: Councilmember Witkowsky moved to concur with the staff recommendation. The motion was seconded by Councilmember Brewer and passed by unanimous vote (absent Councilmember Sutherland).

8D. CONSULTING SERVICES AGREEMENT WITH CALIFORNIA CODE CHECK

Recommendation

The **Community Development Director** recommends that City Council approve a consulting services agreement with California Code Check for plan review services, on an as needed basis, in an amount not to exceed \$250,000.

In response to Councilmember Nowatka's inquiry, Community Development Director Gibson advised that the proposed consulting services agreement would provide an expedited plan review process for large complex building projects and confirmed that applicants wishing to take advantage of the expedited service will be charged fees to cover the costs so there will be no net cost to the City.

MOTION: Councilmember Nowatka moved to concur with the staff recommendation. The motion was seconded by Councilmember Brewer and passed by unanimous vote (absent Councilmember Sutherland).

8K. CITIZEN DEVELOPMENT AND ENRICHMENT COMMITTEE REPORT

Recommendation

The **City Council Citizen Development and Enrichment Committee** recommends that City Council accept and file the report of the August 28, 2007 joint meeting with the Torrance Unified School District.

Councilmember Nowatka, chair of the Citizen Development and Enrichment Committee, briefly reviewed the topics covered at the joint meeting with the Torrance Unified School District, which included discussion of a potential school bond election; an update of the Hull/Levy School transition; and consideration of a pilot project whereby City crews would mow fields at Victor School on the same day they mow the adjacent Victor Park to see if efficiencies can be achieved by sharing maintenance of contiguous fields.

MOTION: Councilmember Nowatka moved to accept and file the report. The motion was seconded by Councilmember Witkowsky and passed by unanimous vote (absent Councilmember Sutherland).

12. ADMINISTRATIVE MATTERS

12A. PROGRAM SUPPLEMENT TO ADMINISTERING AGENCY-STATE AGREEMENT RE TORRANCE BOULEVARD REHABILITATION

Recommendation

The **Public Works Director** recommends that City Council:

- 1) Adopt a Resolution approving Program Supplement No. N009 to Administering Agency-State Agreement for Federal-Aid Projects No. 07-5249R with the State of California that authorizes the use of Federal Aid funds in the amount of \$1,296,000 obligated for the Torrance Boulevard Rehabilitation, T-43/44; STPL-5249(018); and
- 2) Authorize the Mayor to execute and the City Clerk to attest to Program Supplement No. N009 to the Administering Agency-State Agreement for Federal-Aid Projects No. 07-5249R.

Bill Kamimura, Public Works Department, briefly described the Torrance Boulevard Rehabilitation Project, which will include the repair of damaged curbs, gutters, sidewalks, installation of ADA-compliant curb ramps; and pavement reconstruction and overlay of Torrance Boulevard. He noted that the project will be timed so as not to interfere with the May 2008 Armed Forces Day Parade and confirmed that access will be maintained for businesses along Torrance Boulevard.

MOTION: Councilmember Brewer moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous vote (absent Councilmember Sutherland).

RESOLUTION NO. 2007-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING PROGRAM SUPPLEMENT NO. N009 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 07-5249R WITH THE STATE OF CALIFORNIA FOR THE TORRANCE BOULEVARD REHABILITATION, T-43/44; STPL-5249(018)

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2007-94. The motion was seconded by Councilmember Barnett and passed by unanimous vote (absent Councilmember Sutherland).

12B. FISCAL YEAR 2007-2008 FEDERAL TRANSIT ADMINISTRATION GRANT APPLICATIONS

Recommendation

The **Transit Director** recommends that City Council authorize the City Manager to apply for and the Transit department to submit on his behalf Torrance Transit System's Fiscal Year 2007-2008 Federal Transit Administration (FTA) Urbanized Formula (Section 5307) for \$3,500,115 and Bus and Bus Related Capital Program (Section 5309) for \$1,384,151.

Transit Administration Manager Mills reviewed the items to be purchased with the grants, including various replacement parts for buses, a bus washer and heavy duty bus cleaner, and three new alternate fuel hybrid buses.

MOTION: Councilmember Brewer moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous vote (absent Councilmember Sutherland).

12C. RESOLUTION RE SALARY FOR EMERGENCY MEDICAL SERVICES NURSE

Recommendation

The **City Manager** recommends that City Council adopt a Resolution amending Resolution No. 2007-45 for Certain Full Time Salaried and Hourly Employees to set the salary range for the newly created position of Emergency Medical Services Nurse.

Assistant to the City Manager Chaparyan advised that the proposed Resolution would set the salary range for the position of Emergency Medical Services Nurse, which was created as part of 2007-08 budget program modifications.

RESOLUTION NO. 2007-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2007-45 FOR CERTAIN FULL TIME SALARIED AND HOURLY EMPLOYEES TO SET THE SALARY RANGE FOR THE NEWLY CREATED POSITION OF EMERGENCY MEDICAL SERVICES NURSE

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2007-95. The motion was seconded by Councilmember Barnett and passed by unanimous vote (absent Councilmember Sutherland).

12D. COUNCIL DARK NIGHT

Recommendation

The **City Manager** recommends that City Council consider designating October 2, 2007 as a City Council dark night.

MOTION: Councilmember Brewer moved to concur with the staff recommendation. The motion was seconded by Councilmember Nowatka and passed by unanimous vote (absent Councilmember Sutherland).

12E. APPROVAL OF PORTABLE STAGE USAGE POLICY

Recommendation

The **Parks and Recreation Commission** and **Acting Community Services Director** recommend that City Council approve the Portable Stage Usage Policy.

Acting Community Services Director Jones reported that staff and the Parks and Recreation Commission were recommending the approval of the Portable Stage Usage Policy in order to regulate the usage of the stage and preserve its condition and quality. He noted that organizations wishing to use the stage must provide proof of liability insurance in the amount of \$1 million and provide security for any event that requires the stage to be left overnight.

MOTION: Councilmember Brewer moved to concur with the staff recommendation. The motion was seconded by Councilmember Nowatka and passed by unanimous vote (absent Councilmember Sutherland).

12F. APPROVAL OF BENSTEAD PLUNGE USAGE POLICY

Recommendation

The **Parks and Recreation Commission** and **Acting Community Services Director** recommend that City Council approve the usage policy for the Victor E. Benstead Plunge.

Senior Business Manager Minter reported that the Plunge Usage Policy was formulated after three community hearings; that the goal of the policy is to maximize usage of the pool in a fair and equitable manner; and that pool usage will be prioritized as follows: City programs; TUSD programs; non-profit groups; private groups. He noted that applicants who have had an application denied in the past will be given priority over first-time applicants provided the requested hours are the same.

Connie Begovich, representing Swim Torrance, thanked staff for taking the time to thoroughly study this matter and learn about the needs of the swim team and other users of the pool and for their cooperation and consideration in formulating the Plunge Usage Policy.

Candice Matsui, Wilma Street, expressed concerns that Swim Torrance was allowed to monopolize pool time in the past when there was no formal application process for the use of the Benstead Plunge and urged that all swim teams be given an equal chance of reserving pool time with the adoption of the new usage policy.

Jonna Smoot, Chair of the Parks and Recreation Commission, thanked staff, the Programs Committee, and the public for their efforts to come up with a fair and equitable Plunge Usage Policy.

Councilmember Barnett, echoed by Councilmember Brewer, thanked the Parks and Recreation Commission and the Programs Committee for their efforts.

MOTION: Councilmember Brewer moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous vote (absent Councilmember Sutherland).

12G. MODIFICATION OF EXECUTIVE AND MANAGEMENT EMPLOYEES RESOLUTION

Recommendation

The **City Manager** recommends that City Council adopt a Resolution amending the Executive and Management Employees Resolution No. 2007-67 modifying the wages, hours, and working conditions for the City Attorney and the City Manager to reflect an increase of 6% effective September 2, 2007.

Assistant to the City Manager Chaparyan briefly reviewed the proposed modifications.

RESOLUTION NO. 2007-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING EXECUTIVE AND MANAGEMENT EMPLOYEES RESOLUTION NO. 2007-67 MODIFYING THE WAGES, HOURS, AND WORKING CONDITIONS FOR THE CITY ATTORNEY AND THE CITY MANAGER TO REFLECT AN INCREASE OF 6% EFFECTIVE SEPTEMBER 2, 2007

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2007-96. The motion was seconded by Councilmember Barnett and passed by unanimous vote (absent Councilmember Sutherland).

13. HEARINGS

13A. HEARING ON STATUS OF PETITIONER'S REVIVED INTEREST IN EMPLOYMENT

Considered out of order, see page 1.

13B. CUP06-00004, DIV06-00005, PRE06-00011: 332 PASEO DE LA PLAYA

Recommendation

The **Planning Commission** and **Community Development Director** recommend that City Council deny the appeal and take the following action on property located in the Hillside Overlay District in the R-3 Zone at 332 Paseo De La Playa:

- 1) Adopt a Resolution denying a Conditional Use Permit to allow the construction of a three unit condominium development;
- 2) Adopt a Resolution denying a Division of Lot to allow a subdivision for condominium purposes; and
- 3) Adopt a Resolution denying a Precise Plan of Development to allow construction over 14 feet in height.

Item was withdrawn and re-scheduled to the October 23, 2007 City Council meeting. The matter will be re-noticed and re-advertised.

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The Council met as the Redevelopment Agency from 8:28 p.m. to 8:30 p.m.

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17. ORAL COMMUNICATIONS #2

17A. Councilmember Drevno shared a Neighborhood Watch notice regarding a person who has been knocking on doors and asking for money to buy gas and recommended that citizens notify the police department at 310.328.3456 or 911 if they are approached for money.

17B. Councilmember Witkowsky noted receipt of several emails regarding noise from leaf blowers and, with the concurrence of Council, asked that staff look into the possibility of restricting their use in residential neighborhoods.

City Manager Jackson stated that staff would follow up with a background report and analysis to the Environmental Quality Commission, after which a report would be forwarded to the Council.

17C. Councilmember Witkowsky encouraged attendance at the Disaster Preparedness Expo on September 29.

17D. Mayor Scotto announced that tickets were still available to see Martin Short at the Armstrong Theatre on Friday, September 28, at 7:00 p.m. and directed those interested to contact the Torrance Cultural Arts Center Foundation at 310.781.7171.

18. EXECUTIVE SESSION

At 8:36 p.m., the City Council recessed to closed session to confer with the City Attorney and the City Manager on agenda matters listed under 18A) Conference with Labor Negotiator, pursuant to California Government Code §54957.6.

The City Council reconvened at 9:00 p.m. No formal action was taken on any matter considered in closed session.

19. ADJOURNMENT

At 9:00 p.m., the meeting was adjourned to Tuesday, October 9, 2007, at 5:30 p.m. for an executive session, with regular meeting commencing at 7:00 p.m. in the Council Chambers. **Tuesday, October 2, 2007 will be a dark night.**

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers,
City Clerk of the City of Torrance

Approved on November 20, 2007