

**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 5:35 p.m. on Tuesday, October 28, 2008 in City Council Chambers at Torrance City Hall.

**ROLL CALL**

Present: Councilmembers Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scotto.

Absent: None.

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

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Agenda Item 18 was considered out of order at this time

**18. EXECUTIVE SESSION**

The City Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 18A) Public Employee Performance Evaluation – City Manager, 18B) Conference with Legal Counsel – Liability Claims, and 18C/18D) Real Property – Conference with Real Property Negotiator, pursuant to California Government Code § 54957 and 54956.8.

The City Council reconvened at 7:20 p.m. No formal action was taken on any matter considered in closed session.

**2. FLAG SALUTE/INVOCATION**

The flag salute was led by Brad Moylan, Youth Council president.

Councilmember Brewer gave the non-sectarian invocation.

**3. REPORT OF CITY CLERK ON POSTING OF THE AGENDA / MOTION TO WAIVE FURTHER READING**

City Clerk Herbers reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, October 23, 2008.

**MOTION:** Councilmember Sutherland 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 Numark and passed by unanimous roll call vote.

**4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS – None.**

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Public Works Director Beste reported that the striping of 190<sup>th</sup> Street would be completed this week; noted upcoming lane closures on Torrance Boulevard due to roadwork; and announced that a Community Workshop would be held on Wednesday, October 29, 7:00 p.m., at the West High School cafeteria regarding the use of the Amie, Henrietta and Entradero sumps.

Management Associate Jones announced that Senator Boxer's staff would hold a Mobile Office for assistance with matters involving the Veterans Administration, Social Security Administration or any other federal agency on November 3, 2008 from 1:30 – 3:30 p.m. at the Torrance Cultural Arts Center, Garden Room B.

City Clerk Herbers announced that the polls would be open from 7:00 a.m. to 8:00 p.m. on Election Day, Tuesday, November 4. She noted that the County Registrar/Recorder could provide emergency Vote-by-Mail service, as well as early voting, at 12400 Imperial Highway, Norwalk, through November 3. She directed the public to [www.lavote.net](http://www.lavote.net) for more complete information.

City Clerk Herbers invited the public to view watercolors by Torrance Artist Guild member Nancy Manson on display in the City Clerk's office for the month of November.

City Clerk Herbers announced Harassment Awareness Training for the Mayor and City Council on Tuesday, November 18, 2008, from 5:00 to 6:30 p.m. in the 3rd Floor Assembly Room, noting that the public is invited.

Councilmember Furey requested that the meeting be adjourned in memory of his mother, Catherine Agnes Furey, who passed away on Sunday, October 26, 2008.

Mayor Scotto asked that the meeting also be adjourned in memory of longtime resident Irene Bungarden who passed away October 21, 2008.

City Clerk Herbers noted that supplemental material was available at the meeting for Agenda Items 8B and 8E.

**6. COMMUNITY MATTERS**

**6A. RESOLUTION NO. 2008-109 RE FIRE CAPTAIN DAN MCNELEY**

**RESOLUTION NO. 2008-109**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
HONORING **FIRE CAPTAIN DAN MCNELEY** UPON HIS RETIREMENT FROM  
THE CITY AFTER THIRTY YEARS OF SERVICE

**MOTION:** Councilmember Sutherland moved for the adoption of Resolution No. 2008-109. The motion was seconded by Councilmember Numark and passed by unanimous roll call vote.

Mayor Scotto presented the resolution and a retirement plaque to Fire Captain Dan McNeley, who accepted with appreciation.

Fire Chief Racowski commended Captain McNeley for his many years of dedicated service to the community.

**6B. PROCLAMATION RE “RED RIBBON WEEK”**

Mayor Scotto presented a proclamation declaring the week of October 23 through October 31, 2008 as **Red Ribbon Week** in the City of Torrance to Mary Ellen Osborne, Torrance Council of PTAs Director of Health, and Luz Aceves, Police Community Services Officer.

Ms. Osbourne encouraged everyone to wear and display red ribbons during Red Ribbon Week to encourage a healthy, drug-free lifestyle. Officer Aceves reported on special activities taking place at Torrance schools during Red Ribbon week.

**7. ORAL COMMUNICATIONS #1**

**7A.** Dustin Tygret, North High School student, commented on deteriorating facilities at his school; urged approval of Torrance Unified School District Bond Measures Y and Z; and invited everyone to attend a rally in support of the measures on Saturday, November 2, at Del Amo Fashion Center.

**7B.** Brad Moylan, South High School student, spoke in favor of TUSD Bond Measures Y and Z and provided examples of how the funds would be spent.

**7C.** Zachary Gray, West High School student, reported on deteriorating facilities and possible safety hazards at his school and encouraged a “yes” vote on Bond Measures Y and Z.

**7D.** Maureen O’Donnell, Torrance, spoke in favor of TUSD Measures Y and Z, noting Torrance’s history of supporting quality education even in difficult times.

**7E.** Laura Savitz, Torrance, urged approval of Bond Measures Y and Z.

**7F.** Steve Hemingway, Torrance, spoke in favor of TUSD Bond Measures Y and Z, offering assurance that the funds would be well spent.

**7G.** Michelle Hackett, Torrance, encouraged residents to support TUSD Bond Measures Y and Z, noting that quality schools help maintain property values.

**7H.** Jimmy Wakimoto, Torrance, spoke in favor of Bond Measures Y and Z and commended those who have participated in the grassroots effort to promote them.

**7I.** Linda Jackson requested that RFP 2008-46 regarding the Las Canchas Tennis Facility be revisited.

**7J.** Debra Corwin, Purrfect Partners, requested that the Council consider adopting an ordinance mandating the spaying and neutering of animals in Torrance and expressed concerns about the proliferation of feral cats.

**8. CONSENT CALENDAR**

**8A. FEE AMENDMENT FOR INDEPENDENT COUNSEL**

**Recommendation**

Recommendation of the City Attorney that City Council approve the Fourth Amendment to Fee Agreement (C2007-155) with Jenkins & Hogin to provide independent counsel to the Civil Service Commission for an additional \$50,000 for a total contract amount not to exceed \$198,000 and to extend the term of the agreement to March 31, 2009.

**8B. AMENDMENT TO AGREEMENT FOR YOUTH GYMNASTIC CLASSES**

Considered separately, see page 6.

**8C. COMMISSION ON AGING 2007-2008 ANNUAL REPORT**

**Recommendation**

Recommendation of the Community Services Director and the Commission on Aging that City Council accept and file the Commission on Aging 2007-2008 Annual Report.

**8D. CONTRACT FOR CITY HALL ELEVATOR MODERNIZATION**

**Recommendation**

Recommendation of the General Services Director that City Council

- 1) Award a contract with Specialized Elevator Corporation for \$224,866 with a 10% contingency of \$22,487 for the modernization of two main City Hall elevators (FEAP 455 and FEAP 458). (B2008-44)
- 2) Approve a 10% project management fee of \$22,487.
- 3) Appropriate \$106,860 from the Building Maintenance Capital Project Fund.

**8E. CONTRACT FOR ELEVATOR MAINTENANCE**

**Recommendation**

Recommendation of the General Services Director that City Council award a contract with Reliable Elevator of Los Angeles, Inc. for a three (3) year term from November 1, 2008 to October 31, 2011 for the maintenance of elevators in City Buildings (B2008-36) for \$76,795.

Item was reconsidered after being approved by combined motion, see pages 8-9.

**8F. CONTRACT FOR MOVING BOOKS AT BRANCH LIBRARIES**

Considered separately, see page 7.

**8G. CONTRACT FOR CARPET AT BRANCH LIBRARIES**

Considered separately, see page 7.

**8H. RENEWAL OF AGREEMENT FOR FORD REPAIR PARTS**

**Recommendation**

Recommendation of the General Services Director that City Council authorize a renewal agreement with Power Ford of Torrance, California, in an amount not to exceed \$65,000 to purchase Ford brand repair parts for passenger vehicles, light trucks, and emergency vehicles on an "as needed" basis, effective October 28, 2008 through October 27, 2009.

**8I. PURCHASE AGREEMENT FOR CUSTODIAL PAPER GOODS**

**Recommendation**

Recommendation of the General Services Director that City Council authorize an annual purchasing agreement with Gale Supply Company of Los Angeles, California, in an amount not to exceed \$117,600 to furnish various custodial paper goods on an "as needed" basis, effective November 6, 2008, through November 5, 2009. (B2008-45)

**8J. PURCHASE ORDER FOR CRUSHED MISCELLANEOUS BASE**

**Recommendation**

Recommendation of the Public Works Director that City Council authorize a purchase order to West Coast Sand & Gravel of Buena Park, California, in the amount of \$60,000, including sales tax, to furnish the City's requirement of crushed miscellaneous base for various street and sidewalk maintenance and repair projects on an as needed basis for a two (2) year period, effective November 1, 2008 through October 31, 2010. (B2008-57)

**8K. PURCHASE OF NERVE-AGENT ANTIDOTE KITS**

**Recommendation**

Recommendation of the Chief of Police that City Council:

- 1) Appropriate and allocate \$31,750 of asset forfeiture for the purchase of nerve agent antidote kits including a 10% contingency; and
- 2) Authorize a purchase order to Meridian Medical Technologies of Columbia, MD, in an amount not to exceed \$31,750 for the purchase of Duodote kits.

**8L. FISCAL YEAR 2009-2011 SHORT RANGE TRANSIT PLAN**

Considered separately, see page 7.

**MOTION:** Councilmember Rhilinger moved for the approval of Consent Calendar Items 8A, 8C-8E, 8H-8K. The motion was seconded by Councilmember Furey and passed by unanimous roll call vote.

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Consent Calendar Items 8B, 8F, 8G and 8L were considered separately at this time.

**8B. AMENDMENT TO AGREEMENT FOR YOUTH GYMNASTIC CLASSES**

**Recommendation**

Recommendation of the Community Services Director that City Council approve an amendment to the agreement C2008-127 with Fit Kids Gymnastics to increase the contract by \$7,715.40 for a new not to exceed amount of \$58,535.40, for youth gymnastics classes.

Councilmember Numark expressed concerns about the proposed 35% increase in class fees for gymnastics and requested that staff look into ways of reducing this increase or consider phasing it in.

Community Services Director Jones reported that staff felt the increase was justified because the contractor now holds these classes in his own state-of-the-art facility rather than at the Wilson Park and the cost of classes is a substantial reduction from walk-in rates at the new facility.

Chris Olsen, Fit Kids Gymnastics, 3858 Sepulveda Boulevard, explained that the program has changed dramatically since moving to the new facility because at Wilson Park, a multi-purpose room was used with only minimal equipment and the new facility offers a fully equipped gymnastics studio. He further explained that the increase was necessary to cover increased expenses; that the proposed class fees are less than at any other gymnastics studio in the area; and that his profit margin for City classes is 50% less than for private customers.

Councilmember Numark stressed the need to consider whether residents as a whole would benefit from a more basic program at a lower cost rather than a higher quality but more expensive program.

Mr. Olsen noted that the City offers a basic gymnastics program at the Cultural Arts Center.

Councilmember Numark requested that staff report back to the Council if there is a significant drop off in registration due to higher class fees.

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

Items 8F and 8G were continued together at this time.

**8F. CONTRACT FOR MOVING BOOKS AT BRANCH LIBRARIES**

**Recommendation**

Recommendation of the General Services Director that City Council award a contract to Walsh Moving and Storage for \$44,959.54 with a 5% contingency of \$2,248 for moving library book collection and furniture at five (5) branch libraries (FEAP 623). (B2008-50)

Charles Deemer, Torrance, requested clarification regarding renovations at branch libraries, which was provided by Library staff.

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

**8G. CONTRACT FOR CARPET AT BRANCH LIBRARIES**

**Recommendation**

Recommendation of the General Services Director that City Council

- 1) Award a contract to Fred's Carpets Plus for \$108,600.90 with a 5% contingency of \$5,430 for the replacement of carpet at five (5) branch libraries (FEAP (B2008-51) 623).
- 2) Approve a 10% project management fee of \$10,860.

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

**8L. FISCAL YEAR 2009-2011 SHORT RANGE TRANSIT PLAN**

**Recommendation**

Recommendation of the Transit Director that City Council approve the Fiscal Year (FY) 2009-2011 Short Range Transit Plan (SRTP) for submission to the Los Angeles County Metropolitan Transportation Authority (Metro).

Charles Deemer, Torrance, requested clarification of the Short Range Transit Plan, which was provided by Transit Department staff.

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

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Representatives of Amtech Elevator Services requested that Consent Calendar Item 8E be reconsidered because they misunderstood the procedure and would like an opportunity to comment on this matter.

**MOTION:** Councilmember Sutherland moved to reconsider Item 8E. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

**8E. CONTRACT FOR ELEVATOR MAINTENANCE**

**Recommendation**

Recommendation of the General Services Director that City Council award a contract with Reliable Elevator of Los Angeles, Inc. for a three (3) year term from November 1, 2008 to October 31, 2011 for the maintenance of elevators in City Buildings (B2008-36) for \$76,795.

Facility Services Manager Landis advised that staff was recommending that the Council reject the lowest bid from Amtech Elevator Services and award the contract to the second lowest bidder, Reliable Elevator of Los Angeles. He explained that the City has contracted with Amtech for the past three years and the company has failed to provide monthly service as required by the contract, therefore, the company has been

found to be non-responsible. He noted that over 200 service visits were missed or undocumented during the term of the contract, approximately 40% of scheduled service.

Charles Morphew, Amtech Elevator, reported that the company has contracted with the City for 22 years and has enjoyed a good business relationship and the first indication of any dissatisfaction occurred on September 4, 2008 after the job walk for the new contract. He contended that the terms of the contract were open to interpretation and that the company had provided the required hours of service, although not as specified per elevator/per month. He noted that the contract requires written notification of default and a 15-day period to cure, which was not provided.

Councilmember Sutherland expressed support for staff's recommendation to award the contract to Reliable Elevator, noting the City's potential liability should an elevator accident occur and it is found that the required service/testing has not been performed.

Councilmember Furey voiced concerns that according to the Elevator Monthly Service Log, there were numerous instances where the required monthly service was not performed and in some cases an elevator was not serviced two months in a row.

Peggy Carlson, Amtech Elevator sales manager, stated that the log lists only monthly preventative service and the total number of hours of service performed by the company, including repairs, was just short of the hours required by the contract. She suggested that allocating service hours was better left to elevator mechanics based on the age of the elevator, its location and usage. She maintained that the company has done a good job of keeping the City's elevators operational for the past 22 years and pledged that the company would do a better job of record keeping in the future.

Councilmember Rhilinger noted letters from State regulators indicating non-compliance with State requirements.

Ms. Carlson stated that it was not uncommon for elevators to have several items cited as deficient on State annual inspection reports and contended that Amtech's record would compare favorably with other elevator companies in this respect.

Facility Services Manager Landis noted that the contract specifically states that one hour of service shall be performed on each elevator per month and this is not something to be left to the discretion of the contractor's elevator mechanics.

Mr. Morphew conceded that the company failed to perform to the letter of the contract, but related his understanding that the City is required to give notice of default and allow the company an opportunity to correct these deficiencies, especially after 22 years of satisfactory service.

Deputy City Attorney Sullivan clarified that City staff does not check elevator logs on a regular basis and had no way of knowing the company was not complying with the contract. Additionally, he noted that the contract with Amtech has ended so there is no requirement that the company be given a notice of default and a chance to cure.

Mayor Scotto suggested the possibility of extending Amtech's current contract for a one-year probationary period.

City Manager Jackson advised that the new contract with Reliable Elevator is significantly less than the old contract with Amtech.

Ms. Carlson noted that Amtech was the low bidder for the new contract and expressed the company's willingness to adhere to this amount should the City decide to extend the contract for one year.

Tom McKittrick, Amtech Elevator branch manager, reported that the company has offered to refund \$6000.00 for the service that was not performed as a good faith effort.

Councilmember Numark asked about staff's opinion on Amtech's overall performance.

Facility Services Manager Landis responded that it was staff's sense that Amtech has not been complying with the terms of the contract for some time. He noted that the City consolidated the service of all its elevators into one contract 3 years ago and prior to that time, Amtech serviced only 3 or 4 of the City's elevators.

Councilmember Brewer suggested extending Amtech's contract only until June 30, 2009.

**MOTION:** Councilmember Sutherland moved to award the contract to Reliable Elevator. The motion was seconded by Councilmember Rhilinger and passed by a 5-2 roll call vote with Councilmembers Brewer and Furey dissenting.

**12. ADMINISTRATIVE MATTERS**

**12A. DESIGNATION OF VOTING DELEGATES FOR NATIONAL LEAGUE OF CITIES ANNUAL BUSINESS MEETING**

**Recommendation**

Recommendation of the City Manager that City Council designate a voting delegate and voting alternates to represent the City of Torrance at the National League of Cities 2008 Annual Business Meeting on November 15, 2008 in Orlando, Florida.

**MOTION:** Mayor Scotto moved to designate Councilmember Rhilinger as the voting delegate and Councilmembers Sutherland and Numark as alternates. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

**12B. FISCAL YEAR 2008-09 FEDERAL TRANSIT ADMINISTRATION GRANTS**

**Recommendation**

Recommendation of the Transit Director that City Council authorize the City Manager to submit on behalf of the Torrance Transit System's Fiscal year (FY) 2008-09 Federal Transit Administration (FTA) Urbanized Formula (Section 5307) application for \$6,722,000 and Bus Related Capital Program (Section 5309) application for \$2,361,760.

Assistant Transit Director Mills provided an overview of how grant funds would be allocated per written material of record.

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

**17. ORAL COMMUNICATIONS**

**17A.** Councilmember Furey commented on the work completed at Madrona Marsh on "Make a Difference Day."

**17B.** Transit Director Turner announced a Community Meeting regarding proposed fare increases on October 30, 2008, 7:00 p.m., at the Katy Geissert Civic Center Library meeting room.

**17C.** Councilmember Numark expressed his condolences to the Furey family.

**17D.** Councilmember Numark asked that a meeting of the Transportation Committee be scheduled to discuss the use of advertising on City buses.

**17E.** Councilmember Rhilinger announced that free flu shots for seniors would be available on November 3, 2008 from 10:00 a.m. to noon at the Ken Miller Recreation Center.

**17F.** Councilmember Rhilinger announced a holiday light exchange program sponsored by the South Bay Cities Council of Governments whereby residents can exchange up to two strings of older holiday lights for two strings of LED lights at the South Bay Environmental Services Center, 3868 Carson Street, #110, from November 3 through December 5, 2008.

**17G.** Councilmember Sutherland encouraged the public to vote on Tuesday, November 4, 2008.

**17H.** Councilmember Sutherland reminded the public to be cautious of children and to drive safely on Halloween.

**17I.** Councilmember Barnett expressed his condolences to the Furey family.

**17J.** Councilmember Barnett announced the Craftsman Guild's 39<sup>th</sup> Annual Fall Faire on November 8, from 9:00 a.m. to 4:00 p.m., and November 9, from 9:00 a.m. to 3:00 p.m., at the Cultural Arts Center.

**17K.** Councilmember Brewer expressed condolences to the Furey family.

**17L.** Councilmember Brewer noted that the Ad Hoc Legislative Committee had earlier recommended that the Council support Torrance Unified School District Bond Measures Y and Z because deteriorating schools could potentially affect property values thereby reducing property tax revenues.

**17M.** Mayor Scotto expressed his condolences to the Furey family.

17N. Mayor Scotto reminded the public to vote on Tuesday and encouraged "yes" votes on Measures Y and Z.

18. **EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1.

19. **ADJOURNMENT**

At 9:35 p.m. the meeting was adjourned to Tuesday, November 4, 2008 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  
Catherine Agnes Furey and Irene Bungarden***

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers,  
City Clerk of the City of Torrance

Approved on January 13, 2009