

October 24, 2000

**MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in a regular meeting at 6:00 p.m.* on Tuesday, October 24, 2000, in the West Annex Commission Meeting Room at Torrance City Hall.

ROLL CALL

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

Absent: Mayor Hardison.

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

*At 5:30 p.m. City Clerk Herbers announced publicly that there was no quorum present and that a quorum was expected at 6:00 p.m.

16. EXECUTIVE SESSION

Mayor pro tem Messerlian stated that a letter had been received from an attorney representing Great American which threatened litigation and that action of the City Council was necessary to add to the closed session agenda. In order to take action on a matter not on the agenda, the California Government Code requires a determination by a two-thirds vote of the City Council that immediate action is necessary and that the need to take action arose subsequent to the posting of the agenda.

MOTION: Councilmember Cribbs moved to add Great American to the closed session agenda. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval, absent Mayor Hardison.

The Council recessed to closed session to confer with the City Manager and the City Attorney on the agenda matters listed under items 16.a) Conference with Labor Negotiator; and 16.b) Conference with Legal Counsel – Anticipated Litigation pursuant to California Government Code Sections 54957.6, 54956.9 (c), 54954.2 (b) (2) and 54956.9 (b) (1) .

The City Council reconvened at 7:06 p.m.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Kati Krumpke, Principal, Edison Elementary School.

The invocation was given by Pastor Rollin Keller, Grace Orthodox 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 voice vote reflected unanimous approval, absent 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 voice vote reflected unanimous approval, absent Mayor Hardison.

4. WITHDRAWN OR DEFERRED ITEMS

None.

Mayor pro tem Messerlian asked that the meeting be adjourned in memory of Fumiko Nishioka, wife of Civil Service Commissioner Jerry Nishioka and mother of Forrest Nishioka. He noted that services would be held on October 30.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Mayor pro tem Messerlian announced a Finance and Governmental Operations Committee meeting for the First Quarter 2000 Budget Review on Tuesday, November 14, 2000 at 6:00 p.m. in the West Annex Commission meeting room.

Mayor pro tem Messerlian announced the continuing recycling of phone books through November 10, 2000 noting that residents may use regular recycling, with apartment dwellers and businesses encouraged to use bins provided by BFI at the Ken Miller Recreation Center or at Smurfit Recycling at 20502 Denker Avenue.

City Clerk Herbers announced that touch screen voting for the November 7 general presidential election was available for the next two weekends at both the Norwalk and Los Angeles Airport Courthouse Offices of the Registrar Recorder. She also announced that an audiocassette of the state propositions was available at the Katy Geissert Civic Center Library. Sample ballots are available on the Internet by visiting www.LAVote.net and she encouraged everyone to vote on November 7, 2000.

6. COMMUNITY RELATED MATTERS

6a. RESOLUTION NO. 2000-125 RE. EDISON ELEMENTARY SCHOOL

Mayor pro tem Messerlian presented a resolution honoring Edison Elementary School for its selection as a California Distinguished School to Dr. Arnold Plank, Superintendent, Torrance Unified School District; Kati Krumpke, Principal, Edison

Elementary; Cindy Cordosi, PTA President, and teachers June Kasko, Jody Bubica, Charlotte Tamashiro, Gloria Matoba, and Instructional Assistant Pat Maraballa.

RESOLUTION NO. 2000-125

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING EDISON ELEMENTARY SCHOOL FOR ITS SELECTION AS A CALIFORNIA DISTINGUISHED SCHOOL.

MOTION: Councilmember Nowatka moved to adopt Resolution No. 2000-125. Councilmember Cribbs seconded the motion and a roll call vote reflected unanimous approval, absent Mayor Hardison.

Councilmember Nowatka noted that he was proud of his daughter-in-law Teri Matis and hoped that she had also contributed to that success. City Manager Jackson added that Becky Masi was also a teacher at Edison Elementary School.

6b. PROCLAMATION RE NATIONAL YOUNG READER'S DAY

Mayor pro tem Messerlian issued a proclamation declaring Wednesday, November 8, 2000 as National Young Reader's Day in the City of Torrance to Kathryn Roberts, Chair of the Library Commission.

7. CONSENT CALENDAR

City Manager Jackson asked that item 7i be removed from the Consent Calendar for separate consideration.

Items 7a through 7h on the Consent Calendar were considered routine and enacted by one motion and one vote. There was no separate discussion of these items.

7a. APPROVAL OF MINUTES – SEPTEMBER 26, AND OCTOBER 3, 2000

7b. MONTHLY INVESTMENT REPORT FOR SEPTEMBER, 2000

Recommendation

Recommendation of the City Treasurer that City Council accept and file the monthly investment report for September, 2000.

7c. CONTRACT RE CERTIFIED AIR TECHNOLOGIES, INC. OF CHINO, CA

Recommendation

Recommendation of the General Services Director that City Council authorize a contract to Certified Air Technologies, Inc. of Chino, CA for \$25,277.00 to replace the boiler in the Main City Hall building (FEAP # 39).

7d. CONTRACT RE CONTAINMENT SOLUTIONS OF MOUNT UNION, PA

Recommendation

Recommendation of the General Services Director that City Council authorize a contract in an amount not to exceed \$33,260 (including a 5% contingency) with Containment Solutions of Mount Union, PA for provision of containment sumps and collars and installation of the latter on eight (8) underground fuel tanks at the City Services and Transit Facilities.

7e. EMPLOYMENT AND TRAINING AGREEMENT WITH CMC VOCATIONAL SCHOOL

Recommendation

Recommendation of the Human Resources Director that City Council authorize the execution of an Employment and Training Agreement for \$150,000 with CMC Vocational School.

7f. AMENDMENT ONE OF THE EMPLOYMENT AND TRAINING AGREEMENT (C99-238) WITH THE CITY OF LOS ANGELES FOR WELFARE-TO-WORK SERVICES

Recommendation of the Human Resources Director that City Council authorize Amendment One of the Employment and Training Agreement (C99-238) with the City of Los Angeles for Welfare-to-Work services

7g. CONTRACT RE DC DANCO AIR CONDITIONING OF GARDENA, CA

Recommendation of the General Services Director that City Council:

- 1) Award a contract to DC Danco Air Conditioning of Gardena, CA for \$45,000 to replace the air handler and return fan in the Personnel Building (FEAP No. 33).
- 2) Approve transfer of funds of \$21,301.51 from completed FEAP No. 29 Police Department Air Handling Unit and \$2,698.49 from completed FEAP No. 46 South East Library Air Handling Unit to fund the additional costs of Personnel Air Handling Unit (FEAP 33).

7h. AMENDMENT TO DIGITAL MAPPING ASSOCIATES (DMA) CONTRACT 2000-083

Recommendation of the Engineering Director that City Council approve an amendment to contract 2000-083 with Digital Mapping Associates, Inc. (DMA) that extends the term of the contract to March 31, 2001, for the digital aerial photographs.

MOTION: Councilmember Witkowsky moved for the approval of the Consent Calendar items 7a through 7h as written. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote, absent Mayor Hardison.

Item 7i was heard at this time.

7i. AMENDMENT TO UNIVERSAL CONSTRUCTION CONTRACT

Recommendation of the General Services Director and the Parks and Recreation Director that City Council:

- 1) Approve an amendment to the Universal Construction contract in the amount of \$45,729.41 for additional costs incurred during the construction of the Wilson Park Sports Center;
- 2) Award a contract to Mathias G. Adriolo, for project management services in the amount of \$1,200 for the Wilson Park Sports Center; and
- 3) Approve the appropriation of \$19,416.17 from Torrance Skate Association rental revenue, to pay for additional costs.

Recreation Supervisor Jones explained that the item was a recommendation for the additional changeovers for the Wilson Sports Center. He noted that the original funding source was approved and they were asking that the recommendation include unallocated Proposition A funds for the Wilson Sports Center which would reduce the amount needed from the Torrance Skate Association revenue.

Councilmember Nowatka received clarification from Recreation Supervisor Jones that recommendations 1-2 remained the same, recommendation 3 had been changed and recommendation 4 had been added.

MOTION: Councilmember Witkowsky moved to concur with staff recommendation numbers 1 and 2 as written; amended recommendation 3 to approve the appropriation of \$15,000 from the unallocated Proposition A Specified Project funds for the Wilson Park Sports Center; and adding recommendation 4 to approve the appropriation of \$2,929.41 from Torrance Skate Association rental revenue. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval, absent Mayor Hardison.

11. ADMINISTRATIVE MATTERS

11a. RESOLUTION NO. 2000-131 REPEALING RESOLUTION NO. 99-97

Recommendation of the City Manager that the City Council adopt a Resolution regarding hours, wages and working conditions for Elected Officials.

RESOLUTION NO. 2000-131

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH WAGES, HOURS AND WORKING CONDITIONS FOR ELECTED OFFICIALS AND REPEALING RESOLUTION NO. 99-97.

MOTION: Councilmember Scotto moved to adopt Resolution 2000-131. Councilmember Cribbs seconded the motion and a roll call vote reflected unanimous approval, absent Mayor Hardison.

Assistant City Manager Keane noted that it followed the guidelines as established by the City Council.

11b. HANGAR WAITING LIST POLICY AND PROCEDURES

Recommendation of the General Services Director and the Airport Commission that City Council maintain the current Hangar Waiting List Policy and Procedures, with the addition of a new Hangar Tenant Transfer Policy.

MOTION: Councilmember Cribbs moved to concur with the Airport Commission and staff recommendation. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval, absent Mayor Hardison.

14. 2nd READING ORDINANCES

Second and final reading of Ordinance 3488 authorizing an amendment to the Contract between the City Council of the City of Torrance and the Board of Administration of the California Public Employees' Retirement System.

ORDINANCE NO. 3488

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF TORRANCE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

MOTION: Councilmember Walker moved to adopt Ordinance No. 3488. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval, absent Mayor Hardison.

City Attorney Fellows announced that pursuant to California's open meeting law, Government Code Section 54957.1(a)(2), they were required to make a report of certain actions taken in closed session. The City Council, by a 6-0 unanimous vote, authorized the City to join, at no expense to the City, in a Friend of the Court brief by the Legal Advocacy Committee of the League of California Cities supporting the State of California in the case of Cornette vs. Department of Transportation, California Supreme Court Number S0890910.

The Cornette case concerns the design immunity provisions of the California Government Code, which exonerate public agencies from liability for reasonably approved plans or designs for public property. Whether the public agency's approval of the plan or design was reasonable is determined by the court under the "substantial evidence" test: if the agency provides substantial evidence, such as an expert's opinion, that the design could be reasonably approved, reasonable approval is established – even if the plaintiff presents evidence that the plan is unreasonable. The immunity can be lost if physical conditions that changed since the plan or design was approved render it dangerous. Until Cornette, courts held whether the plan or design remained reasonable, despite changed conditions, was also decided by the court under the substantial evidence standard. The Court of Appeal said that this is not the case.

The Cornette case poses a single core issue: Do all issues concerning design immunity – including whether changed conditions eliminating immunity – present legal questions for the court to resolve on the substantial evidence standard, regardless of

conflicting facts? Or are all design immunity issues, except whether the initial design was reasonable, questions for the jury?

Assistant City Manager Keane presented to the City Council an agreement with the representatives of Torrance Fire Fighters Association (TFFA) and the representatives of the City of Torrance to be referenced by the City Council for the purpose of fixing an effective date for changes in compensation.

She noted that it was the intent of the representatives of the TFFA and Management to work towards the writing of a formal three year Memorandum of Understanding beginning with the pay period October 22, 2000, encompassing the following elements:

For Fire Safety Employees:

Year 1 – 2.8% with 3% at 55 to be implemented according to the schedule outlined by Cal PERS;

Year 2 – 3.0% (to start May 20, 2001) and

Year 3 – 3.0% There would be no change to current sick leave accrual rate and there were other agreed upon language changes.

For Non Safety Employees:

Year 1 – 3% and the 2% at 55 benefit;

Year 2 – 3% (to start May 20, 2001) and

Year 3 – 4%.

She further noted that the intent of the parties is to arrive at a Memorandum of Intent no later than October 27, 2000 with an MOU to be finalized and signed by authorized members of TFFA and representatives of the City of Torrance no later than November 9, 2000. The MOU will be brought before the City Council on November 14, 2000.

MOTION: Councilmember Walker moved to approve the agreement with TFFA. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval, absent Mayor Hardison.

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The Torrance Redevelopment Agency met from 7:32 p.m. to 7:34 p.m.

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15. ORAL COMMUNICATIONS

15a. Councilmember Witkowsky urged the public to support Red Ribbon Week activities.

15b. Councilmember Messerlian announced a free Torrance Symphony performance at 8:00 p.m. on October 28, 2000 at the James Armstrong Theater.

16. EXECUTIVE SESSION

See formal action noted previously.

17. ADJOURNMENT

At 7:35 p.m., the meeting was adjourned to Tuesday, November 14, 2000 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 Fumiko Nishioka, mother of Forrest Nishioka ***

Mayor of the City of Torrance

ATTEST:

City Clerk of the City of Torrance