

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 6:00 p.m. on Tuesday, January 6, 2004, 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: City Manager Jackson, City Attorney Fellows, City Clerk Herbers, and other staff representatives.

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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, and 17C) Conference with Legal Counsel – Existing Litigation, pursuant to California Government Code Sections 54957.6 and 54956.9(a).

The Council reconvened in Council Chambers at 6:20 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 Scotto.

Councilmember Witkowsky gave the non-sectarian invocation for the meeting.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember McIntyre 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 Lieu, and passed by unanimous roll call vote.

MOTION: Councilmember McIntyre 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 Lieu and passed by unanimous roll call vote.

4. WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

City Clerk Herbers announced that the City Clerk's Office would be accepting applications for seats on various commissions with appointments to be made at the January 13, 2004 City Council meeting.

Fire Chief Bongard reminded everyone that ExxonMobil would be running a test of the siren and community alert system on Wednesday January 7th at approximately 11:30 a.m. He also announced that ExxonMobil would be doing a turnaround from mid January through February for routine maintenance and that they would have 2000 extra employees working 24/7 in staggered shifts.

Mayor Walker asked that the meeting be adjourned in memory of Grace Elgin, a Torrance resident for over 35 years and Museum Coordinator of the Torrance Historical Society for almost 20 years, who passed away on December 27, 2003 at age 90.

7. CONSENT CALENDAR

7A. APPROVAL OF MINUTES – OCTOBER 14, 2003

7B. PURCHASE OF DATA NETWORK EQUIPMENT FOR CITY HALL

Recommendation

Recommendation of the **Information Technology Director** that City Council approve the appropriation of \$50,000 from the Data Communications Replacement fund to be used to purchase three Cisco switches and two Cisco switch expansion modules.

7C. APPROPRIATION/ALLOCATION OF ASSET FORFEITURE FUNDS

Recommendation

Recommendation of the **Chief of Police** that City Council appropriate and allocate \$70,550 from the Asset Forfeiture (State) account to fund the purchase of protective equipment for police personnel to be used in the event of a terrorist incident.

7D. PAYMENT OF ANNUAL SELF-INSURANCE ASSESSMENT

Recommendation

Recommendation of the **Human Resources Director** that City Council:

- 1) Appropriate \$57,220 from the Self-Insurance Fund reserve; and
- 2) Approve the payment of the Fiscal Year 2003-2004 Self-Insurance assessment in the amount of \$84,219.64 to the State of California, Self-Insurance Plans.

7E. VENDOR CONTRACT WITH RUSH TRUCK CENTER FOR REPAIR PARTS

Recommendation

Recommendation of the **General Services Director** that City Council authorize a vendor contract be issued to Rush Peterbilt Truck Center of Pico Rivera, CA, in an amount not to exceed \$30,000, for the sole-source purchase of Paccar/Peterbilt brand repair parts. The vendor contract will be for a 12-month term, beginning January 7, 2004 and ending on January 6, 2005.

7F. VENDOR CONTRACT FOR ANNUAL REQUIREMENT OF CUSTODIAL PAPER GOODS

Recommendation

Recommendation of the **General Services Director** that City Council authorize the renewal of a vendor contract with Empire Cleaning Supplies of Los Angeles, CA, in an amount not to exceed \$65,100. The vendor currently provides the City with

custodial paper goods, including paper towels, toilet tissue, toilet seat covers, and other related paper products. Renewal of the vendor contract would be for an additional ten (10) months and would extend the agreement until October 31, 2004.

7G. YOUTH COUNCIL 2002-2003 ANNUAL REPORT

Recommendation

Recommendation of the **Parks and Recreation Director** and the **Youth Council** that City Council accept and file the Torrance Youth Council's 2002-2003 Annual Report.

7H. AGREEMENT WITH BIDAMERICA FOR DIGITAL SCANNING SERVICES

Recommendation

Recommendation of the **City Clerk** that City Council:

- 1) Approve an agreement with BidAmerica for digital scanning services not to exceed \$64,247 plus a 5 % contingency fee in the amount of \$3,213;
- 2) Authorize the Mayor to execute and the City Clerk to attest to the agreement on behalf of the City.

7I. ACCEPTANCE/APPROPRIATION OF STATE OF CALIFORNIA TRAFFIC SAFETY GRANTS

Recommendation

Recommendation of the **Chief of Police** that City Council:

- 1) Accept, appropriate, and allocate \$73,500 from State of California Office of Traffic Safety (OTS) grant funds for the purchase of computer hardware and software related to traffic management, collision and DUI arrest reporting, and citation issuance (FEAP#417); and
- 2) Issue a purchase order to Crossroads Software, Brea, CA, in the amount of \$37,089.59 (tax included) for the software.

7J. WAIVER OF LABOR COSTS FOR TORRANCE UNIFIED SCHOOL DISTRICT USE OF PORTABLE STAGE

Recommendation

Recommendation of the **Parks and Recreation Commission** and the **Parks and Recreation Director** that City Council waive the labor costs associated with the transport and set-up of the City's portable stage in support of the Torrance Unified School District's Second Annual South Torrance Relay for Life sponsored by the American Cancer Society and appropriate \$822 from the General Fund reserve for Program Contingencies to cover the labor costs.

7K. AMENDMENT TO CONTRACT WITH LOS ANGELES CONSERVATION CORPS

Recommendation

Recommendation of the **Public Works Director** and the **Parks and Recreation Director** that City Council approve an amendment to contract (C2003-060) with the Los Angeles Conservation Corps, increasing the amount by \$8,000, for a not-to-exceed amount of \$28,000 for the provision of operation and maintenance of the City's parks and special event recycling program for the full term of the contract.

MOTION: Councilmember Mauno moved for the approval of Consent Calendar Items 7A through 7K. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

11A. STATE OF LOCAL EMERGENCY RE CAROLWOOD LANE 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. APPOINTMENT OF DEPUTY CITY ATTORNEY II

Recommendation

Recommendation of the **City Attorney** that City Council appoint David Caceres to the position of Deputy City Attorney II.

City Attorney Fellows stated that he was recommending that David Caceres be appointed to fill a vacancy in the Criminal Prosecution Division, noting that Mr. Caceres has done an outstanding job in his current position assisting with misdemeanor prosecutions and that he previously worked for the City prior to entering law school.

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

Mr. Caceres introduced family members present at the meeting.

City Attorney Fellows announced his intention to hire Della Thompson-Bell to fill the vacancy created by Mr. Caceres' appointment.

11C. CONTRACT AMENDMENT RE TORRANCE MUNICIPAL EMPLOYEES-AFSCME LOCAL 1117 AND TORRANCE LIBRARY EMPLOYEES ASSOCIATION

Recommendation

Recommendation of the **City Manager** that City Council adopt a contract amendment for Torrance Municipal Employees - AFSCME Local 1117 and Torrance Library Employees Association extending their contracts one additional year until June 30, 2005 and adding a grid increase of 2.32% for the pay period beginning June 27, 2004.

Olivia Lopez, City Manager's office, summarized the written material of record.

Nicholas Dix, union representative with City Employees Associates (CEA), reported that over 50% of employees in the Crafts and Trades Bargaining Unit have signed a petition to form their own organization and urged the Council to defer action on this matter because the terms of the contract have not been explained to them and they have not had an opportunity to vote on it.

Mark Modai, Street Department employee, stated that there are other issues that need to be discussed related to the contract extension and requested that the Council defer taking action on it.

Miriam Dowdy, President of Torrance City Employees Association, asked the Council not to take action on the contract extension because of the negative impact it would have on her organization's ability to bargain a new contract.

Tony Abruscato, Park Services employee, requested that the Council defer action to allow employees an opportunity to investigate the proposal.

Robin Nahin, Torrance Crafts and Trades Association staff, reported that the majority of employees in the Crafts and Trades Bargaining Unit have signed a petition to decertify AFSCME; that they have elected officers, established dues rates, approved by-laws and retained staff; and that they were preparing to submit a petition for decertification in three weeks and to bargain their own contract. She maintained that the proposed contract extension was an attempt to block members from changing representation by preventing the opening of the window period during which a decertification election can occur.

Ms. Nahin stated that she did not know whether it was a good or a bad contract, that the terms of the proposed extension have not been explained to employees, and that they should have an opportunity to vote on it. She related her understanding that should the Council approve the extension, employees would still have the right to ask that the window period be opened under the doctrine of premature extension, when a contract is prematurely extended for the sole purpose of closing a window period. Noting that her office does not litigate, she stated that she was fairly certain that employees would retain legal counsel to request that the Public Employee Relations Board (PERB) compel the City to allow them to submit their decertification petition. She urged the Council to table this matter.

Alan Lee, representing Torrance Municipal Employees, AFSCME Local 1117, introduced the newly elected leadership of TME and urged the Council to move forward with the contract extension. He explained that his organization approached the City Council after learning that the Torrance Police Officers Association (TPOA) and the Torrance Fire Fighters Association (TFFA) were given two-year contracts; voiced his opinion that two-year contracts benefit both the City and employees; and maintained that a 2.32% pay increase without a single takeaway is a good contract, noting that it exceeds the cost of living. He commented on his organization's efforts to secure a 2.7% at 55 retirement benefit, noting that AFSCME created the State law and the City has agreed to continue to explore this benefit.

Mr. Lee stated that fliers passed out by the opposition include a lot of misinformation about the extension; that the 2.32% pay increase is not complicated or hard to understand; and that, despite the misinformation, only 6 or 7 people were in attendance at this meeting to oppose the contract, some of whom were defeated when they recently ran for a TME office and others who are not members of the bargaining unit.

In response to Councilmember Lieu's inquiry, Mr. Lee confirmed that his organization originally requested a two-year contract, but was given only a one-year contract, and then renewed the request after learning that TPOA and TFFA had received two-year contracts.

Mike Gaskins, representing CEA, asked those present from the Crafts and Trades Bargaining Unit to stand for the benefit of the Council. He reported that the employees present represent the majority in this bargaining unit, who want an opportunity to vote on this matter and to express their opinions. He noted that Mr. Lee in April 2003 attempted to decertify AFSCME citing a lack of leadership.

Responding to Councilmember Witkowsky's inquiry regarding the City's involvement, City Attorney Fellows explained that this dispute was between two labor organizations and the City was trying to stay out of it, although there was a possibility the City could be named in an unfair labor practices complaint.

Mayor Walker disputed the contention that the purpose of the extension was to prevent an election, stating that he has always maintained that it was in the best interests of the City to develop two-year contracts. He explained that the proposed extension, which he considers to be a very fair contract, was arrived at after long and hard negotiations. He noted that TFFA settled for the same 2.32% pay increase and that he felt it was a matter of consistency. He proposed that any other group that has signed a one-year contract with a 2.32% pay increase be offered an opportunity to expand it to a two-year contract. He voiced his opinion that the extension was good for the City, City employees, and Torrance taxpayers.

Ms. Nahin stated that her office is very much in favor of longer contracts and that a 2.32% pay increase was not out of line with the current economic situation, however, it was a violation of AFSCME's constitution to thrust a contract on a bargaining unit without giving employees an opportunity to vote. She clarified that a union may not file a claim of unfair labor practices against another union because it pertains to the relationship between management and labor and suggested that a claim would be lodged against the City for unfair bargaining practices should the contract be approved without a stipulation that the window period remain open.

MOTION: Councilmember Witkowsky moved to concur with the staff recommendation. The motion was seconded by Councilmember Mauno and passed by a 5-2 roll call vote, with Councilmembers Nowatka and Scotto dissenting.

RESOLUTION NO. 2003-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2003-99 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE MUNICIPAL EMPLOYEES-AFSCME, LOCAL 1117

MOTION: Councilmember Lieu moved for the adoption of Resolution No. 2003-01. The motion was seconded by Councilmember Witkowsky and passed by a 5-2 roll call vote, with Councilmembers Nowatka and Scotto dissenting.

RESOLUTION NO. 2003-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2003-100 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE LIBRARY EMPLOYEES ASSOCIATION (TLEA)

MOTION: Councilmember Lieu moved for the adoption of Resolution No. 2003-02. The motion was seconded by Councilmember Witkowsky and passed by a 5-2 roll call vote, with Councilmembers Nowatka and Scotto dissenting.

Mayor Walker directed staff to entertain the idea of uniformity with employee groups that have already signed one-year contracts.

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The Council met as the Redevelopment Agency from 6:54 p.m. to 7:00 p.m.

16. ORAL COMMUNICATIONS

16A. City Clerk Herbers invited staff and public to view the works of Torrance Artist Guild member Sharon Barraclough on display in the City Clerk's office for the month of January.

16B. Councilmembers each extended new years greetings.

16C. Councilmember Lieu commended Governor Schwarzenegger for restoring a portion of vehicle license fees back to the cities.

16D. Councilmember Mauno thanked the Torrance Rose Float Association volunteers for all their efforts in putting together the float entry.

16E. Councilmember McIntyre congratulated float riders and all the behind the scenes people involved in the float.

16F. Councilmember McIntyre commented on Torrance resident Helen Ball's voyage from Redondo Beach to Tahiti, welcomed her home, and expressed delight that she made it back safe and sound.

16G. Councilmember Nowatka commented on the Torrance rose float entry, noting that Mayor Walker and six POWs rode on the float.

16H. Councilmember Nowatka wished City Manager Jackson a happy birthday.

16I. Councilmember Scotto, commented on the Governor's speech, which was broadcast earlier in the evening, stating that he thought California was on the right track.

16J. Councilmember Scotto thanked those who worked on the float, noting the amazing amount of time and effort it took to complete it.

16K. Councilmember Scotto voiced his opinion that USC was the national football champion.

16L. In response to Councilmember Witkowsky's inquiry, Planning Manager Bihn reported that the reopening of the waiting list for Section 8 vouchers was tentatively scheduled for February 26th and that notice would be published in the Daily Breeze.

16M. Councilmember Witkowsky expressed the hope that the Governor would be able to accomplish all he has set out to do.

16N. Councilmember Witkowsky also thanked those who worked on putting the float together and noted that television coverage on KTLA was great publicity for the City of Torrance.

160. Mayor Walker echoed comments on wishing everyone a happy new year. He stated that he felt privileged to ride on the float with the six POWs and regretted that information about their experiences was pre-empted on the telecast by the stealth bombers flying overhead.

Mayor Walker shared biographies of the POWs: Dick Peterson, Dick Trimmingham, Dave Cochran and Louis Zamperini from World War II; Ted Hill from the Vietnam War; and Daniel Arellano from the Korean War.

17. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

18. ADJOURNMENT

At 7:18 p.m., the meeting was adjourned to Tuesday, January 13, 2004, 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 Grace Elgin

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 February 10, 2004