

April 12, 2005

**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 5:30 p.m. on April 12, 2005, in Council Chambers.

**ROLL CALL**

Present: Councilmembers Lieu, McIntyre, Mauno, 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**

Mayor Walker announced that subsequent to the posting of the agenda, issues arose in the case of Richard and Addie Chappell v City of Torrance, Case #CV04-6122 RGK(RZx). The City Attorney requires immediate instruction from the City Council and because time is of the essence he requests that City Council consider discussing the matter in closed session. In order to take action on a matter that is not on the agenda, the California Government Code requires a determination by a two-thirds vote that immediate action is necessary and that the need to take action arose subsequent to the posting of the agenda.

**MOTION:** Councilmember Scotto moved to add the item to the agenda. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval (absent Councilmember Witkowsky.)

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on the agenda matters listed under 17.A) Conference with Labor Negotiator; and 17.B) Conference with Legal Counsel – Existing Litigation pursuant to California Government Code Sections 54957.6 and 54956.9(a).

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

**2. FLAG SALUTE/INVOCATION**

The Pledge of Allegiance was led by Councilmember Mauno.

The invocation was given by Councilmember Nowatka.

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

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

**MOTION:** Councilmember Lieu 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 Mauno 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 that the Ad Hoc Armed Forces Committee meeting would be held on Monday, April 18 at 4:00 p.m. in the Third Floor Assembly Room at City Hall.

Councilmember McIntyre announced a meeting of the Rose Float Association Ad Hoc Committee on Tuesday, April 19 at 4:30 p.m. in the Third Floor Assembly Room at City Hall to choose a design for next year.

Mayor Walker announced the next meeting of the Planning and Design Committee on Thursday, April 27 at 7:00 p.m. in Council Chambers to continue to look at historical preservation in the city.

**6. COMMUNITY MATTERS**

**6A. PROCLAMATION RE GLOBAL YOUTH SERVICES DAYS**

**Proclamation** declaring April 15 through April 17, 2005 as ***Global Youth Services Days*** in the City of Torrance, and urging all area youth to become more involved in their cities and help build a brighter tomorrow.

Councilmember McIntyre presented the proclamation to Youth Council members Sean Crandall and Nina Sawhney who thanked the council and noted the importance of volunteering in the community.

**6B. PROCLAMATION RE NATIONAL ANIMAL CONTROL APPRECIATION WEEK**

**Proclamation** declaring the week of April 11 through April 17, 2005 as ***National Animal Control Appreciation Week*** in the City of Torrance, and encouraging the citizens of our community to support the efforts of the animal control officers and the important role they play in keeping our community safe.

Councilmember Scotto presented the proclamation to Police Chief Jim Herren, Animal Control Supervisor Patrick Wren and Animal Control Officer Shayne Brinkerhoff. Mr. Wren spoke on behalf of Police Chief Jim Herren, Captain John Neu, Lieutenant Mark Matsuda, Animal Control Supervisor Shayne Brinkerhoff, Officer Joe D'Amico and himself thanking the city for recognizing the week as National Animal Control Appreciation Week. He noted that the program had just passed the one year mark and the city had issued over 100 mostly animal licensing citations, licensed over 9,000 dogs in the city with 600 sold out of the animal control compound in Wilson Park, 109 animals were impounded as well as 50 other animals, 13 of which were illegal fighting birds, staff responded to over 300 barking dog complaints, and staff also conducted their first vicious dog hearing. He

noted that above and beyond the impound numbers, the animal control officers had returned 127 dogs to their owners which is a substantial number that they are proud of as those animals did not see the Carson Shelter.

Police Chief Herren expressed gratitude from the Police Department and pride in the animal control staff for their diligence in listening to the desires of community members and for designing and implementing a program that provides an excellent level of service. He acknowledged help from other departments including Parks and Recreation who were involved from the beginning and allowed the facility in Wilson Park. He appreciated the teamwork and thanked animal control staff Patrick Wren and Shayne Brinkerhoff and Officer Joe D'Amico who provide an excellent level of service with many ideas on how to continue to evolve the program.

Councilmember Scotto noted that they should be proud as a three-year goal to return 70% of the dogs to their owners had already been attained.

Councilmember Nowatka thanked everyone for the successful program, commented that they had not compared figures to what things were like before the program started and noted that one of the most important pieces of information is the tremendous reduction in the euthanasia program.

Councilmember Lieu pointed out that the program would not be in existence today but for the efforts of Friends of Torrance Animals who brought forth a local animal control program concept and fought for it for close to four years. He thanked the Friends and the rest of the community for their efforts as well.

Councilmember McIntyre commented that the program had inauspicious beginnings but the statistics and dedication of the staff and the support group of the Friends of Torrance Animals have certainly indicated it was a needed program in Torrance.

Councilmember Mauno felt it was good example of passionate and healthy dialogue in the community and once they decided to go ahead with the program it was first class. He congratulated city staff and volunteers in the community for their efforts in the wonderful program.

Mayor Walker commended and congratulated those involved with the program noting that the program had a tremendous amount of history and passed on a very close vote on the City Council but is an example of moving forward and working together.

**6C. 2004 WASTE REDUCTION AWARD PROGRAM CERTIFICATES**

Recommendation that the Mayor and City Council present certificates of recognition to Torrance businesses for receiving the 2004 WRAP awards (Waste Reduction Awards Program) from the California Integrated Waste Management Board for outstanding recycling and waste reduction efforts.

Mayor Walker presented a proclamation to Hitachi: Executive Vice President and General Manager Hank Ide and Environmental Health and Safety Specialist Robert Kestenbaum; Southern California Edison: Waste Program Manager, Sharon Natoil (not present); Target: Executive Team Leader Sachin Gadhvi; Virco Manufacturing: Facilities Manager Jason Morris; Vons: Store Manager, Donna Dugan (not present); Walser's: Jack

Walser; Wild Birds Unlimited: Bob Shanman (not present); and American Honda Motor Company Incorporated: Administration Records Manager John Savage and Records Center Coordinator Kaz Inouye (not present).

**6D. PLANNING COMMISSION APPOINTMENT**

Recommendation of the **City Clerk** that City Council review applications and make an appointment to fill one vacancy on the Planning Commission. The **City Clerk** further recommends that the City Clerk administer the Oath of Office to the commissioner if present at the meeting.

Patrick Furey presented his qualifications to sit as a volunteer commissioner for the city of Torrance and wanted to clear the record citing a number of misrepresentations that have been made about him in the past few months as a result of the last time he made an application for a commission seat.

Mr. Furey reported being an attorney at law and currently a Senior Deputy County Counsel for the County of Los Angeles assigned to the Children's Services Division. His assignment for the past three years has been to counsel and train those persons investigating child abuse in the South Bay area. Most of his career has involved the protection of abused, abandoned and neglected children and he has been admitted to practice law before all of the courts in the state of California up to and including the California Supreme Court. As a pre-requisite to practice law he attended law school at the University of West Los Angeles School of Law where he finished in the top third of his class. He was awarded the Juris Doctor degree in June 1995 and was admitted to practice in December 1995.

Prior to and during the time he attended Law School he was employed as a legal assistant in civil litigation. He became a legal assistant only after attending the attorney assistant training program at the University of California at Los Angeles Extension program which is an intensive post baccalaureate certificate program consisting of 25 units of post graduate professional course work, graduating with honors in June 1986. Apparently there was a scrivener's error on his confidential application submitted on December 13, 2004 in support of his appointment to the Torrance Civil Service Commission which he had been sitting on for four years including one year as the Chair. He has been told that there was some discussion amongst Councilmembers about the error but no one privy to the discussion contacted him before the commission appointments were made on January 11, 2005. In any event he was not appointed to the Civil Service Commission on that date. Only Councilmembers Nowatka and Scotto voted for him and he personally thanked them for their unbridled support.

Recently Mr. Furey was advised that one member of the body had shared his confidential application with at least one community member and made some disparaging remarks about him in early February. Mr. Furey expressed surprise and wonder that that would be so important to that Councilmember. Shortly thereafter he was subjected to a character assassination campaign by an anonymous individual or individuals apparently based upon his confidential application for commission. Considering the confidentiality dictates of California Government Code 6254c and an internal City of Torrance memorandum which addresses the confidentiality of commission applications, he believed that all of the conduct just mentioned is improper, immoral and in violation of his privacy rights. He asserted that it would be dealt with in the appropriate forum.

Mr. Furey reported that he remains president of his local homeowners association and president of the local Education Foundation with over 350 hours dedicated in the past year to various non profit organizations in the community not including the many hours he has worked with the coalition of homeowners associations in the city. He personally raised tens of thousands of dollars to benefit the children of Torrance and he is proud of the volunteer work that he does and proud of his educational history but he is ashamed that violations of trust continue to escalate in the city. He noted that there were a number of qualified individuals who have applied for the commission vacancy and he announced that he was withdrawing his application for the commission spot.

Mayor Walker reported that he was informed by a member of the legal community of what was described as a scrivener's error under the education portion of the commission application with UCLA listed rather than the Extension school and the major listed as Attorney Assistant with a graduation date of June 1986 and the degree listed was a Bachelor of Arts. He did not make public comment to anyone but when asked by a strong individual in the city why he did not support Mr. Furey, he indicated that one of the reasons was the fact that there had been a misstatement of education or falsification of educational achievement. Mayor Walker indicated that he reported that to one person only and he regretted that Mr. Furey had brought the matter forward. He indicated that he had not mentioned the matter during the vote on the previous application and he was not going to say anything this evening about it until Mr. Furey brought it to his attention.

A vote was taken on the Planning Commission appointment resulted in a tie vote between Rod Guyton and Steve Skoll, absent Councilmember Witkowsky. The item will be returned for a vote of the full Council.

**7. CONSENT CALENDAR**

**7A. APPROVAL OF MINUTES OF MARCH 1 AND MARCH 8, 2005**

**Recommendation**

Approval of minutes of March 1, 2005 and March 8, 2005.

**7B. WATER ENTERPRISE FUND APPROPRIATION RE KENT/GALVA WATER MAIN REPLACEMENT PROJECT**

**Recommendation**

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

- 1) Appropriate Water Enterprise Funds in the amount of \$653,000 for Kent/Galva Water Main Replacement Project (I-88);
- 2) Approve a consulting services agreement with KDM Meridian in the amount of \$12,995 to provide survey services for Kent/Galva Water Main Replacement Project (I-88); and
- 3) Authorize the City Manager to execute and City Clerk to attest to said agreement.

**7C. CALWORKS SUMMER YOUTH PROGRAM FUNDING**

**Recommendation**

Recommendation of the **Human Resources Director** and the **Workforce Investment Network (WIN) Board Executive Committee** that City Council accept and appropriate \$108,490 in County of Los Angeles Department of

Community and Senior Services funds to the Workforce Development Division budget to operate the CalWorks Summer Youth Program. Funding for this grant comes from the County of Los Angeles Department of Community and Senior Services.

**7D. GRANICUS, INC. SERVICE AGREEMENT AND CABLE COMMUNICATIONS FUND BALANCE APPROPRIATION**

**Recommendation**

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

- 1) Approve a contract service agreement with Granicus, Inc., San Francisco, CA in the amount of \$41,766.92 (includes sales tax), plus 5% contingency of \$2,088;
- 2) Appropriate \$12,354.92 from Cable Communications Fund Balance to FEAP #425 for the capital purchase;
- 3) Transfer \$9,000 from the City Clerk's operating budget to FEAP #425;
- 4) Transfer \$3,157 from the City Clerk's operating budget to the PC Replacement Fund; and
- 5) Approve recurring costs of \$19,253. \$13,067 will be appropriated from the Cable Communications Fund Balance and the difference of \$6,186 is available in the City Clerk and Cable Communications operating budget.

**7E. TRAPEZE SOFTWARE CONSULTING SERVICES AGREEMENT**

**Recommendation**

Recommendation of the **Transit Director** that City Council approve an amendment to the consulting services agreement with Trapeze Software Group, Inc. (C99-239) in the amount of \$224,000 for system upgrades, enhancements including a payroll interface, and ongoing yearly maintenance fees with a new not to exceed amount of \$377,440.

**7F. AMENDMENT ONE TO AGREEMENT WITH COUNTY OF LOS ANGELES DEPARTMENT OF COMMUNITY AND SENIOR SERVICES**

**Recommendation**

Recommendation of the **Human Resources Director** of the City of Torrance that Your Honorable Body execute Amendment One to the agreement with the County of Los Angeles Department of Community and Senior (DCSS) (C2004-190).

**MOTION:** Councilmember Scotto moved to approve items 7a through 7f as written. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval (absent Councilmember Witkowsky).

**11. ADMINISTRATIVE MATTERS**

**11A. FISCAL YEARS 2005-2007 GENERAL FUND OPERATING BUDGET**

Recommendation of the **City Manager** that City Council provide guidance with respect to development of the Fiscal Years 2005-2007 General Fund operating budget and necessary reductions to balance such budget.

City Manager Jackson reported that staff had completed two years of significant reductions required of the last two year budget process in anticipation of a hard hit. There

have been some mitigations caused by state actions of restoring funds in the second year of the proposed two-year budget and of enhanced revenue sources on the horizon which should mitigate concerns. The city still faces a substantial reduction in the first year of the budget. If cuts are made in the first year of the budget then the second and further years begin to move into positive territory which is a major shift in what has been seen over the last several years.

Scenario 1 assumes an across the board reduction through all the departments. The General Fund is substantially personnel in nature so any cuts or modifications taken tend to affect personnel in one way or another.

Scenario 2 assumes a smaller reduction in public safety aspects of about 1.25%. The Fire Department proposes an elimination of one sworn position and realignment of operational responses in arson investigation, hazmat and rescue units over a three-year period. The reassignment of police personnel from sworn positions would achieve necessary reductions in that department.

Scenario 3 assumes reductions be taken by non-safety operations resulting in a significant impact to other departments in the city with personnel 18-20 positions removed from the budget.

City Manager Jackson suggested developing the budget with the second scenario with 1.25 reductions in police and fire and he requested for feedback to get an idea what type of package should be brought forward for Council consideration.

Councilmember Lieu pointed out that the initial proposal two years ago was to cut 5% from all city departments and they were able to achieve reductions without cutting safety. He felt that preserving public safety funding and enhancing it was important to the success in having a class 1 fire department and the lowest crime rate ever in Torrance history. While he acknowledged the teamwork of other departments in the city that contribute to public safety he expressed opposition to Scenario 1 as he opposed cuts to public safety.

Councilmember Mauno agreed with comments made by Councilmember Lieu and questioned whether staff would come back to the Council for input if there were major deviations from Scenario 2.

City Manager Jackson reiterated that he was forming a game plan to develop specific cuts and modifications to the budget to bring forward to the Council as part of the budget process.

Councilmember Mauno expressed concern with a potential downturn in auto sales and Finance Director Tsao indicated that they were aggressive in their forecast for future years and had factored in new dealerships and retail establishments moving into the city and much growth is factored into the forecast although there could be a reduction of business on 190<sup>th</sup> Street.

Councilmember Scotto acknowledged that no one wanted to cut public safety and asked the chiefs how services would be affected and what the community might see. Police Chief Herren indicated that none of the reductions would affect field staffing levels or operations, so services to the community would not be affected, rather the reductions would be require internal modifications. Fire Chief Bongard explained that their proposals would result in minor changes to how they do business and would be implemented over a

three year period, eliminating a fire prevention position and upgrading some fire investigators. The program would be modified so that when a 40 hour position is eliminated, field positions are upgraded to perform those functions on a field basis. The Hazardous Materials Team would be reduced to state minimum levels which would mean that they would still do what they do today. Level 1 responses which account for 90% of their calls would remain the same with Level 2 responses changed to go along with reduced personnel possibly resulting in a slow down on larger incidents but he did not feel that would be an issue.

Councilmember Nowatka received clarification that there would be no reduction in fire trucks or paramedics and Fire Chief Bongard indicated that another rescue would be put into service in three years.

Councilmember McIntyre wanted the public to be aware that services would not be reduced by the internal efficiency changes being proposed and she felt that Scenario 3 was draconian and therefore recommended Scenario 2.

Responding to Councilmember Lieu, City Manager Jackson explained that they were bringing some revenue from the airport and some enhancements caused by CPI or other escalators involved in the process were included in the budget. He added that they would continue to explore certain other fees which must be offsetting for certain services and he reminded everyone about the storm drain problem and other areas with a demand for fee structuring. Medical fees and other fees will continue to be adjusted as CPI adjusts.

Mayor Walker stated that he did not want to see cuts to any police and fire services and he suggested starting with a general commitment to public safety. He felt there were other ways to achieve savings besides cutting \$800,000 from Police and Fire and he did not support Scenario 1 or 2.

City Manager Jackson indicated that the budget would be brought forward by the end of May with workshops held in June and an adopted balanced budget by July of this year. He clarified that staff would present an overall budget along the lines of Scenario 2.

Responding to Councilmember Lieu's request for a scenario with no cuts to public safety, City Manager Jackson explained that that would require removing 20 positions from General Services and would require a great deal of work as well as prevent positions from being filled between now and July. Councilmember Lieu felt that would be important for the public to see and City Manager Jackson indicated that he would talk in detailed terms of what the consequences would be but he didn't want to actually do a detailed budget development scenario unless they are going to really implement that because it does affect people who would have to be reassigned and laid off in the city. Councilmember Lieu expressed support for Scenario 3.

Mayor Walker acknowledged the difficulty of the task noting that taking 20 of the 1,400 positions would require much reshuffling. City Manager Jackson explained that they had already reworked the organization and cutting 20 positions would reduce levels of field responses, landscaping, and affect program levels to the city in Parks and Recreation and Cultural Services.

## **15. SECOND READING ORDINANCES**

**15A. ORDINANCE NO. 3664 RE CALIFORNIA WATER SERVICE COMPANY**

Second and Final Reading of **ORDINANCE NO. 3664** granting to California Water Service Company, a California Corporation, a franchise, to construct, lay, operate, test, maintain, use, renew, repair, replace, move, change the size and number of, and remove or abandon in place a system of pipelines and appurtenances, for the purpose of conducting transporting, conveying and carrying water, on, along, in, under, and across public streets, ways, alleys, and places within the City of Torrance.

**MOTION:** Councilmember McIntyre moved to approve Ordinance No. 3664. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval (absent Councilmember Witkowsky).

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The Torrance Redevelopment Agency met from 7:52 p.m. to 7:53 p.m.

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**16. ORAL COMMUNICATIONS**

**16A.** City Attorney Jackson reminded Councilmembers of a short executive session after the meeting.

**16B.** Councilmember Lieu reported he had proposed Torrance adopt a green building program in February and he reported that the government has now begun to mandate green building programs.

**16C.** Councilmember Mauno commented that the Council had faced a tough challenge to maintain levels of service while making cuts to the budget.

**16E.** Councilmember McIntyre requested staff investigate the noise level of events at the Toyota Meeting Hall as neighbors heard noise from a event last Friday and City Manager Jackson explained that the youth event had been held out on the Plaza due to construction in the Ken Miller Recreation Center.

**16F.** Councilmember McIntyre announced a public hearing on Wednesday, April 20 regarding proposed increases to sewage charges on residential units for 2004-2005 from \$87.25 per year to a \$91.50 per year.

**16G.** Mayor Walker thanked Councilmember McIntyre for services as Mayor Pro Tem and welcomed Councilmember Scotto to the post.

**16H.** Councilmember Nowatka asked to adjourn the meeting in the memory of former city employee Jeanette Gorchester.

**17. EXECUTIVE SESSION**

Considered previously.

**18. ADJOURNMENT**

At 7:59 p.m., the meeting was adjourned to Tuesday, April 19, 2005, 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 Jeanette Gorchester \*\*\***

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 June 21, 2005