

March 6, 2001

**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, March 6, 2001, in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: Councilmember Messerlian.

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 54956.9(c), 54957 and 54956.8, the Council recessed into a closed session to discuss matters listed on the meeting agenda under 16a) Conference with Legal Counsel – Anticipated Litigation; 16b) Public Employee Performance Evaluation – City Manager; and 16c) Real Property – Conference with Real Property Negotiator.

The Council reconvened in Council Chambers at 7:19 p.m.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Boy Scout Troop #948, Dave Rodriguez, Scoutmaster.

Pastor Glen Martin, Community Baptist 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, there being no objection, it was so ordered by Mayor Hardison.

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, there being no objection, it was so ordered by Mayor Hardison.

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Mayor Hardison asked that the meeting be adjourned in memory of retired City employee Edith Fink.

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City Attorney Fellows announced that the City Council, by a 6-0 vote (absent Councilmember Messerlian), had given direction for the City of Torrance to join in a Friend of the Court brief in the case of Robinson v. County of Solano, 218 F.3d 1030 (9th Cir. July 12, 2000), rehearing en banc granted (Oct. 23, 2000). He explained that the subject matter relates to a case where two county sheriffs, in the process of making an arrest, drew guns from holsters and pointed at someone they believed to be armed and who was in fact armed. He advised that the first appellate panel of the 9th Circuit concluded that every time a police officer is required to unholster his or her gun, it is a question for a jury to determine whether that use of force was reasonable and only after the jury determines that it is reasonable, would the question of whether the officer is entitled to qualified immunity arise, a conclusion that appears to be directly contrary to the state of the law. He noted that the 9th Circuit as a whole has granted en banc review of the panel's decision and that the City has been asked to join in as a Friend of the Court on behalf of the County of Solano.

4. WITHDRAWN OR DEFERRED ITEMS

City Manager Jackson stated that Item 14a, Second and Final Reading of Ordinance 3495 regarding PERS benefits, would be brought back on March 20, 2001.

Mayor Hardison announced that, subsequent to the posting of the agenda on March 1, 2001, the City Manager declared a state of local emergency for properties located on Carolwood Drive and Singingwood Drive and requested that this item be added to the agenda as it was necessary for the City Council to ratify the City Manager's proclamation and provide advice on how to proceed. As a two-thirds vote of the Council is required to add an item to a posted agenda, Councilmember Scotto, seconded by Councilmember Cribbs, moved to add this item (11e) pursuant to Government Code Section 54954.2(b)(2); the motion was approved by unanimous roll call vote (absent Councilmember Messerlian).

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Mayor Hardison announced for Councilmember Messerlian that the Finance & Governmental Operations Committee would meet at 5:30 p.m. on Tuesday, March 27, 2001 in the West Annex Meeting Room to consider the mid-year budget report.

Fire Chief Bongard announced tests of the Community Alert Siren and the Radio Alert Network on Wednesday, March 7, 2001.

City Clerk Herbers invited the public to view the pastels and pencil drawings of Torrance Artist Guild member Margaret Lindsey as a part of the Art on View program.

7. **CONSENT CALENDAR**

7a. **INVESTMENT REPORT FOR JANUARY 2001**

Recommendation

Recommendation of the **City Treasurer** that City Council accept and file the monthly investment report for the month of January 2001.

7b. **AGREEMENT RE ANNUAL TREE TRIMMING AND REMOVAL SERVICES**

Recommendation

Recommendation of the **Parks and Recreation Director** that City Council approve an agreement with Travers Tree Service, Palos Verdes Peninsula, CA, in an amount not to exceed \$75,750 to provide annual tree trimming and removal services for the Parks and Recreation Department.

7c. **ACCEPTANCE OF TREE DEDICATION FUNDS**

Recommendation

Recommendation of the **Parks and Recreation Commission and the Parks and Recreation Director** that City Council accept donations totaling \$825 for the Living Tree Dedication Program.

7d. **EXTENSION OF CONTRACT FOR LIABILITY CLAIMS ADMINISTRATION**

Recommendation

Recommendation of the **Human Resources Director** that City Council approve a one-year contract extension (C2000-040) with Ward North America, Inc. for the period of March 1, 2001 to March 1, 2002 at an annual cost not to exceed \$97,800.

7e. **REGIONAL GRANT APPLICATION TO PROMOTE FOOD DONATIONS**

Recommendation

Recommendation of the **Street Services Director** the City Council approve a Letter of Intent to participate with 4 other cities in a \$50,000, 2-year regional grant application, through the California Integrated Waste Management Board, to encourage businesses to donate food to a local nonprofit organization for distribution to needy charities or facilities.

7f. **CONTRACT RE INTERIOR RENOVATION OF POLICE DEPARTMENT**

Considered separately, see pages 4-5.

7g. **CONTRACT AMENDMENT RE PURCHASING DEPARTMENT RENOVATION**

Recommendation

Recommendation of the **General Services Director** that City Council approve an amendment in the amount of \$495 for Basen Development of Torrance (C2000-253) for a total contract amount \$24,985.00 for the renovation of the Purchasing Department.

7h. **CONSULTING SERVICES AGREEMENT FOR PROJECT MANAGEMENT SERVICES**

Recommendation

Recommendation of the **Engineering Director** that City Council

- 1) Approve amendment No. 1 (Attachment 1) to Consulting Services Agreement C2000-194 with CBM Consulting, Inc. to extend the current expiration date to May, 30, 2001;
- 2) Approve an agreement with CBM Consulting, Inc. in an amount not to exceed \$96,600 to provide Project Management Services for the Engineering Department for the 190th Street Improvement (Prairie Avenue to Van Ness Avenue) Residential Streets Rehabilitation Program; Yukon Tank Recoating and 190th Street Water Main and
- 3) Authorize the Mayor and the City Clerk to execute and attest to said Agreement.

7i. **SPECIAL OPPORTUNITY PURCHASE OF TOW VEHICLE**

Recommendation

It is the recommendation of the **Chief of Police and City Manager** that City Council take advantage of a special opportunity purchase and authorize a purchase order be issued, for an amount not to exceed \$36,840.68, to Suburban Ford Trucks Sales, Sacramento, CA, for the purchase of a 2001 Ford F-450 crew cab truck with pick-up bed, to be used as the tow vehicle for the Police Department's Mobil Command vehicle.

7j. **CONSIDERATION OF MARCH 13, 2001 AS COUNCIL DARK NIGHT**

Recommendation

Recommendation of the **City Manager** that City Council consider Tuesday, March 13, 2001 as a Council dark night.

MOTION: Councilmember Walker moved for the approval of Consent Calendar Items 7a, 7b, 7c, 7d, 7e, 7g, 7h, 7i, and 7j. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote (absent Councilmember Messerlian).

Consent Calendar Item 7f was considered separately at this time.

7f. **CONTRACT RE INTERIOR RENOVATION OF POLICE DEPARTMENT**

Recommendation

Recommendation of the **General Services Director** that City Council award a contract to Malia Construction Inc. of Anaheim for \$69,000 for the second floor interior renovation of the Torrance Police Department. (B2001-03)

Referring to supplemental material, Councilmember Nowatka stated that he had requested additional information on this item because some of the figures in the bid had

been crossed out and the figures in the cost breakdown do not add up to the \$69,000 total.

Facility Services Manager Landis explained that lump sum bids were requested for the contract and that the cost breakdown was not used for award purposes but rather to assist in determining possible bid errors. He noted that the contractor has been asked to submit a new cost breakdown equaling the \$69,000 bid and that it will be used to calculate progress payments.

Councilmember Nowatka, echoed by Councilmember Cribbs, stressed the importance of having accurate information in the backup material.

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

11. ADMINISTRATIVE MATTERS

11a. DISPOSITION OF OBSOLETE SURPLUS CITY VEHICLE

Recommendation

Recommendation of the **General Services Director** that City Council approve a Resolution authorizing title transfer of an obsolete surplus City vehicle to the City of Redondo Beach; California.

RESOLUTION NO. 2001-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE TITLE TRANSFER OF A RETIRED SURPLUS 1984 CHEVROLET STENCIL TRUCK TO THE CITY OF REDONDO BEACH

MOTION: Councilmember Scotto moved for the adoption of Resolution No. 2001-18. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote (absent Councilmember Messerlian).

11b. NORTH TORRANCE POLICE COMMUNITY CENTER LEASE EXTENSION

Recommendation

Recommendation of the **City Manager** that City Council authorize the Mayor to execute and the City Clerk to attest to a 2-year lease extension with a 2-year option by an between the City of Torrance (Lessee) and the Delores Vivonia (Lessor) for property located at 18010 Crenshaw Boulevard, operating as the North Torrance Police Community Center.

Mayor Hardison noted that the supplemental material on this item indicates that the Police Department will be applying for Citizen Options through Public Safety (COPS) grant funding for the lease extension and will reimburse their operating budget if the funding is secured.

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).

11c. RESOLUTION RE HEALTH INSURANCE FOR POLICE AND FIRE TRAINEES

Recommendation

Recommendation of the **City Manager** that City Council adopt a Resolution electing to be subject to the Public Employees' Medical and Hospital Care Act only with respect to a specific employee group (Police and Fire Trainees).

Assistant to the City Manager Keane reported that this action will provide health insurance coverage for individuals in the new classifications of Police and Fire Trainees effective April 1, 2001.

RESOLUTION NO. 2001-19

A RESOLUTION ELECTING TO BE SUBJECT TO PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT ONLY WITH RESPECT TO A PAY RESOLUTION COVERING POLICE AND FIRE RECRUITS AND FIXING THE EMPLOYER'S CONTRIBUTION AT AN AMOUNT EQUAL TO THAT PRESCRIBED BY SECTION 22825 OF THE GOVERNMENT CODE

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2001-19. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote (absent Councilmember Messerlian).

11d. CITY OF TORRANCE ENERGY CONSERVATION EFFORTS

Recommendation

Recommendation of the **City Manager** that City Council accept and file the status report on the City Manager's energy conservation plan.

Management Associate Wren noted that the status report outlines the City's energy conservation plan, including conservation measures that have been implemented and those that are currently being researched.

Mayor Hardison questioned whether the City has been able to determine if the goal of a 5% reduction has been achieved. Noting that the City has a number of meters at various locations, City Manager Jackson advised that staff was in the process of developing a central location where the data could be analyzed and compared.

Mayor Hardison reported that, on March 29, representatives from South Bay cities would be meeting to discuss the energy crisis and to see if there are options they wish to explore as a group.

City Manager Jackson advised that staff would continue to provide status reports as more detailed information becomes available and noted that a summertime program

will be brought forward as power shortages are expected to continue through the hot summer months.

Commenting on community outreach efforts, Mayor Hardison stated that she thought utilizing the *Torrance Seasons* publication, the City's website and Citicable to provide regular updates and helpful tips was a good way to promote community awareness of conservation issues.

Ms. Wren reported that the City had also mailed Southern California Edison conservation brochures to homeowner association presidents so that information could be included in newsletters and noted that an Energy Conservation Policy for employees was in place detailing how they should respond to Stage 1, 2 and 3 emergencies.

11e. PROCLAMATION OF STATE OF LOCAL EMERGENCY

Recommendation

Recommendation of the **City Manager and the City Attorney** that City Council adopt a Resolution ratifying the proclamation of a state of local emergency for properties located on Carolwood Drive and Singingwood Drive.

Assistant City Manager Giordano reported that on Friday, March 2, 2001, the City Manager declared a state of local emergency for properties located on Carolwood Drive and Singingwood Drive, which are threatened by potential sloop failure due to recent rains. She advised that it was necessary for the Council to ratify that action and to review the need for continuing the local emergency every 14 days.

RESOLUTION NO. 2001-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, CONFIRMING THE ACTION OF THE CITY MANAGER ACTING AS THE DIRECTOR OF EMERGENCY SERVICES IN PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY IN THE CITY OF TORRANCE

MOTION: Councilmember Scotto moved for the adoption of Resolution No. 2001-20. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember Messerlian).

14. 2nd READING ORDINANCES

14a. SECOND AND FINAL READING OF ORDINANCE NO. 3495

Withdrawn, see page 2.

14b. SECOND AND FINAL READING OF ORDINANCE NO. 3496

ORDINANCE NO. 3496

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING A PROVISION TO ARTICLE 1 OF CHAPTER 5 OF DIVISION 4 OF THE TORRANCE MUNICIPAL

**CODE RELATING TO TRESPASS ON PRIVATE PROPERTY
OPEN TO THE GENERAL PUBLIC**

MOTION: Councilmember Scotto moved for the adoption of Ordinance No. 3496. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember Messerlian).

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The Redevelopment Agency met from 7:46 p.m. to 7:47 p.m.

15. ORAL COMMUNICATIONS

City Manager Jackson reported that City employees were involved in a variety of storm-related activities and were very responsive to the needs of residents.

Fire Chief Bongard announced that the 29th Annual Spaghetti Dinner, sponsored by Torrance Fire Fighters Association, would be held on March 10 from 4:30 p.m. to 8:00 p.m. at the Ken Miller Recreation Center at a cost of \$12 per family or \$5 per individual.

Councilmember Nowatka commented on the passing of retired City employee Edith Fink.

16. EXECUTIVE SESSION

At 7:49 p.m., the City Council recessed to continue consideration of matters listed on the meeting agenda under Executive Session. The Council reconvened in open session at 9:25 p.m. No further formal action was taken on any matter considered in closed session.

17. ADJOURNMENT

At 9:25 p.m., the meeting was adjourned to Tuesday, March 20, 2001, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in Council Chambers.

***Adjourned in Memory of
Edith Fink***

Attest:

Mayor of the City of Torrance

Sue Herbers
City Clerk of the City of Torrance

Approved on April 10, 2001

Sue Sweet
Recording Secretary

City Council
March 6, 2001