

**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 7:00 p.m. on Tuesday, October 18, 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.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember McIntyre.

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 WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Witkowsky announced a Community Planning and Design Committee meeting to be held on Thursday, October 27, at 5:00 p.m., in the 3^d Floor Assembly Room to discuss strategies for undergrounding utilities.

6. COMMUNITY MATTERS

6A. APPOINTMENT TO FILL CITY COUNCIL VACANCY

Recommendation

The **City Clerk** recommends that the City Council appoint a councilmember from a list of applicants.

Mayor Walker introduced the following applicants for the City Council vacancy: Charles Michael Deemer, Peter Donnellan, Jeannie Fuller, Melvin Glass, Scott E. Gobble, Michael Griffiths, Rod Guyton, Marija Tenzera Marino, Leigh McArthur, and Bill Sutherland; and applicants were allowed to briefly state their qualifications if they wished to do so.

Councilmember McIntyre noted that all ten candidates were well qualified; discussed the criteria she used in selecting her nominee: community service, commission involvement, and education; and nominated Peter Donnellan.

Councilmember Mauno stated that he believed it was important that an applicant not only have the desire to serve, but also to have demonstrated commitment by running for office and noted that of the three applicants who have run for councilmember – Charles Deemer, Rod Guyton and Bill Sutherland – Rod Guyton received the most votes. He nominated Rod Guyton.

Councilmember Scotto commended the ten applicants and expressed the hope that this would be a cooperative effort and councilmembers would be open to compromise so that the vacancy could be filled this evening and the City would not incur the added expense of a special election.

As there were no other nominees, Mayor Walker called for a vote.

No nominee received a majority, as reflected in the following roll call vote:

Rod Guyton:	Councilmembers Mauno, Witkowsky and Mayor Walker
Peter Donnellan:	Councilmembers McIntyre, Nowatka and Scotto

Councilmember Witkowsky encouraged those who voted for Mr. Donnellan to switch their vote to Mr. Guyton because of the support he received in the last election. She noted that she has known Mr. Guyton since he was boy and she has confidence in his ability to make good decisions for the City based on his experience as a businessman, family man, and City commissioner.

A second vote was taken which resulted in a 3-3 tie.

Councilmember Scotto suggested the possibility of eliminating Mr. Donnellan and Mr. Guyton from contention and trying to reach a consensus from among the other eight candidates.

Mayor Walker indicated that he did not favor this approach because it would involve the elimination of two outstanding candidates. He stated that he felt Mr. Guyton had the edge because of his strong showing in the last election, in which he was runner-up by a very narrow margin, and that he believed Mr. Guyton also met the criteria Councilmember McIntyre discussed.

Councilmember Nowatka commented on his deep affection for the City of Torrance and stated that he would only cast his vote for someone he believes has the City's best interests in mind.

A third vote resulted in a 3-3 tie.

Mayor Walker reiterated his support of Mr. Guyton, noting that in the 2002 election, there was a sizeable gap between the number of votes Mr. Guyton received and the rest of the field.

A fourth vote resulted in a 3-3 tie.

A brief discussion ensued, and the Council considered offering Mr. Guyton and Mr. Donnellan an opportunity to speak and/or allowing input from the public.

Mayor Walker indicated that he did not favor opening this matter up to the public but agreed that Mr. Guyton or Mr. Donnellan should be allowed to speak.

Councilmember McIntyre suggested that Mr. Donnellan address the Council as Mr. Guyton had stated his qualifications when he was introduced.

Mr. Donnellan briefly stated his qualifications.

Councilmember Scotto expressed concerns that the Council was deadlocked and reiterated his suggestion that the Council consider the other eight candidates rather than spending \$120,000 for a special election.

Councilmember Mauno stated that he was not comfortable going to the next tier of candidates and voiced his opinion that the logical choice for this position was the runner-up in the last election.

Mayor Walker called a recess, and the Council recessed from 7:47 p.m. to 8:11 p.m.

Councilmember Nowatka took issue with the characterization of the eight remaining applicants as being on a lower tier, stating that there are several equally qualified people among them who could fill this position.

A fifth vote resulted in a 3-3 tie.

Mayor Walker noted that Mr. Guyton has the added advantage of having served on the Planning Commission, which has proved to be a good training ground for councilmembers.

A sixth vote resulted in a 3-3 tie.

Councilmember Scotto noted that 1 of the 8 remaining applicants served 8 years on the Civil Service Commission, which is also a good training ground and the commission he served on prior to being elected councilmember.

A seventh vote resulted in a 3-3 tie.

Dee Hardison, 236th Street, requested an opportunity to address the Council, and following input from City Attorney Fellows, Mayor Walker granted this request.

Ms. Hardison expressed concerns that continuing to take votes was not productive and urged the Council to find some other way to resolve this matter in order to spare the City the expense of holding a special election.

At Mayor Walker's request, City Attorney Fellows provided clarification regarding the Council's options. He advised that the Council must either reach a consensus and make an appointment by midnight on October 19 or hold a special election. He confirmed that methods such as drawing straws or flipping a coin were not permissible.

It was the consensus of the Council to allow others in the audience who wished to address the Council to speak.

Tom Brewer, Evalyn Avenue, noted that only Councilmember Scotto had suggested a possible compromise and urged other councilmembers to try to find a solution to this impasse.

Janet Payne, Engracia Avenue, suggested that Councilmembers flip a coin, “duke it out” or consider other candidates in order to resolve the deadlock.

The Council recessed from 8:35 p.m. to 9:14 p.m.

Councilmember McIntyre reported that she had spoken with both candidates during the break to try to find a solution to the impasse and came very close, but was unable to do so.

Mayor Walker called for a vote, which again resulted in a 3-3 tie.

Items 6B through 15A were considered out of order at this time.

6B. PROCLAMATION RE “MAKE A DIFFERENCE DAY”

Mayor Walker presented a proclamation to Management Associate Olivia Lopez and Management Aide Rajan Agarwal declaring October 22, 2005, as ***Make a Difference Day*** in the City of Torrance and urging all citizens to observe this day by connecting with friends, fellow employees, relatives, and with religious, school and civic groups to engage in projects benefiting their community. Ms. Lopez and Mr. Agarwal invited the public to commemorate Make a Difference Day by participating in a cleanup of Madrona Marsh from 9:00 a.m. to noon.

7. CONSENT CALENDAR

7A. APPROVAL OF FINAL TRACT MAP NO. 53625

Recommendation

Recommendation of the **Community Development Director** that City Council approve Final Tract Map No. 53625, creating 112 senior condominium units on one lot, subdivided by the Anastasi Development Company, and located at 21345 Hawthorne Boulevard, which substantially conforms to and meets all conditions of approval of the Tentative Map.

7B. APPROPRIATION OF PARKS AND RECREATION OPEN SPACE FUNDS FOR REPAIR OF VICTOR E. BENSTEAD PLUNGE

Recommendation

Recommendation of the **Community Services Director** that City Council appropriate \$8,868 from the Parks and Recreation Open Space Fund for repair of the Victor E. Benstead Plunge.

7C. PURCHASE ORDER WITH SOUTH BAY FORD FOR VEHICLE REPLACEMENT PARTS

Recommendation

Recommendation of the **General Services Director** that City Council authorize a purchasing agreement with South Bay Ford of Hawthorne, CA in an amount not to exceed \$40,000 to purchase Ford brand passenger, light truck and emergency vehicle replacement parts on an “as needed” basis for a period of one (1) year, effective October 21, 2005 through October 20, 2006.

7D. AGREEMENT AMENDMENT WITH GEO-ENVIRONMENTAL, INC.

Recommendation

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

- 1) Approve an amendment to consulting services agreement with Geo-Environmental, Inc., (C2003-232) for geotechnical services (for various projects) to extend the contract term through November 4, 2007; and
- 2) Authorize the Mayor to execute and the City Clerk to attest said amendment.

7E. VOCATIONAL TRAINING AGREEMENT WITH LARSON TRAINING CENTER, INCORPORATED

Recommendation

Recommendation of the **Human Resources Director** that City Council authorize the execution of a vocational training agreement with Larson Training Center, Incorporated in the amount of \$150,000.

7F. CONTRACT SERVICES AGREEMENT FOR SOUTH HIGH SCHOOL STORM DRAIN REPLACEMENT

Recommendation

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

- 1) Award a contract services agreement to Nikola Corporation in the amount of \$89,990 for replacement of the storm drain per City Plan No. 3013 at South High School;
- 2) Authorize a 5% contingency amount of \$4,499.50 for the above referenced work;
- 3) Authorize the Mayor to execute and the City Clerk to attest to said agreement; and
- 4) Appropriate \$140,000 for replacement of the storm drain per City Plan No. 3013 at South High School (FEAP #532).

7G. PURCHASE ORDER RE ASPHALT PLANT MIX

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 \$350,000, for the sole source purchase of asphalt plant mix on an as needed basis, from October 18, 2005 through October 17, 2006.

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

15. SECOND READING ORDINANCES

15A. SECOND AND FINAL READING OF ORDINANCE NO. 3678

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.

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.

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The Council met as the Redevelopment Agency from 9:20 p.m. to 9:21 p.m.

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At 9:23 p.m., the Council resumed discussion of Item 6A.

6A. APPOINTMENT TO FILL CITY COUNCIL VACANCY

Councilmember McIntyre announced that she had decided to change her vote from Mr. Donnellan to Mr. Guyton because the only other alternative would be to hold a special election.

MOTION: Councilmember Nowatka, seconded by Councilmember Witkowsky, moved to appoint Rod Guyton by unanimous ballot to fill the vacancy on the Torrance City Council until a successor is elected in June 2006; hearing no objection, Mayor Walker so ordered.

City Clerk Herbers administered the oath of office.

At 9:27 p.m., Mayor Walker called a brief recess to offer congratulations to Councilmember Guyton and the Council reconvened at 9:38 p.m.

16. ORAL COMMUNICATIONS

16A. Councilmember Guyton announced his resignation from the Planning Commission.

16B. City Manager Jackson noted that with the resignation of Councilmember Guyton from the Planning Commission, there would not be a quorum for the Planning Commission meeting scheduled for Wednesday, October 19.

16C. City Clerk Herbers announced there were two vacancies on the Planning Commission due to the resignation of Commissioner LaBouff and the appointment of Mr. Guyton to the City Council. She asked that the City Council set the date of November 1, 2005 for the appointment of an applicant to the seats that will both expire on January 15, 2007 in order to allow the commission to continue its work in a timely manner.

16D. 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 25, 7:00 p.m., at Calle Mayor Middle School sponsored by Southwood Riviera Homeowners Association; October 26, 7:00 p.m., at Richardson Middle School sponsored by the Hollywood Riviera Homeowners Association; October 27, 7:00 p.m., at North High School Library sponsored by the Northwest Torrance Homeowners Association; and November 2, 7:00 p.m., at Sea Aire Golf Course sponsored by the Seaside Homeowners Association.

16E. Councilmember Mauno reported that he, along with the rest of the Council, attended the swearing-in ceremony of Assemblymember Ted Lieu and wished him well in his new position.

16F. Councilmember McIntyre shared the statistics of the Library's summer reading program – with 3,000 K-8 students reading over 22,000 books, noting that Victor, Carr and Yukon elementary schools had the highest number of enrollees.

16G. Councilmember Scotto announced that the Torrance Rose Float Association would be signing up volunteers to work on the 2006 float on Thursday, October 20 at 7:30 p.m. in City Council Chambers and noted that there would still be opportunities to volunteer until December 15.

16H. Janet Payne thanked the City for its vision on the opening of the Torrance Art Museum at the Joslyn Center and commended everyone involved.

16I. A. C. Green commented on the process of government.

16J. Torrance Historical Society President Debbie Hays invited the public to attend a free eight-block walking tour of old Torrance on Sunday, October 23, at 1:30 p.m., beginning at the Torrance Historical Society Museum on Post Avenue.

17. EXECUTIVE SESSION

None.

18. ADJOURNMENT

At 9:56 p.m., the meeting was adjourned to Tuesday, October 25, 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/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC

City Clerk of the City of Torrance

Approved on February 7, 2006