

May 8, 2001

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in a regular meeting at 6:03 p.m. on Tuesday, May 8, 2001, in Council Chambers.

ROLL CALL

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

Absent: None.

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

12. HEARINGS

12a. TIDO VOORHEES

Recommendation of the Civil Service Administrator that City Council conduct a hearing on the appeal of the Civil Service Commission decision sustaining a ten-day suspension of Tido Voorhees.

City Attorney Fellows introduced Michael Miller, counsel for the Civil Service Commission, noting that he is a personnel and labor relations specialist.

Mayor Hardison verified with all Councilmembers that they had read the administrative record and transcript and explained procedures for the hearing.

Assistant City Attorney Ronald Pohl, representing the City of Torrance Transit Department and Ms. Rochelle Evans Jackson representing Mr. Voohees were introduced. In response to an inquiry from Mayor Hardison whether Mr. Voorhees wanted an open hearing, Ms. Jackson noted that since Mr. Voorhees was not present it was the pleasure of the Council. Mayor Hardison decided that, as the previous hearings had been open, they would continue as such.

Ms. Jackson stated that the central issue of the appeal was the 10-day suspension that the Civil Service Commission decided on after the hearing. She noted that the conclusion of fact that allowed the Commissioners to give a 10-day suspension was their belief that Mr. Voorhees was found guilty of being rude and boisterous pursuant to Section 35, Code of Conduct A. She asserted that testimony in the hearing never showed that her client was rude and boisterous, and he did not initiate the contact but was leaving the area when Mr. Jones invited Mr. Voorhees back to "work it out." As stated on page 32 of the December 4, 2001 Civil Service Commission minutes.

Ms. Jackson indicated that though Mr. Ferguson had testified that on page 15 of the December 4, 2000 hearing that "Tido was loud" he was unable to provide any statements that Tido had made. She acknowledged that Mr. Voorhees has a loud voice and noted that regarding the issue of pointing the finger in the face, Mr. Jones himself stated on page 44 of the December 4, 2000 hearing that "some people have a tendency to talk with their hands. He was not pointing in my face." Ms. Jackson stated that there was no abusive conduct, but rather Mr. Voorhees was just explaining to Mr. Jones why there was a problem and the matter escalated. She reported that Mr. Jones had pushed Mr. Voorhees, but Mr. Voorhees never pushed Mr. Jones and the suspension was reduced because there was no evidence that Mr. Voorhees had pushed Mr. Jones.

Ms. Jackson reported that Mr. Voorhees testified that he never once used profanity and the only thing he was responsible for was for being upset at something that Mr. Jones had done to him, therefore none of his conduct warranted a 10-day suspension. Ms. Jackson asserted that though Kim Turner is the supervisor, she never asked Mr. Voorhees about the incident but rather made assumptions because she is predisposed against him. She referred to Ms. Turner's testimony that stated, 2 months after she got there, Mr. Voorhees made a statement that she did not like but she did not report it.

Ms. Jackson observed that the 10-day suspension for rude and boisterous conduct was given to Mr. Voorhees, not Mr. Jones who actually pushed Mr. Voorhees, and she asserted that the Civil Service Commission abused their discretion when they gave the suspension.

Assistant City Attorney Pohl stated that he had read the document and he commented that the situation was unique as Cheryl Thompson immediately entered the driver's lounge and instructed everyone present not to talk to Ms. Turner; there were witnesses who were not in the room; witnesses involved who tape recorded everything and reported it to their psychiatrists; and there was conflicting testimony as to who shoved whom.

In response to the statement by Ms. Jackson that there was no testimony in the hearing to support the allegation that Mr. Voorhees was rude and boisterous, Mr. Pohl pointed out that when Mr. Voorhees was asked at the Civil Service Commission hearing on December 11, 2000 whether he was rude, used profane language or was boisterous at any time, Mr. Voorhees responded "Yes, I was." The Commission found that Mr. Voorhees violated Torrance Transit Worker Rule 3.5 which prohibits that type of behavior. Mr. Pohl reiterated that Mr. Voorhees admitted that he did violate that rule and it is clear that the Commission was correct in deciding that he violated the rule.

Mr. Pohl explained that the Civil Service Commission acquitted Mr. Voorhees of the pushing, or assault-type conduct due to evidence, but the employee admitted what he was charged with and 10 days was the appropriate amount of time off for the offense.

Mr. Pohl directed the Council to look at Mr. Voorhees' work record and he briefly summarized the incidents listed noting that though findings indicated that sexual harassment did occur, Mr. Voorhees refused to attend sexual harassment sensitivity training. Though Mr. Voorhees was charged with violence in the workplace, he refused to attend anger management classes and he refuses to accept reprimands by not signing them. Mr. Pohl reported that Mr. Voorhees had received a written reprimand for

threatening to blow up a co-worker's car and charges were brought by co-workers, not management.

Mr. Pohl commented that at every step of the way Mr. Voorhees has entered into conflict with management and fellow employees and a 10-day suspension was very appropriate.

Ms. Jackson clarified that Mr. Voorhees admitted he was rude and boisterous after he was hit, but she pointed out that he did not hit back. She also noted that Mr. Jones testified that Mr. Clark was in the room at the time of the incident, but she asserted that management did not want to talk with Mr. Clark because he would have told the truth.

Ms. Jackson explained that with regard to Mr. Voorhees' work record, he is a union representative which sometimes requires him to do and say things that are not always so nice. With regard to the blowing up of the car, Ms. Jackson indicated that she would have provided a witness but it was not a hearing and witnesses knew that Mr. Voorhees did not blow up a car.

Ms. Jackson acknowledged that Mr. Voorhees' record was not good, but felt that in these circumstances, for these charges, a 10-day suspension was not warranted. She asserted that Mr. Jones had pushed Mr. Voorhees, knocked his hat off and caused him to drop his lunch, but he did not hit back, but rather got loud and boisterous and told Mr. Jones to get off of him.

Mr. Pohl explained that efforts to contact Mr. Clark were unsuccessful as he was on disability and though a letter was sent to his attorney, they were not able to interview him.

Mr. Pohl commented that it had been a hard investigation to conduct starting with Ms. Thompson's attempts to get people not to cooperate. Mr. Voorhees was not engaged in union activities at the time but had gotten into an argument about a telephone conversation with Mr. Jones where he did not feel that he was treated respectfully.

Mr. Pohl stated that the work record was relevant because someone with a good record would have been instructed to go to counseling and anger management, but Mr. Voorhees had refused to go. Mr. Pohl expressed hope that the suspension would get the attention of Mr. Voorhees and there would be no more problems in dealing with fellow employees in the future.

Mr. Miller reviewed options for the Council noting that they were limited to a review of the record and, within those parameters, they were to determine whether there was an abuse of discretion. He added that the limitations were as stated in documents and the Council was free to uphold or reverse, in whole or in part, the findings of the Civil Service Commission and in no case would the Council be able to increase the suspension. Mr. Miller noted that was a limited review and if they disagreed, the Council would have to remand it to the Civil Service Commission as findings of fact are binding unless there is no evidence to support it in the record.

The City Council recessed to closed session to consider the matter at 6:33 p.m. and reconvened at 7:13 p.m.

MOTION: Councilmember Cribbs moved to deny the appeal and sustain and adopt the findings of fact and decision of the Civil Service Commission in the matter of Tido Voorhees. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Boy Scout Troop #310, Bruce Maass, Scoutmaster.

The invocation was given by Pastor Jerrard Heard, Redeemer Presbyterian Church.

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 a voice vote reflected unanimous approval.

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 a voice vote reflected unanimous approval.

4. WITHDRAWN OR DEFERRED ITEMS

Mayor Hardison asked that the meeting be adjourned in the memory of Captain John Kenneth Spaan, who served in the Torrance Fire Department for 27 years.

Mayor Hardison also asked that the meeting be adjourned in memory of Don Merritt Hartel who worked for the Police Department and had started the Neighborhood Watch Program in the City of Torrance.

Mayor Hardison announced that there was additional information available on the budget item at the back of the auditorium.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Fire Chief Bongard announced Fire Service Day on Saturday May 12 from 10:00 a.m. to 4:00 p.m. with demonstrations at SCROC and Open Houses at all Fire Stations.

Mayor Hardison announced the City Council budget hearings on May 15 and June 5 at 7:00 p.m. in Council Chambers.

Police Chief Herren announced the Police Officers Memorial Service would be held on Wednesday, May 16 at 10:00 a.m. at the Police Facility and Blue Ribbon Week, May 13 through 19 in the City of Torrance.

Councilmember Cribbs announced the Armed Forces Day Celebration Parade on Saturday, May 19 at 1:30 p.m. noting that military exhibits would be on display from May 18 through 20 at the Del Amo Fashion Square.

6. COMMUNITY MATTERS

6a. RESOLUTION NO. 2001-34 RE 42nd ANNUAL ARMED FORCES DAY PARADE AND CELEBRATION

RESOLUTION NO. 2001-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DECLARING MAY 18 THROUGH MAY 20 FOR OBSERVANCE OF THE 42nd ANNUAL ARMED FORCES DAY PARADE AND CELEBRATION.

MOTION: Councilmember Messerlian moved to adopt Resolution No. 2001-34. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

To be presented at a later date.

6b. RESOLUTION NO. 2001-42 RE MAJOR GENERAL ROBERT J. ST. ONGE, JR.

RESOLUTION NO. 2001-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE EXPRESSING APPRECIATION TO MAJOR GENERAL ROBERT J. ST. ONGE, JR., OF THE UNITED STATES ARMY FOR SERVING AS GRAND MARSHAL OF THE 42nd ANNUAL ARMED FORCES DAY PARADE AND OBSERVANCE.

MOTION: Councilmember Messerlian moved to adopt Resolution No. 2001-42. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

To be presented at a later date.

6c. PROCLAMATION RE BREAST CANCER CARE AND RESEARCH FUND DAY

Mayor Hardison presented a proclamation declaring Mother's Day, Sunday, May 13, 2001 as Breast Cancer Care and Research Fund Day in the City of Torrance in recognition of the official launch of the website to serve all women www.breastlink.com, to John Link, M.D., Chairman of the Board. Dr. Link introduced David Delgado, Executive Director; Lauren Sherman, Development Director; Sarah Bailey, Executive Assistant; and Diana Pleva, Board Member, noting that breast cancer affected 250,000 women per year who have to make decisions about their care and therefore need to be educated. He stated that the hope of the Breast Cancer Care and Research Fund was to provide unbiased helpful information in lay terms as most readily available information is provided by the media and pharmaceutical companies and can be somewhat biased.

6d. PROCLAMATION RE BLUE RIBBON WEEK

Mayor Hardison presented a proclamation declaring May 13-19, 2001 as Blue Ribbon Week and May 15, 2001 as California Peace Officers Memorial Day in the City of Torrance to Kristine Kiesling, Services Officer, Torrance Police Department Community Affairs. Ms. Kiesling thanked the Mayor and Council and noted that the week was set aside to honor the men and women who gave their lives to protect the residents of Torrance. She reported that crime in Torrance was at its lowest level in 27 years and violent crime continues to decrease. She added that crime had dropped 7% in Torrance in the year 2000 and she shared a letter from a block captain who sent in a poem from an Arizona Sheriff, Harry Koch.

6e. PROCLAMATION RE OLDER AMERICANS MONTH

Mayor Hardison issued a proclamation declaring the month of May 2001 as Older American's Month in the City of Torrance to Irene Griffith, Chair of the Commission on Aging. Ms. Griffith thanked the Mayor and Council for the recognition and introduced members of the Commission. She announced the Senior Faire at the Ken Miller Recreation Center on Saturday, May 12.

6f. OLDER AMERICAN AWARDS AND SPECIAL SERVICE AWARD

Recommendation of the Commission on Aging and the Parks and Recreation Director that City Council recognize Edward Price and Edward Thornley, recipients of the Older American Awards. It is further recommended that Ed Long be recognized with a Special Service Award.

Mayor Hardison introduced Edward Price who noted that he received more than he ever gave out and he felt that his wife deserved recognition as well as she supported him completely and also volunteered extensively in the City of Torrance.

Mayor Hardison introduced Edward Thornley who thanked the Mayor, Councilmembers and Police Chief Herren for the award, commenting that he got more from his work with the Torrance Amateur Radio Association than he put in and he felt honored and humbled.

Mayor Hardison noted that while Ed Long was not old enough for an Older American Award, he would be recognized with a special award for his advocacy for

seniors in the community for many years. Mr. Long noted that he was co-founder of H.E.L.P. with his wife, Pat and he noted that the Community had supported them since the beginning and the City of Torrance had also helped with financial support.

6g. PROCLAMATION RE LETTER CARRIER FOOD DRIVE DAY

Mayor Hardison issued a proclamation declaring Saturday, May 12, 2001 as Letter Carrier Food Drive Day in the City of Torrance to Wayne Pfeiffer, President, NALC Branch 2207; Kim Utzinger, Food Drive Coordinator; and Diana Lyons. Mr. Talbert reported that the drive had expanded nationwide and Torrance residents had been extremely generous. Ms. Utzinger stated that they were still in need of volunteers to help with the drive and provided locations to volunteer, including 2510 Monterey and the North Station at 18500 Crenshaw Boulevard between the hours of 2 p.m. and 8 p.m. on Saturday May 12.

7. CONSENT CALENDAR

7a. APPROVAL OF MINUTES OF MARCH 20 AND 27, 2001

7b. PURCHASE OF RECYCLING CONTAINERS

Recommendation

Recommendation of the Street Services Director that City Council:

- 1) Approve the purchase of:
 - a) Fifty (50) permanent recycling containers for the pilot beverage containers recycling programs at the parks and schools from Kingsley Depository Company, estimated at \$34,400.
 - b) Fifty (50) mobile beverage-recycling containers for special City events, estimated at \$7,150.
 - c) Three (3) dumpsters as part of the parks program, estimated at \$1,050; and
- 2) Appropriate \$42,600 received from the Department of Conservation Beverage Container Program for the purpose of purchasing containers for the beverage container recycling program.

7c. CHANGE ORDER RE PUBLIC WORKS AGREEMENT C2000-207

Recommendation

Recommendation of the Engineering Director that City Council approve a Change Order in the amount of \$10,000 to Public Works Agreement C2000-207 with Sully-Miller Contracting Co. for the Ocean Avenue Rehabilitation Project, I-8.

7d. FINAL TRACT MAP NO. 52739 RE 2050 ARTESIA BOULEVARD

Recommendation

Recommendation of the Engineering Director that City Council approve Final Tract Map No. 52739, which subdivides one lot into two. Lot 1 is for 20 condominium units, and Lot 2 is for commercial purposes, located at 2050 Artesia Boulevard, which substantially conforms to and has met all conditions of approval of the Tentative Map.

7e. MADISON STREET/NEWTON STREET PAVEMENT REHABILITATION AND WATER MAIN REPLACEMENT

Recommendation

Recommendation of the Engineering Director that City Council:

- 1) Approve the plans and specifications, including Addenda Nos. 1 and 2 of the Madison Street/Newton Street Pavement Rehabilitation and Water Main Replacements 1999-2000 at Madison and Newton Streets and Crenshaw Boulevard Pressure Reducing and Pressure Relief Valve Replacements and Abalone Avenue Water Main Replacement (B2001-10) on file with the City Clerk's Office;
- 2) Award a Public Works Agreement to Engineered Plumbing, Inc. on the basis of the lowest responsible bid of \$2,076,912.38, and authorize a 5% contingency in the amount of \$103,845.62;
- 3) Appropriate an additional \$552,000 from the Water Fund balance; and
- 4) Authorize the Mayor and City Clerk to execute and attest to said Agreement.

7f. ARTESIA BOULVEARD WATER AND RECYCLED WATER PROJECT

Recommendation

Recommendation of the Engineering Director that City Council:

- 1) Approve the Plans and Specifications for the Artesia Boulevard Water and Recycled Water Project (B2001-09) on file in the City Clerk's Office.
- 2) Award a Public Works Agreement to Engineered Plumbing, Inc. in the amount of \$2,187,110 and authorize a 5% contingency in the amount of \$109,356 for this project; and
- 3) Authorize the Mayor and the City Clerk to execute and attest to said Agreement.

7g. AMENDMENT ONE TO AGREEMENT RE ELECTRONIC BUSINESS CORPORATION

Recommendation

Recommendation of the Human Resources Director that City Council authorize the execution of Amendment One to the Agreement for fiscal database development services with Electronic Business Corporation extending the agreement through September 30, 2001 (C2000-066).

7h. AMENDMENT TWO TO AGREEMENT RE JAGTAG ENTERPRISES

Recommendation

Recommendation of the Human Resources Director that City Council authorize the execution of Amendment Two to the Agreement for employment and training workshops with JagTag Enterprises (C1999-142) which adds \$25,000 to the current agreement bringing the agreement total to \$165,000.

7i. CHANGE ORDER RE PLYMO VENT'S SOURCE CAPTURE DIESEL

Recommendation

Recommendation of the Fire Chief that City Council authorize a change order for the Purchase Order with PlymoVent's Source Capture Diesel Exhaust Systems to increase the amount from \$118,558.25 to \$146,558.25.

MOTION: Councilmember Witkowsky moved for the approval of Consent Calendar items 7a through 7i as written. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote with Councilmember Messerlian abstaining on item 7e due to a conflict.

8. COMMUNITY SERVICES

8a. RESOLUTION NO. 2001-43 RE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Recommendation of the Street Services Director that City Council approve the appropriation of grant funds upon receipt and adopt a resolution naming the City of Lomita as the lead city for a two-year regional grant application through the California Integrated Waste Management Board to encourage businesses to donate food to a local non-profit organization for distribution to needy charities or facilities. Torrance will participate with four other cities in this \$50,000 grant, and will provide matching funds of \$20,000, or in-kind services as required.

RESOLUTION NO. 2001-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE NAMING THE CITY OF LOMITA AS THE LEAD CITY FOR SUBMITTAL AND EXECUTION OF A REGIONAL REUSE ASSISTANCE GRANT FOR THE PURPOSE OF PROMOTING THE DONATION OF UNUSED FOOD TO NEEDY ORGANIZATIONS.

Street Services Director Bell noted that it was a regional effort and he thanked Allison Sherman, Waste Management Coordinator for putting the program together.

MOTION: Councilmember Messerlian moved to adopt Resolution No. 2001-43. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

11. ADMINISTRATIVE MATTERS

11a. BUDGET WORKSHOP

Recommendation of the Finance Director and City Manager that City Council conduct a budget workshop on the City Manager's proposed fiscal years 2001-03 operating budget.

City Manager Jackson summarized the procedures for the hearing and noted that last year was the second year of a two-year budget which allowed for modifications and a decision was made to bring forward the capital budget next year. He explained that the budget process began with City Council discussions and input from the community as a whole through outreach meetings, budget surveys and focus groups, and he noted that the budget workshop would be followed by two budget hearings.

City Manager Jackson stated that Torrance was a full service City and, based on pre-budget discussions, five areas of special focus were identified: School District/City Cooperation; Economic Development; E-government; Human Resource Management; and Effective Asset Management. He commented that the City had been through a 10-year period where a great deal of resources were lost which limited budget resources and restrictions in the law make it difficult for the City to change revenue sources, like taxes or fees, without a lot of preparatory effort. City Manager Jackson stated that they had worked within the confined resources to bring back a budget that met the demands of the community.

Finance Director Tsao reported that the majority of the City budget went into the General Fund, 77% of which is derived from taxes with the remaining 23% from licenses, permits and charges for services. The largest source of revenue for the General Fund is sales tax, followed by the utility users tax and property tax which together, comprise 65% of the total revenue for the General Fund.

Finance Director Tsao stated that 54% of the General Fund was spent on public safety with recommended expenditures including safety, public works, community enrichment, general government and budget modifications. He reported that the General Fund forecast indicated a balanced budget for 2001-2003 with projected surplus from 2003-09.

Finance Director Tsao summarized a schedule of General Fund reserves and explained that one-time monies were used for energy conservation, to acquire property and to renovate City Hall. He noted that staff recommended using some of the funds for program modifications and added that other one-time monies included the Department of Justice settlement and year-end carryovers. He reported that the total amount of unallocated money was \$1.7 million and he added that future commitments of year-end carryover included \$600,000 for operations and \$250,000 for training funds.

Finance Director Tsao reported that the Airport Fund Forecast indicated some carryover and he noted that 90% of the Sanitation Enterprise Fund was used for collection and disposal, with the balance for street cleaning. He reported a need to raise sanitation rates due to increased costs for labor and materials and he pointed out that the last rate increase was in 1992. Staff will provide a rate study for the fund in January 2002.

The majority of the Sewer Enterprise fund is used for capital improvements, maintenance, planning and development, and 68% of the Transit Enterprise Fund goes to operating the buses. He clarified that passenger fares are a small amount of the source money from the Transit Enterprise Fund with nearly 87% of that money coming from the State. Projections indicate that the Transit Enterprise Fund will be able to meet expenditures over the next 8 years.

More than half of an average monthly water bill goes to the cost of water, with 13% spent on capital improvements and Finance Director Tsao indicated that there was usually a surplus.

Assistant City Manager Giordano thanked the budget review team and highlighted various mandated program modifications including the initiative to repeal street lighting district assessments, which will require a special election in November, and increased dues to the League of California Cities for a new grass roots program. Program modifications for efficiencies under \$20,000 included Internet access costs for building and safety field units for field service, a radio to talk to the county animal control officer, a pet identification chip scanner, an upgrade of the E-95 Paramedic Assessment Engine and the E-government class registration system.

Items included in the focus areas were a financial reserve for the water fund for rate stabilization and earthquake contingency, an energy reserve for conservation or raised energy costs, additional positions within the City staff, and programs for elementary and middle schools on student free and early dismissal days.

Program modifications for efficiencies over \$20,000 included a storm water enterprise user fee study and a Park Maintenance Supervisor.

Service enhancements included a request from the Cultural Arts Commission for grants to non-profit organizations with the budget review team recommending a matching program up to \$5,000 and a request from the Community Services Commission for increased funds for the existing grant program to non-profit social service agencies with staff recommending an annual increase of \$2,500.

Assistant City Manager Giordano indicated that they would like to add another crew to the Home Improvement Program which provides home repair services to citizens, particularly the elderly.

City Manager Jackson expressed concern that the initiative in November could significantly change revenue projections in the second year budget and recommended deferring implementation until they could determine what revenue projections would be. He acknowledged the many worthy requests from departments and the community but noted that they were limited by available fund sources. He stated that though the budget achieved many objectives through the use of one-time monies, ongoing operational costs were fairly constraining and the State is constrained by the energy crisis and therefore not a possible source of funds.

In response to an inquiry from Mayor Hardison about variations in the numbers, Finance Director Tsao explained that they had tried to exclude transactions between internal City funds.

In response to an inquiry from Mayor Hardison regarding capital budget items, City Manager Jackson explained that durable goods expenditures for operation of the budget were not true capital projects.

Assistant City Manager Giordano clarified that expenditures over \$25,000 went to the capital budget and under that amount went to the operating budget. She added that the capital budget would not come forward until next year but a few items could not wait and so there were a few instances where the budget review did break the \$25,000 rule due to timing.

Councilmember Cribbs thanked Finance Director Tsao for the chart on pages 46-47 of the attachment which presented monies being transferred out of one fund into another.

In response to an inquiry from Councilmember Cribbs, City Manager Jackson explained that they would bring windfall tax back in the first quarter. He added that the City needed to work with Southern California Edison as they are not ahead on the electrical utility users tax and there is some uncertainty so though there are efforts at energy conservation, the bottom line is uncertain.

Councilmember Cribbs commented that it was important to be responsive towards the return of monies or credibility would be lost quickly. She suggested adding a recap page to the budget to explain the differences and track the figures.

Councilmember Messerlian complimented staff on a very readable budget and noted that a personnel summary was important, suggesting the addition of a section for unfilled or unfunded positions in each department so that their fit in the organization could be easily referenced. City Manager Jackson suggested doing that outside the budget because the information changed month to month and Councilmember Messerlian felt it was important that the community know where the vacancies are as they impact operations and he asked to see the modifications segmented in the five identified program areas.

In response to an inquiry from Mayor Hardison about the phone bank on page 87, Police Chief Herren explained that it was an emergency function and Assistant City Manager Giordano added that it could be rolled over to a message or, if it is staffed, they can provide information as known. She added that the City had modeled the system after Mobil's program to provide someone to talk to in an emergency and if lines are busy it can stack with a message and roll forward to voice mail.

In response to an inquiry from Mayor Hardison, City Librarian Buckley agreed to provide additional information for a baseline for figures on pages 110, 112 and 113 of the budget.

Mayor Hardison noted that the budget was based on a modest growth of 3.8% revenue and asked about money they expected to get back from the State. City Manager Jackson stated that he was reluctant to count on State funds and felt the City Council was wise to keep one-time monies for one-time expenses.

In response to an inquiry from Mayor Hardison about a one-time transit enterprise fund deficit, Finance Director Tsao indicated that vacancies in the department provided extra money to pay for that deficit

Mayor Hardison received clarification that carryover and one-time money from the Department of Justice totaling approximately \$1.6 million was unallocated money.

In response to an observation from Mayor Hardison, City Manager Jackson explained that training was almost self-funded by the turnover of personnel and he agreed to make changes so the carryover would not appear to be a reserve.

In response to a request from Councilmember Cribbs, City Manager Jackson agreed to prepare a chart that included Council recommendations, City Manager recommendations, and recommendations not included, to quickly show the recommendations and financial impact. He also agreed to provide the dialogue from the departments to clarify the ranking of priorities.

In response to an inquiry from Councilmember Messerlian, Finance Director Tsao explained that certain items were placed on hold until after the November election to see if there might be money available to fund them.

In response to an inquiry from Mayor Hardison, City Manager Jackson agreed to explore a fee based program for painting curb address numbers similar to tree trimming so that a neighborhood could organize and do it.

Councilmember Witkowsky suggested using high school key clubs for curb address painting and City Manager Jackson explained that the band boosters had tried doing it but it was difficult because of paint restrictions and satisfying residents.

Councilmember Walker expressed support for the upgrade for the E-95 paramedic assessment engine, and stated that the City needed to plan for a full unit as soon as possible for the safety of the public

In response to an inquiry from Councilmember Nowatka, Police Chief Herren explained that two parking enforcement officers would be hired in the first year and revenue generated by them would pay for two additional parking enforcement officers in the second year.

Councilmember Scotto requested an additional four senior ride tickets and questioned the Zero Emission Surface Transit (ZEST) bus route. In response, Assistant to the City Manager Sunshine explained that the cost offset for the 4 additional senior rides would be provided by the elimination of the bus that reached its life expectancy as well as the restructuring of bus routes. City Manager Jackson commented that funding for the additional ride tickets would depend on savings realized through route consolidation of ZEST and two other bus routes and that hearings would need to be held before additional tickets would be available.

Councilmember Cribbs questioned the collectability of parking ticket fines and Police Chief Herren agreed to research figures for the next hearing.

In response to an inquiry from Councilmember Cribbs, Fire Chief Bongard clarified that there was an assessment engine in Station 2 and, based upon call volume, an additional rescue vehicle is needed in the central area of the city which comprises about 60% of the calls. He added that in 4-5 years they would put another rescue in service.

Councilmember Walker stated that there was an accepted need for another paramedic unit and he asked how the City would be able to find the necessary monies to develop the new unit now. City Manager Jackson explained that they could collapse all the non-mandated programs. School and cultural programs would produce some but not all of the resources and he indicated that if directed to find the money, they would investigate what was necessary to offset the revenue reduction and look at alternative reductions in City services. City Manager Jackson added that priorities would have to be shifted and he asked that the Council indicate which areas were less important. He noted that it might be necessary to reduce positions as the budget is almost 80% manpower and it would restrict the ability to make adjustments for cutbacks in the City and he strongly recommended deferring the program until after the November election.

Councilmember Walker reiterated that he felt the City required the unit and he did not think the need for it would go away.

Mayor Hardison indicated that the City must be prudent with their commitments as additional cuts were possible. Fire Chief Bongard clarified that a unit was needed in the central area which encompassed 190th Street to Sepulveda Boulevard from both City borders, north and south and the Assessment Engine was proposed for Del Amo by Hawthorne Blvd.

In response to an inquiry from Councilmember Messerlian about the additional grant program for the non profit organizations, Assistant City Manager Giordano explained that a total of \$5,000 would be administered by the Cultural Arts Commission.

Mayor Hardison reported that the League of Women Voters had sent a letter indicating that they would like the City Council to consider a Youth Services Task Force effort as a budget priority this year. She also stated that Harvey Horwich had requested a Parks and Recreation position be added to coordinate therapeutic programs and Assistant City Manager Giordano clarified that was a recommended position.

Firefighter Mike Hansen, president of the Torrance Fire Fighters Association, stated that the Chief had asked for a Captain's position, which was in the top 3 of their priority list in the budget but it was denied, while two positions which were ranked as lower priorities were approved. Mr. Hansen reported that TFFA proposed eliminating the new secretary and quality improvement coordinator positions to provide revenue to pay for the Captain's position. He pointed out that the implementation of the CERT program required a lot of overtime which could be saved by hiring a Captain.

In response to an inquiry from Mayor Hardison, Fire Chief Bongard clarified that the Captain's position was a higher priority, but the secretary and quality improvement coordinator were funded in the second year so there was no money available to cover the Captain's position.

City Manager Jackson indicated that he would investigate the overtime figures, but they would not be enough to cover the cost and he noted that the quality improvement coordinator position was a State mandate which would need to be addressed within the next couple of years. He explained that the Department of Health Services required the part time position as part of the paramedic program and a nurse hired from the outside will most likely fill it.

In response to an inquiry from Councilmember Scotto, Fire Chief Bongard explained that the Training Officer was currently working as a supervisor and a typical Captain supervised a fire engine with 6 full-time dispatchers and 6 part-time dispatchers.

City Manager Jackson asked about concerns or needs for additional information and Mayor Hardison indicated that she was not clear on the wage increases. City Manager Jackson stated that the budget met the demands with the stipulation that the second year of the budget was the third year of the contract. He noted that there was a large adjustment to police safety personnel and they had a preliminary idea of what costs might be but did not know the final cost. He added that funds were put aside for rate stabilization and they would have to deal with that in the second year if the actuarial comes in higher, otherwise human resources came in within the budget.

City Manager Jackson thanked the employees for their participation. Assistant City Manager Giordano commended the budget review team. She added that they had received assistance from the school district by way of calendars and after school program information and she thanked the community for information provided.

Mayor Hardison announced the budget hearing Tuesday, May 15.

11b. ORDINANCE NO. 3499 RE AIR PRODUCTS & CHEMICALS, INC.

Recommendation of the City Manager that City Council adopt an ordinance granting Air Products & Chemicals, Inc. (Air Products) a pipeline franchise for the transportation of hydrogen along the public right of way within the City of Torrance in 190th Street between Western Avenue and terminating 100 feet West of Van Ness Avenue.

It is further recommended that City Council adopt an Ordinance Summary for publication.

ORDINANCE NO. 2001-3499

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE GRANTING TO AIR PRODUCTS & CHEMICALS, INC., A DELAWARE CORPORATION, A FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A PIPELINE FOR THE TRANSPORTATION OF HYDROGEN IN THE CITY OF TORRANCE IN 190th STREET BETWEEN WESTERN AVENUE AND WEST OF VAN NESS AVENUE.

Assistant to the City Manager Sunshine briefly summarized the material of record.

Mayor Hardison clarified that the community had been notified and that Toyota had provided a letter of support. In response to concerns regarding safety and risks to residents, Chief Hall indicated that he had checked the data and found it to be credible.

B.J. Pershall, Jr., with Air Products and Chemicals Inc., thanked staff, the Mayor, Councilmembers and Chief Hall for assistance on the project.

MOTION: Councilmember Messerlian moved to adopt Ordinance 3499. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

MOTION: Councilmember Messerlian moved to approve the Ordinance Summary for publication. Councilmember Cribbs seconded the motion and a roll call vote reflected unanimous approval.

11c. CONTINUED STATE OF EMERGENCY FOR CAROLWOOD DRIVE AND SINGINGWOOD DRIVE

Recommendation of the City Manager and City Attorney that City Council continue the state of local emergency proclaimed March 2, 2001 for properties located on Carolwood Drive and Singingwood Drive.

Building and Safety Manager Isomoto reported that residents were told to take the plastic off the slope as the rainy season is over and he thanked the Streets Department for providing dumpsters.

In response to an inquiry from Mayor Hardison regarding the family room of one home, Building and Safety Manager Isomoto explained that the slide was transmitting damage into the main house and the City recommended removing the addition with the hopes of saving the main house. He noted that that side of the slope had flattened out and was moving slower and the concern was in the center and westerly portion. He added that it was steep in that area and something dramatic could still happen, but that the easterly end was starting to stabilize.

MOTION: Councilmember Messerlian moved to concur with the staff recommendation. Councilmember Walker seconded the motion and a roll call vote reflected unanimous approval.

12. HEARINGS

12a. TIDO VOORHEES

Covered previously in the meeting.

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The Torrance Redevelopment Agency met from 9:50 p.m. to 9:51 p.m.

*

15. ORAL COMMUNICATIONS

15a. City Manager Jackson commented on the rolling blackouts and expressed concerns about the destruction to the economy, and the blackouts possibly leading to dangerous conditions. He stated that some order needed to be established and suggested the City contact Governor Davis and the state legislators with a strong message.

Mayor Hardison asked City Manager Jackson to provide more information so the City could voice its concerns as a group to a South Bay summit meeting on Wednesday, May 16. Further discussion ensued among Councilmembers with questions raised about perceived lack of efforts in energy conservation by other communities, possible land use issues involved in state contracts with energy providers, the difficulty in receiving notification for planning purposes including the amount of overtime for safety personnel that may occur for traffic control if blackouts do not occur.

15b. Councilmember Messerlian noted that the record should reflect his abstention on Item 7e due to a conflict. He also announced that Jim Box, editor at the Daily Breeze, was retiring next week and remarked that it was pleasant driving on Van Ness between 190th Street and Del Amo Boulevard due to the recent work. Councilmember Messerlian commented on the wall mural at 1220 Engracia, and noted that the Art in Public Places Committee might become involved and Mayor Hardison added that Torrance had sent a letter in support of the mural and the State indicated they might work with it.

15c. In response to Councilmember Nowatka's suggestion for repeal of the auto sales ordinance, City Attorney Fellows noted that the City might be able to designate streets where no car sales are allowed. Councilmember Nowatka announced that the Special Olympics would be held at North High School at 9:00 a.m. on Saturday, May 12.

15d. Councilmember Scotto commented on the grinding for temporary repairs at various intersections including Hawthorne and Skypark; eastbound Sepulveda and Arlington; Sepulveda and Cabrillo; Lomita Blvd./ West Lomita Blvd.; Airport Crenshaw and PCH southbound; South PCH and Crenshaw; and Madison and Skypark.

15e. Councilmember Walker noted a letter to the Daily Breeze from Pat Uerkwitz relating difficulties regarding the placement of trash bins from the alley to the front of the house and City Manager Jackson agreed to research possible solutions.

15f. Councilmember Witkowsky asked staff to look at parking safety issues at Prairie and 190th Street. She also commented that the signal synchronization was poor on Torrance Boulevard east of Crenshaw Boulevard and Planning Director Gibson stated that they would review the situation as similar concerns had been voiced.

15g. Mayor Hardison expressed her support of the current Home Rehabilitation program and her desire to see it expand. She also commented on the letter from Pat Uerkwitz, and noted that some smaller 64-gallon regular containers might be available.

15h. Rick Marshall, 2065 W. 235th Street, noting he was a sponsor of a proposed initiative petition, spoke on energy issues and the Torrance Utility Users Tax. He commended the City Council for considering a tax rebate, but asked them to adopt his proposal to reduce the Utility User's Tax. Mayor Hardison responded that the City had yet to see any increase in proceeds from the Utility User's Tax.

16. EXECUTIVE SESSION

The Executive Session was not held.

17. ADJOURNMENT

At 10:25 p.m., the meeting was adjourned to Tuesday, May 15, 2001 at 5:30 p.m., for an executive session in the Council Chamber, with the regular meeting commencing at 7:00 p.m. in Council Chambers

**

**Adjourned in memory of
Retired Fire Captain Ken Spaan
and
Retired Police Officer Don Hartel**

Attest:

Mayor of the City of Torrance

Sue Herbers
City Clerk of the City of Torrance

Approved on June 26, 2001