

**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 6:00 p.m. on Tuesday, October 11, 2005 in City Council Chambers at Torrance City Hall.

**ROLL CALL**

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

Absent: None.

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

Agenda Item 17 was considered out of order at this time.

**17. EXECUTIVE SESSION**

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 17A) Conference with Labor Negotiator, 17B) Conference with Legal Counsel – Pending Litigation, 17C) Conference with Legal Counsel – Anticipated Litigation, and 17D) Real Property Conference with Real Property Negotiator, pursuant to California Government Code Sections 54957.6, 54956.9 (b)(1), 54956.9 (c) and 54956.8.

The Council reconvened in Council Chambers at 7:10 p.m. with all members present.

**2. FLAG SALUTE/INVOCATION**

The Pledge of Allegiance was led by Councilmember Mauno.

Councilmember Witkowsky gave the non-sectarian invocation.

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

**MOTION:** Councilmember McIntyre 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 Scotto and passed by unanimous roll call vote.

**MOTION:** Councilmember McIntyre 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 Scotto and passed by unanimous roll call vote.

**4. WITHDRAWN OR DEFERRED ITEMS**

City Manager Jackson announced that Item 7D had been withdrawn.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

City Clerk Herbers announced candidate forums scheduled for the November 8, 2005 election. She noted that Torrance Unified School District Board of Education candidates would be present at the following forums: October 19, 7:00 p.m., at the George Nakano Theatre sponsored by the League of Women Voters, AAUW and Torrance Council of PTAs; October 26, 7:00 p.m., at Richardson Middle School sponsored by the Riviera Homeowners Association; and October 27, 7:00 p.m., at North High School Library sponsored by the North Torrance Homeowners Association. She also encouraged voters to find additional information about the candidates at SmartVoter.org.

Mayor Walker thanked Councilmember Scotto for his service as mayor pro tem for the past six months and announced that Councilmember Witkowsky would be mayor pro tem for the next six-month period.

**6. COMMUNITY MATTERS**

**6A. PRESENTATION OF RIVIERA GARDEN CLUB AWARD TO FIRE STATION #4**

Judy Unrine, Riviera Garden Club President, presented the Outstanding Landscaping Award for October 2005 to Fire Chief Bongard, Captain Mark Lyle, Engineer Mark Minton, Paramedic Steve Swigart, and Firefighter Darrel Eastman, for the landscaping at Fire Station #4, which complements the surrounding residential neighborhood and utilizes drought-tolerant plants. She introduced garden club members present in the audience and noted that the club promotes civic beautification and resource conservation.

Fire Chief Bongard expressed appreciation for the award and commended fire personnel involved for their efforts to plant and care for landscaping at this station.

**7. CONSENT CALENDAR**

**7A. APPROVAL OF MINUTES – JUNE 2, AUGUST 2 AND AUGUST 9, 2005**

**7B. REIMBURSEMENT AND INDEMNITY AGREEMENT WITH STANDARD PACIFIC CORPORATION RE 1800 OAK STREET**

**Recommendation**

Recommendation of the **Fire Chief** that City Council approve a Reimbursement and Indemnity Agreement between Standard Pacific Corporation and the City of Torrance for the Human Health Risk Assessment being performed by the California Office of Environmental Health Hazard Assessment regarding 1800 Oak Street.

**7C. REVISED MAINTENANCE AGREEMENT WITH GENSOURCE CORP.**

**Recommendation**

Recommendation of the **Information Technology Director** and the **Human Resources Director** that City Council:

- 1) Approve a revised maintenance and support agreement for GenSource Corporation's Worker's Compensation software; and
- 2) Approve an expenditure of \$58,215 including sales tax for one year of GenSource software support and maintenance and \$4,330 for the annual Electronic Data Interchange (EDI) transmission and maintenance fees.

**7D. PURCHASE ORDER WITH SULLY-MILLER CONTRACTING**

**Recommendation**

Recommendation of the **Public Works Director** that City Council authorize a purchase order to be issued to Sully-Miller Contracting Company of Anaheim, CA in the amount not to exceed \$300,000, for the sole source purchase of asphalt plant mix on an as needed basis, from October 11, 2005 through October 10, 2006.

Item was withdrawn.

**MOTION:** Councilmember Mauno moved for the approval of Consent Calendar Items 7A through 7C. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

**11. ADMINISTRATIVE MATTERS**

**11A. CONTRACT AMENDMENT WITH CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

**Recommendation**

Recommendation of the **City Manager** that City Council adopt an Ordinance which will implement a contract change between the City and CalPERS (California Public Employees Retirement System) adding the 3% @ 50 retirement benefit for Fire Safety employees.

**MOTION:** Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

**ORDINANCE NO. 3678**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF TORRANCE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (FIRE FIGHTERS)

**MOTION:** Councilmember Witkowsky moved for the adoption of Ordinance No. 3678. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**11B. MEMORANDA OF UNDERSTANDING RE: HOURS, WAGES, AND WORKING CONDITIONS AND CHANGES TO DISABILITY AND LIFE INSURANCE COVERAGE**

**Recommendation**

Recommendation of the **City Manager** that City Council:

- 1) Concur with the Memorandum of Understanding and adopt respective Resolutions for each of the following: Torrance City Employees Association; Torrance Engineers; Torrance Fiscal Employees Association; Torrance Library Employees Association; Torrance Municipal Employees-AFSCME Local 1117; Torrance Professional and Supervisory Association; Torrance Professional Parks and Recreation Employees Organization;
- 2) Concur with changes to Short-Term Disability, Long-Term Disability, and Term Life insurance coverage for certain General Employees;
- 3) Concur with certain Budget Modifications to provide additional funding for approved MOUs and appropriate from the wage reserve for cost of agreements; and
- 4) Designate use of year-end carry over funds for the one-time cost provisions related to the MOUs.

Assistant to City Manager Keane noted supplemental material available at the meeting.

Darryl Freni, Jefferson Pilot Financial, stated that changes to short-term, long-term disability and life insurance coverage merit further review, maintaining that an alternate proposal by another broker would provide better coverage and save taxpayer money.

City Manager Jackson reaffirmed the staff recommendation, explaining that the City went through the process of requesting proposals from brokers and the broker in question did not submit a proposal at that time and did so only after reviewing the other proposals. He noted that employee groups may elect to use a broker that is not the City's broker by incorporating appropriate language in the MOU, however, this matter was left on the table during negotiations, therefore staff moved forward with this recommendation.

Rosalinda Molina, library employee, voiced objections to the proposal to reallocate 5 full-time Library Assistant I positions to part-time Library Clerk II/Library Clerk I positions in order to save \$40,000, contending that it would affect the quality of service to the public.

City Manager Jackson explained that the proposed budget reductions are necessary to offset the cost of new wage and benefit packages for employees and noted that the reallocation of library positions was subject to the meet and confer process.

Jeanie Moorman, President of AFSCME, Local 1117, noted that building maintenance services were discussed during the last round of budget cuts at which time photographs were submitting showing City facilities in disrepair. She reported that some progress has been made, but much work remains to be done just to catch up with the backlog of repairs and the ongoing deterioration of aging buildings. She stated that her organization opposes the elimination of a Building Maintainer position because the workload would be too much for the remaining staff to handle and the infrastructure would rapidly deteriorate.

Ms. Moorman voiced objections to the proposal to replace 5 full-time Library Assistant I positions with 15 part-time Library Clerk II/Library Clerk I positions, explaining that there is not enough space in libraries to house the additional employees and while Library Assistants and Library Clerks perform similar work, they have disparate pay scales. She proposed that the Council consider reducing the library's book budget instead as it would not affect staffing or the level of service.

Norm Reeder, Library Services Manager, advised that the proposed reallocation of library positions, while not ideal, is the least disruptive of the proposals considered because any other cuts in personnel would necessitate a reduction in library hours either at the civic center or at branch libraries.

Mayor Walker asked about reducing the book budget. Mr. Reeder indicated that he did not favor reducing the book budget because it has not been increased for 5-10 years, while the cost of books has risen approximately 10% per year during that same period. He expressed concerns that a \$40,000 reduction in the book budget would mean that the library would not be able to provide adequate materials for school children, noting that there is no budget for libraries at Torrance schools except at the high school level.

Councilmember Nowatka proposed freezing the Building Maintainer position for the duration of this budget so that it could be filled if funds become available in the future.

**MOTION:** Councilmember Witkowsky moved to concur with the staff recommendation, with the modification that the Building Maintainer position shall be frozen rather than eliminated. The motion was seconded by Mayor Walker and passed by unanimous roll call vote.

**RESOLUTION NO. 2005-106**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE CITY EMPLOYEES ASSOCIATION (TCEA) AND REPEALING RESOLUTION NO. 2004-73.

**MOTION:** Councilmember Witkowsky moved for the adoption of Resolution No. 2005-106. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**RESOLUTION NO. 2005-107**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE ENGINEERS AND REPEALING RESOLUTION NO. 2004-35.

**MOTION:** Councilmember Witkowsky moved for the adoption of Resolution No. 2005-107. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**RESOLUTION NO. 2005-108**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE FISCAL EMPLOYEES ASSOCIATION (TFEA) AND REPEALING RESOLUTION NO. 2004-36.

**MOTION:** Councilmember Witkowsky moved for the adoption of Resolution No. 2005-108. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**RESOLUTION NO. 2005-109**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE LIBRARY EMPLOYEES ASSOCIATION (TLEA) AND REPEALING RESOLUTION NO. 2003-100.

**MOTION:** Councilmember Witkowsky moved for the adoption of Resolution No. 2005-109. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**RESOLUTION NO. 2005-110**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE MUNICIPAL EMPLOYEES-AFSCME LOCAL 1117 AND REPEALING RESOLUTION NO. 2003-99.

**MOTION:** Councilmember Witkowsky moved for the adoption of Resolution No. 2005-110. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**RESOLUTION NO. 2005-111**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION (TPSA) AND REPEALING RESOLUTION NO. 2004-34.

**MOTION:** Councilmember Witkowsky moved for the adoption of Resolution No. 2005-111. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**RESOLUTION NO. 2005-112**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL PARKS AND RECREATION EMPLOYEES ORGANIZATION (TPPREO) AND REPEALING RESOLUTION NO. 2004-74.

**MOTION:** Councilmember Witkowsky moved for the adoption of Resolution No. 2005-112. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

Mayor Walker commented on the successful completion of the bargaining process, stating that he thought all parties were well represented. He noted that there are still small issues that need to be resolved.

City Manager Jackson commended head negotiator Kathy Keane, the team of negotiators and the clerical staff for their efforts.

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The City Council met as the Redevelopment Agency from 7:50 p.m. to 7:52 p.m.

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**16. ORAL COMMUNICATIONS**

**16A.** City Attorney Fellows announced that, in closed session by a 6-0 vote, the City Council authorized the City Attorney to file a letter as Friend of the Court with the California Supreme Court in the case of Macpherson Oil Company v. City of Hermosa Beach, Case No. B174240 (Appeal from the decision of the Los Angeles County Superior Court in Case No. BC172546). He reported that the case involved the potential liability of cities for damages for breach of contract where local law impairs a contract to which the city is a party. He stated that the court of appeal ruled – with regard to a particular contract, which was a lease entered into by the City of Hermosa Beach with an oil company that allowed for drilling on city-owned property that was subsequently prohibited by voter initiative – that the impairment was a valid and constitutional exercise of police power but because it frustrated performance of the contract between the oil company and the city, it could give rise to a breach of contract liability.

**16B.** Commissioner Mauno reported on the opening of the Torrance Art Museum at the Joslyn Center, held earlier in the day and commended staff for their efforts.

**16C.** Councilmember McIntyre also commented on the Art Museum opening.

**16D.** Councilmember McIntyre announced that the Torrance Rose Float Association would hold volunteer sign-ups for decorating the 2006 float on Thursday, October 20, at 7:00 p.m. in the City Council Chambers.

**16E.** Councilmember Witkowsky commented on the museum opening and wished the Jewish community a happy new year.

**16F.** Tracey Dunn, Patronella Avenue, voiced objections to the removal of trees by Caltrans along the sound wall on the 405 Freeway in the vicinity of Crenshaw Boulevard and 182<sup>nd</sup> Street. She submitted photographs and a petition from North Torrance residents and requested that the City help rectify the situation.

**17. EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1. City Attorney Fellows announced that the City Council had voted in closed session to authorize the City Attorney to file a Friend of the Court Brief with the California Supreme Court in the matter of Macpherson v, City of Hermosa Beach, Case No. B174240, see Orals Item 16A.

**18. ADJOURNMENT**

At 8:05 p.m., the meeting was adjourned to Tuesday, October 18, 2005 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

Attest: /s/ Dan Walker  
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Mayor of the City of Torrance

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

Approved on January 24, 2006