

August 19, 2003

**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, August 19, 2003, in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: None.

Also Present: Assistant City Manager Giordano, Assistant City Attorney Pohl, City Clerk Herbers, and other staff representatives.

*

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

17. EXECUTIVE SESSION

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

The Council reconvened in Council Chambers at 7:00 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember McIntyre.

City Clerk Herbers gave the non-sectarian invocation for the meeting.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Mauno 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 passed by unanimous roll call vote.

MOTION: Councilmember Mauno 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 passed by unanimous roll call vote.

4. WITHDRAWN OR DEFERRED ITEMS

Assistant City Manager Giordano announced that Item 11d had been withdrawn and that Item 11e was deferred to August 26, 2003.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Mayor Walker asked that the meeting be adjourned in memory of Valerie Fellows, mother of City Attorney John Fellows, who passed away on Thursday, August 14, 2003.

7. **CONSENT CALENDAR**

7a. **PURCHASE ORDER RE ANNUAL REQUIREMENT OF PERIODICALS FOR TORRANCE LIBRARY**

Recommendation

Recommendation of the **City Librarian** that City Council authorize a purchase order in an amount not to exceed \$65,000 to EBSCO Subscription Services of Los Angeles, CA for the purchase of the annual requirement of periodicals for the Torrance Public Library system for the calendar year 2004. (B2003-23)

7b. **POLICE PROPERTY AUCTION CONTRACT**

Recommendation

Recommendation of the **Chief of Police** that City Council approve a non-exclusive contract with the PropertyBureau.com Corporation for property auction and property disposition services.

7c. **LEASE OF SPACE TO COMMUNITY CONNECTION RESOURCE CENTER**

Recommendation

Recommendation of the **Human Resources Director** that City Council authorize the Mayor to execute and the City Clerk attest to a sublease agreement by and between the City of Torrance and Community Connection Resource Center for approximately 139 sq. ft. of space at the Carson WorkSource Center for a total of \$33,770.40 over the term of the sublease.

7d. **TRAINING AGREEMENT WITH TORRANCE MEMORIAL HOSPITAL**

Recommendation

Recommendation of the **Human Resources Director** that City Council execute an agreement with Torrance Memorial Medical Center (TMMC). This agreement will provide specialized skills training to newly graduated registered nurses. The agreement is for an amount not to exceed \$50,000 for the period September 8, 2003 through June 30, 2004.

7e. **AMENDMENT ONE TO CITY OF LOS ANGELES WELFARE TO WORK AGREEMENT**

Recommendation

Recommendation of the **Human Resources Director** that City Council execute Amendment One to City of Los Angeles Welfare to Work Agreement (C2002-039) to increase funding by \$5,202 and extend the agreement to August 15, 2003.

7f. **AMENDMENT TWO TO CITY OF HAWTHORNE AGREEMENT**

Recommendation

Recommendation of the **Human Resources Director** that City Council execute Amendment Two to City of Hawthorne Agreement (C2002-124) to increase funding by \$15,000 and extend the agreement to December 31, 2004.

7g. **FY2002 SUPPLEMENTAL APPROPRIATIONS GRANT FOR CITIZEN CORPS AND CERT PROGRAM**

Recommendation

Recommendation of the **Fire Chief** that City Council authorize the acceptance and the appropriation of the Fiscal Year 2002 Supplemental Appropriations Grant for Citizen Corps and Community Emergency Response Team (CERT) in the amount of \$566. These funds will be used to purchase medical supplies and training materials for the City of Torrance CERT program.

7h. **ACCEPTANCE/APPROPRIATION OF DONATION FOR CARDIAC DEFIBRILLATOR/MONITOR PACKAGE**

Recommendation

Recommendation of the **Fire Chief** that City Council accept and appropriate a donation of \$10,000 towards the purchase of one ZOLL biphasic M-series cardiac defibrillator/ monitor package in the amount not to exceed \$14,000.

7i. **VENDOR CONTRACT RE GASOLINE AND DIESEL FUEL**

Recommendation

Recommendation of the **General Services Director, Transit Director, Chief of Police, Fire Chief, Acting Communications and Information Technology Director** and the **Public Works Director** that City Council authorize the award of a vendor contract in an amount not to exceed \$1,693,400 annually, to Southern Counties Oil Company of Orange, CA, to provide CARB approved Ethanol-blended (no MTBE) unleaded gasoline-87 Octane, diesel and ultra low sulfur diesel fuels for a period of one (1) year. (B2003-20)

7j. **FOURTH AMENDMENT TO AGREEMENT WITH URS CORPORATION**

Recommendation

Recommendation of the **City Attorney** that City Council approve the Fourth Amendment to agreement (C2001-053) with URS Corporation for geotechnical consulting services for properties located at Carolwood Lane and Singingwood Road and appropriate an additional \$58,000 from the Reserve for Litigation Account.

7k. **ASSIGNMENT/ASSUMPTION AGREEMENT RE GREAT AMERICAN MAINTENANCE CO., INC.**

Recommendation

Recommendation of the **City Manager** that City Council authorize the Mayor to execute and the City Clerk to attest to an Assignment and Assumption of Ground Lease and Consent to Assignment from Great American Aircraft Maintenance Co., Inc. to Mark J. Dessy and Phillip Yang each as to individual one-half (1/2) interest, as Tenants in Common, (jointly the "Assignee" herein) all right, title and interest of the Assignor in and to that certain Ground Lease between the City of Torrance and Great American Aircraft Maintenance Co., Inc., dated March 2, 1993 ("The Lease") as modified by a First Amendment to Lease dated March 24, 1998, ("First Amendment") regarding the premises commonly known as 3401 Airport Drive in the City of Torrance, extending to all rights, options and privileges included therein or necessarily implied thereby.

7l. **NON-DISTURBANCE AND ATTORNMENT AGREEMENT RE PEI WEI ASIAN DINER**

Recommendation

Recommendation of the **Land Management Team** that City Council authorize the Mayor to execute and the City Clerk to attest to a Non-Disturbance and Attornment Agreement by and between the City of Torrance and Pei Wei Asian Diner, Inc., a Delaware corporation (sub-lessee). Agreement is for a site located at the center known as Torrance Town Center (Center), formerly the Airport Plaza, located at Pacific Coast Highway and Crenshaw Boulevard.

MOTION: Councilmember Lieu moved for the approval of Consent Calendar Items 7a through 7l. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

11. **ADMINISTRATIVE MATTERS**

11a. **CONTINUATION OF STATE OF LOCAL EMERGENCY RE CAROLWOODLANE AND SINGINGWOOD DRIVE**

Recommendation

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

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

11b. **TORRANCE CITY EMPLOYEES ASSOCIATION MEMORANDUM OF UNDERSTANDING**

Recommendation

Recommendation of the **City Manager** that City Council to adopt a Resolution adopting the Torrance City Employees Association (TCEA) Memorandum of Understanding.

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

RESOLUTION NO. 2003-114

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE REPEALING RESOLUTION NO. 2003-79 SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE CITY EMPLOYEES' ASSOCIATION

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2003-114. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

11c. APPROVAL OF PROPOSED CLASS SPECIFICIATIONS TO IMPLEMENT DEPARTMENTAL REORGANIZATIONS

Recommendation

Recommendation of the **Human Resources Director** and the **Civil Service Commission** that City Council approve the proposed revisions to class specifications for Public Works Director, Deputy Public Works Director-Operations, Deputy Public Works Director - Engineering, Sanitation Services Manager, Streetscape Manager, Project Manager, Community Development Director, Principal Planner, Transportation Planner, City Engineer, Human Resources Director, Human Resources Manager and Civil Service Manager as well as the new class specification for Senior Water Service Supervisor. *(Companion to Item 11H)*

Human Resources Manager Fuentes noted that the Class Specifications and salary range for Senior Water Supervisor are covered in Addendum Item 11h.

John Hachmeister, representing AFSCME Local 1117, stated that the specifications for the Civil Service Manager indicate that this new position will report directly to the City Manager; that this is contrary to Torrance Municipal Code (TMC) Section 14.1.6, which states that the civil service executive officer serves at the pleasure of the Civil Service Commission and reports only generally to the City Manager; that California Government Code Section 3507 requires that there be a good faith consultation before a change is made to the rules and regulations pertaining to the administration of civil service; and that Local 1117 was requesting that this matter be deferred to allow such a consultation to take place.

In response to Mayor Walker's inquiry, Mr. Hachmeister confirmed that this matter was brought up at the Civil Service Commission meeting and the Commission chose to forward the recommendation to the City Council in its present form.

Assistant City Attorney Pohl advised that while having the Civil Service Manager report directly to the City Manager appears to contradict TMC Section 14.1.6, this has been the practice for over 25 years and it is consistent with the City Charter, which indicates that the City has a City Manager form of government under which everyone who works for the City reports to the City Manager, with the exception of the City Treasurer and the City Clerk, who are elected, and the City Attorney, who reports directly to the City Council. He noted that when there is a conflict between the TMC and the City Charter, the Charter takes precedence.

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

11d. TORRANCE FIRE FIGHTERS ASSOCIATION WITHDRAWAL FROM PERS HEALTH PLAN

Recommendation

Recommendation of the **City Manager** that City Council adopt a Resolution withdrawing the Torrance Fire Fighters Association (TFFA) from the PERS health care system.

Item was withdrawn.

11e. ESTOPPEL CERTIFICATE FOR TORRANCE FLITE PARK, LLC

Recommendation

Recommendation of the **City Manager** that City Council to authorize the Mayor to execute and the City Clerk to attest to a Consent, Estoppel and Agreement by and among Torrance Flite Park, LLC, a California limited liability company (Borrower), City of Torrance, a California municipal corporation (Ground Lessor), and The Bank of Hemet, a California corporation (Bank).

Item was deferred to August 26, 2003.

11f. NON-DISTURBANCE AND ATTORNMENT AGREEMENT/CONSENT TO USE RE KRISPY KREME

Recommendation

Recommendation of the **Land Management Team** that City Council authorize the Mayor to execute and the City Clerk to attest to a Non-Disturbance and Attornment Agreement by and between the City of Torrance and GCFF-Ontario, LLC, a California limited liability company dba Krispy Kreme (sub-lessee); and consent to the use, pursuant to the Master Lease, between the City and Master Tenant for the center known as Torrance Town Center (Center), formerly the Airport Plaza, located at Pacific Coast Highway and Crenshaw Boulevard.

Land Management Team Chair Sunshine noted that the "consent to use" was necessary to resolve a conflict in the Master Lease and allow Krispy Kreme to operate a drive-through.

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

11g. AMENDMENT TO RESOLUTION NO. 2003-85 RE MORATORIUM ON ISSUANCE OF ADDITIONAL TAXICAB LICENSES

Recommendation

Recommendation of the **City Attorney** that City Council adopt a Resolution amending Resolution 2003-85, which declared a moratorium on the issuance of additional licenses to operate taxicabs in the City of Torrance. The resolution would establish a moratorium for a period of up to twelve months, until the City's request for proposals for a taxicab franchise system has been prepared and circulated and a franchise has been awarded.

Deputy City Attorney Sullivan advised that the amended Resolution eliminates concerns that were raised in a letter from Yellow Cab of South Bay and clarified that no new permits have been issued.

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

RESOLUTION NO. 2003-115

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2003-85, WHICH DECLARED A MORATORIUM ON SERVICE OPERATOR PERMITS,

TAXICAB PERMITS, AND VEHICLE FOR HIRE PERMITS ISSUED
PURSUANT TO ARTICLE 17 OF CHAPTER 3 OF DIVISION 3 OF THE
TORRANCE MUNICIPAL CODE

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2003-115. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

*

Mayor Walker announced that subsequent to the posting of the agenda on Thursday, August 14, 2003, the City's Labor Negotiator and TPSA reached agreement for the salary range for the new class specification of Senior Water Service Supervisor and that it was necessary for the Council to take immediate action in order to implement this agreement in a timely manner. He noted that 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 is required and that the need to take action arose subsequent to the posting of the agenda.

MOTION: Councilmember Scotto moved to consider this item as part of tonight's public session agenda, pursuant to Government Code Section 54954.2(b)(2). The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

11h. APPROVAL OF CLASS SPECIFICATION/SALARY RANGE FOR SENIOR WATER SERVICE SUPERVISOR

Recommendation

Recommendation of the **Human Resources Director** and the **Civil Service Commission** that City Council approve the proposed class specification of Senior Water Service Supervisor.

In addition, the **Human Resources Director** recommends the adoption of an amendment to the Resolution that governs employees represented by the Torrance Professional and Supervisory Association (TPSA) to implement the recommended salary range.

In response to Alan Lee, representing Torrance Municipal Employees, AFSCME Local 1117, Civil Service Administrator Ghio confirmed that the examination for this position will be a promotional examination as there are a number of qualified employees who are interested in filling this position.

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

RESOLUTION NO. 2003-116

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION 2000-128 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION (TPSA)

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2003-116. 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. 3540

ORDINANCE NO. 3540

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTIONS 61.10.4 AND 61.10.5 OF DIVISION 6 OF THE TORRANCE MUNICIPAL CODE RELATED TO POSTED SPEED LIMITS WITHIN THE CITY

MOTION: Councilmember Nowatka moved for the adoption of Ordinance No. 3540. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

15b. SECOND AND FINAL READING OF ORDINANCE NO. 3541

ORDINANCE NO. 3541

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING DIVISION 9 OF THE TORRANCE MUNICIPAL CODE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT 2708 CABRILLO AVENUE FROM C-1 (RETAIL COMMERCIAL DISTRICT) TO R-3 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT)

MOTION: Councilmember Nowatka moved for the adoption of Ordinance No. 3541. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote, with Councilmembers Mauno and Scotto abstaining.

*

The Council met as the Redevelopment Agency from 7:24 p.m. to 7:26 p.m.

16. ORAL COMMUNICATIONS

16a. Councilmembers extended condolences to City Attorney Fellows on the loss of his mother.

16b. Councilmember Lieu commented on recent losses in Israel and Iraq due to terrorist attacks.

16c. Councilmember Lieu congratulated City Librarian Buckley on receiving a library grant that would assist patrons with disabilities.

16d. As the Council's representative to the Los Angeles County Vector Control District, Councilmember Mauno reported that as of last week's meeting, there were no incidents of the West Nile virus in California and commented on the district's aggressive approach to the eradication of mosquitoes.

16e. Councilmember McIntyre recommended that everyone see *Anything Goes* at the Armstrong Theatre, stating that it is a spectacular show.

16f. Councilmember McIntyre invited the public to attend the Torrance Symphony concert at Wilson Park on Sunday August 24th.

16g. Councilmember Nowatka echoed comments on *Anything Goes* and the concert at Wilson Park.

16h. Councilmember Nowatka reported that he attended the Retired Public Employees Association luncheon earlier in the day and retirees had many questions about how the City's decision to withdraw from the PERS health care system would affect their coverage. He noted that there was a general dissatisfaction about the City's apparent lack of communication with retirees regarding this issue.

Human Resources Director Winer provided clarification regarding the impact on retirees and commented on efforts to improve communication.

16i. Councilmember Witkowsky stated the Aquacade was an incredible show and complimented Parks and Recreation Director Barnett and his staff.

16j. Councilmember Witkowsky announced that the 5th Annual Employee Variety Show would be held on September 19th at the Armstrong Theatre and that the money raised would benefit the American Cancer Society.

16k. Myriam Dowdy, TCEA, noted that tickets for the variety show were available by calling 310.618.2383.

16l. Scott Gobble, Southern California Edition, noted that street light removal has begun with the removal of a total of 257 lights to be completed in five to six weeks. He also commented on a recent blackout on the East Coast and offered to report back to the City Council on the status of the western states electrical power grid.

16m. Alan Lee, Torrance Municipal Employees, AFSCME Local 1117, commented on the City's withdrawal from the PERS health care system.

16n. Pauline Greer, retired City employee, thanked Councilmember Nowatka for relaying retirees' concerns about the health care program and noted her personal preference to retain the PERS insurance.

17. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

18. ADJOURNMENT

At 7:44 p.m., the meeting was adjourned to Tuesday, August 26, 2003, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m.

***Adjourned in Memory of
Valerie Fellows***

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 October 28, 2003

Sue Sweet
Recording Secretary