

**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 7:00 p.m. on Tuesday, June 22, 2004 in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: None.

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

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Mauno.

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

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

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

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

Mayor Walker noted that supplemental material was available for Consent Calendar Items 7H and 7V and for Administrative Matters Items 11D, 11E, and 11G (2).

4. WITHDRAWN OR DEFERRED ITEMS

Mayor Walker stated that Consent Calendar Item 7A, the minutes of the March 23, 2004 and April 11, 2004 City Council meetings, were withdrawn and would be resubmitted.

He stated that Consent Calendar Item N, authorization of an open examination for Public Works Director, would be held until after consideration of Administrative Matters Item 11C, approval of revised job specifications for Public Works Director.

He announced that Administrative Matters Item 11H, approval of Appropriations Limit, would be held and heard after Item 12A Budget Hearing action. He further stated that the Redevelopment Agency would be convened in joint session after Item 12A was opened.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Nowatka announced the 24th Annual 4th of July celebration at Wilson Park beginning at 11:00 a.m. with fireworks at 9:00 p.m. He stated that on-site parking was limited but available for \$5.00 and that there would be free shuttle buses

operating between 9:00 a.m. through 10:00 p.m. from both the Civic Center and Del Amo Fashion Center to Wilson Park.

Mayor Walker stated that Sergeant Brian Wood's name would be added to the City's Veteran's Memorial on July 1, 2004 at 10:00 a.m. He invited staff members and general public to attend the engraving ceremony.

Mayor Walker stated that he met with the Mills Corporation on June 22, 2004 to discuss concerns by City Council and the community over their proposed residential development application and that as a body; they indicated that the Mills Corp has heard the message of the mayor, council and community. He noted that the meeting had reinforced the Mills Corporation commitment to first and foremost, create a world-class retail and entertainment destination and that they had stated a willingness to pursue other alternatives to their application. He announced that he would be meeting with their senior management in Arlington, Virginia later in the week and would provide the results of that meeting at the July 13, 2004 City Council meeting.

City Clerk Herbers announced that due to the unanticipated resignation of a Library Commissioner, vacancies on the Library and Water Commissions scheduled to be filled this evening would be re-advertised and a tentative date for appointment would be August 10, 2004. She advised that applications were available online at www.tornet.com and at the City Clerks office 618.2870.

6. COMMUNITY MATTERS

6A. PROCLAMATION DECLARING JULY 2004 AS PARKS AND RECREATION MONTH

Mayor Walker presented a proclamation declaring the month of July 2004 as Parks and Recreation Month in the City of Torrance and urged all residents to enjoy, recognize, and help promote the benefits derived from participation in programs offered by the Torrance Parks and Recreation Department.

The Proclamation was read by Councilmember Witkowsky and accepted by John McGee, Vice Chairperson of the Parks and Recreation Commission.

7. CONSENT CALENDAR

Nancy Clinton, 2785 Pacific Coast Highway, requested that Item 7X be removed from the Consent Calendar for discussion.

Items 7A – 7G, 7I – 7M, 7O – 7W, and 7Y – 7CC on the Consent Calendar were considered routine and were enacted by one motion and one vote. There was no separate discussion of these items.

7A. APPROVAL OF MINUTES - MARCH 23, APRIL 4, APRIL 11, AND APRIL 18, 2004

Minutes of City Council meetings of March 23, 2004 and April 11, 2004 were withdrawn. The minutes of April 4, 2004 and April 18, 2004 were approved.

*Incorrectly noted on the agenda and approved as written - should read **May 4, May 11, and May 18.**
Corrected at July 13 meeting.*

7B. MONTHLY INVESTMENT REPORT – MAY 2004

Recommendation:

Recommendation of the **City Treasurer** that City Council accept and file the monthly investment report for the month of May 2004.

7C. CONTRACT WITH S.A.S. CONSTRUCTION INC. FOR RENOVATION OF PARK SERVICES OFFICE

Recommendation:

Recommendation of the **General Services Director** that City Council:

- 1) Award a contract to S.A.S. Construction Inc. for \$64,410 with a 5% contingency of \$3,220 for the renovation of the Park Services Office (B2004-13); and
- 2) Authorize 10% project management fees of \$6,441.

7D. CONTRACT APPROVAL FOR SENIOR CITIZENS EXCURSIONS

Recommendation:

Recommendation of the **Parks and Recreation Director** that City Council approve contracts with Main Street Tours in the amount of \$23,292 and with American Travel Club/Tours in the amount of \$21,000, for a total amount not to exceed \$44,292, for Senior Citizens Program excursions planned for the months of July through December 2004.

7E. CONTRACT APPROVAL FOR MEDICAL SERVICES

Recommendation:

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

- 1) Approve a contract for medical services with the Medical Institute of Little Company of Mary for one-year, beginning July 1, 2004 in an amount not to exceed \$117,500; and
- 2) approve a contract for medical services with Western Medical Group for one-year, beginning July 1, 2004 in an amount not to exceed \$28,000.

7F. APPROVAL OF FINAL PARCEL MAP NO. 26822

Recommendation:

Recommendation of the **Community Development Director** that City Council:

- 1) Approve Final Parcel Map No. 26822 for one parcel located at 2407 Border Avenue; and
- 2) Accept a 10' corner cut-off at the northwest corner of the lot.

7G. PURCHASE ORDER - LIFE-ASSIST, INC.

Recommendation:

Recommendation of the **Fire Chief** that City Council authorize a purchase order be issued to Life-Assist, Inc. in the amount not to exceed \$55,500 for one-year supply of paramedic supplies as a cooperative purchase with the City of Pasadena.

7H. AGREEMENT WITH HARBOR WORK SOURCE CENTER

Recommendation:

Recommendation of the **Human Resources Director** that City Council authorize the execution of the 2004-2005 Workforce Investment Act (WIA) funding agreement with the City of Los Angeles to provide \$1,200,000 for the operation of the Harbor WorkSource Center. Funding for the 2004-2005 Workforce Development Division budget comes from WIA grant.

7I. SUBLEASE OF SPACE AT CARSON WORK SOURCE CENTER

Recommendation:

Recommendation of the **Human Resources Director** that City Council authorize the Mayor to execute and the City Clerk to attest to Amendment One to the sublease by and between the City of Torrance and Community Connection Resource Center (C2003-172) for approximately 139 sq. ft. of space at the Carson WorkSource Center. This will provide a cost recovery of \$5,611.20 through June 30, 2005.

7J. VOCATIONAL TRAINING AGREEMENT WITH EL CAMINO COLLEGE

Recommendation:

Recommendation of the **Human Resources Director** that City Council execute Amendment Two to the Vocational Training Agreement with El Camino College (C2000-270) extending the agreement to June 30, 2005.

7K. AGREEMENTS WITH L.A.U.S.D., S.C.R.O.C., AND JOINT EFFORTS INC.

Recommendation:

Recommendation of the **Human Resources Director** and the **Workforce Investment Network Executive Committee** that City Council:

- 1) Accept and appropriate \$393,893 in Workforce Investment Act funding to the Workforce Development Division (WDD) budget; and
- 2) Authorize the execution of service agreements with Los Angeles Unified School District (\$100,915), Southern California Regional Occupational Center (\$67,277), and Joint Efforts Incorporated (\$60,266) to serve at-risk youth.

Funding for this project comes from the Department of Labor Workforce Investment Act.

7L. AMENDMENT TO CAL WORKS FUNDING AGREEMENT

Recommendation:

Recommendation of the **Human Resources Director** and the **Workforce Investment Network (W~~I~~N) Board** that City Council authorize the execution of:

- 1) Amendment One to the County of Los Angeles CalWORKS funding agreement that adds \$33,719 for a total of \$109,586;
- 2) Amendment One to the Southern California Regional Occupational Center service agreement that adds \$11,464 for a total of \$37,259;
- 3) Amendment One to the Los Angeles Unified School District service agreement that adds \$17,197 for a total of \$55,889; and
- 4) Authorize the additional allowance of \$5,058 for a total of \$16,438 to fund City administration of these two program contracts.

Funding for the Workforce Development Division (WDD) budget comes from the County of Los Angeles Department of Community and Senior Services.

7M. APPROPRIATION OF GRANT FUNDS FOR GOODWILL INDUSTRIES

Recommendation:

Recommendation of the **Carson/Lomita/Torrance Workforce Investment Network (C/L/T W~~I~~N) Board** and the **Human Resources Director** that City Council:

- 1) Accept and appropriate grant funds awarded as a result of the California State Demonstration Grant Proposal; and

2) Authorize the C/L/T WiN to negotiate and enter into a subcontract with Goodwill Industries of Long Beach and the South Bay (Goodwill) for Demonstration Grant services.

Any grant funds will be added to the 2004-2005 Workforce Development Division Budget at the time of award.

7N. PUBLIC WORKS DIRECTOR OPEN EXAMINATION

Recommendation:

Recommendation of the **City Manager, Human Resources Manager**, and the **Civil Service Commission** that City Council authorize an open examination to fill the position of Public Works Director on an open competitive basis.

This item was considered out of order after Administrative Matters Item 11C.

7O. AMENDMENT TO AGREEMENT WITH NETWORK OPERATIONS CENTER, INC.

Recommendation:

Recommendation of the **Human Resources Director** that City Council execute an amendment to the consulting services agreement with Network Operations Center, Inc. (C2003-050) extending the agreement to provide network support for the WorkSource Centers to August 31, 2004.

Funding is available in the adopted 2004-2005 Human Resources Workforce Development Division (HR/WDD) budget.

7P. CONTRACT WITH DEEMS LEWIS MCKINLEY RE LIBRARY REMODEL

Recommendation:

Recommendation of the **City Librarian** that the City Council approve the extension of contract C2002-164 with Deems Lewis McKinley to provide design and budget development, construction documents, bidding phase services, and construction administration services for the remodel of the upper level of the Katy Geissert Civic Center Library to July 30, 2004.

7Q. CONTRACT WITH QUALITY PAPER FIBERS, INC. FOR RECYCLING

Recommendation:

Recommendation of the **Acting Public Works Director** that City Council award a contract for recycling services for the City of Torrance, including processing, marketing and reporting of recycling materials, to Quality Paper Fibers, Inc. (B2004-06).

7R. AGREEMENT WITH FIT KID GYMNASTICS CENTER, INC.

Recommendation:

Recommendation of the **Parks and Recreation Director** that City Council approve an agreement with Fit Kid Gymnastics Center, Inc. to provide fee offset gymnastics classes at th Wilson Park Sports Center, in an amount not to exceed \$46,816.

7S. AGREEMENT WITH STARLIGHT PRODUCTIONS

Recommendation:

Recommendation of the **Parks and Recreation Director** that City Council approve an agreement with Starlight Productions to provide youth classes in drama, dance, and vocal training for the stage, direct and produce three youth theater productions, and conduct a youth drama camp at the Torrance Cultural Arts Center, for an amount not to exceed \$94,082.

7T. PURCHASE ORDER TO HI STANDARD AUTOMOTIVE OF ORANGE, CA

Recommendation:

Recommendation of the **General Services Director** and **Chief of Police** that City Council authorize the issuance of a purchase order to Hi Standard Automotive of Orange, CA, in an amount not to exceed \$106,982.74. This includes sales tax and a ten percent (10%) contingency. This purchase order will cover purchase and installation of various items of communications and electronics equipment and other accessories in eighteen (18) new Ford Crown Victoria Police Interceptors (CVPI). (B2004-20)

7U. AMENDMENT TO AGREEMENT WITH BURKE, WILLIAMS & SORENSEN

Recommendation:

Recommendation of the **City Attorney** that City Council approve an amendment to the Fee Agreement with the law firm of Burke, Williams & Sorensen (C2003-177) to provide legal services in the Storm Water NPDES Permit litigation lawsuit and to appropriate an additional **\$50,000** the contract for a total not to exceed amount of \$74,000.

7V. AGREEMENT WITH CDSNET, INC. RE PASSENGER MILES DATA

Recommendation:

Recommendation of the **Transit Director** that City Council authorize the Mayor to execute and the City Clerk attest to a contract services agreement with CDSNet, Inc. to collect, analyze, and prepare passenger miles data as required by the federal National Transit Database (NTD) for a cost not to exceed \$40,500.

7W. COUNTY OF LOS ANGELES DELINQUENCY PREVENTION PROGRAM CONTRACT

Recommendation:

Recommendation of the **Chief of Police** that City Council accept and endorse the County of Los Angeles Delinquency Prevention Program contract, in the amount of \$29,070, so that the needed assistance to our children can continue.

7X. AMENDMENT TO AGREEMENT WITH PAVEMENT COATINGS CO. AND APPROPRIATION OF FUNDS FOR WORK AT ZAMPERINI FIELD

Recommendation:

Recommendation of the **Acting Public Works Director** that City Council:

- 1) Approve a Second Amendment to the public works agreement with Pavement Coatings Company (C2002-166) for the Residential Slurry Seal Project in the amount of \$286,745.05; for a total contract amount of \$849,818.49 and extend the agreement term to September 1, 2005;
- 2) Authorize a 5% contingency for this amendment in the amount of \$14,400; and
- 3) Appropriate \$22,000 from Airport-Aeronautical funds to cover construction, contingencies, inspection and administration for the work at Zamperini Field.

This item was considered out of order.

7Y. PURCHASE ORDER TO AARDVARK TACTICAL, INC.

Recommendation:

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

- 1) Appropriate and allocate \$25,700.75 from the State Unappropriated Asset Forfeiture Fund;
- 2) Appropriate and allocate \$26,799.42 from the remaining cash balance of the 2002 COPS grant; and
- 3) Issue a purchase order to Aardvark Tactical, Inc., Arcadia, CA, in the amount of \$52,500.17 (tax included) for the purchase of twenty-two (22) Safariland TAC 6+ Silver IIIA tactical vests and twenty-two (22) Peltor SWAT-TAC communications headsets.

7Z. AMENDMENT TO CONTRACT WITH DINALLI CONSTRUCTION

Recommendation:

Recommendation of the **General Services Director** and **City Librarian** that City Council:

- 1) Approve an amendment to contract C2003-249 for Dinalli Construction in the amount of \$21,915 for total contract amount of \$456,915 the second floor Civic Center Library Remodel (FEAP #328); and
- 2) Authorize additional funding of \$165 from the Civic Center 2nd Floor Remodel (FEAP#328) and approve \$1,610 in changes to the scope of work.

7AA. CONTRACTS FOR TORRANCE SENIOR TAXI PROGRAM

Recommendation:

Recommendation of the **Transit Director** that City Council authorize the Mayor to execute and the City Clerk to attest to the following:

- 1) A one year contract services agreement with Administrative Services Co-op, d.b.a. South Bay Yellow Cab and United Checker Cab Co-op to provide service for the Torrance Senior Taxi Program, with two one year options to renew the contract;
- 2) A one year contract services agreement with All Yellow Taxi, Incorporated to provide service for the Torrance Senior Taxi Program, with two one year options to renew the contract; and
- 3) A one year contract services agreement with Bell Cab Company, Incorporated to provide service for the Torrance Senior Taxi Program, with two one year options to renew the contract.

The recommended term is July 1, 2004 to June 30, 2005 at a cost not to exceed an aggregate total of \$860,000 per annum for all three contracts.

7BB. CONTRACTS FOR TORRANCE DIAL -A-TAXI PROGRAM

Recommendation:

Recommendation of the Transit Director that Council authorize the Mayor to execute and the City Clerk to attest to the following:

- 1) A one year contract services agreement with Administrative Services Co-op, d.b.a. South Bay Yellow Cab and United Checker Cab Co-op to provide service for the Torrance Dial-A-Taxi Program, with two one year options to renew the contract;
- 2) A one year contract services agreement with All Yellow Taxi, Incorporated to provide service for the Torrance Dial-A-Taxi Program, with two one year options to renew the contract; and

- 3) A one year contract services agreement with Bell Cab Company, Incorporated to provide service for the Torrance Dial-A-Taxi Program, with two one year options to renew the contract.

The recommended term is July 1, 2004 to June 30, 2005 at a cost not to exceed an aggregate total of \$260,000 per annum for all three contracts.

7CC. AGREEMENT WITH GENSOURCE CORPORATION

Recommendation:

Recommendation of the **Information Technology Director** and the **Human Resources Director** that City Council approve a not to exceed expenditure of \$128,813 to GenSource Corporation for:

- 1) Current software maintenance agreements from November 1, 2003 through September 15, 2004 (\$23,998);
- 2) Upgraded second-year software maintenance from September 16, 2004 through October 24, 2005 (\$52,218); and
- 3) GenComp System upgrade and purchase of the GenRisk Module (\$52,597).

MOTION: Councilmember McIntyre moved for the approval of Consent Calendar Items 7B – 7M, 7O – 7W, and 7Y – 7CC. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

CONSIDERED OUT OF ORDER

7X. AMENDMENT TO AGREEMENT WITH PAVEMENT COATINGS CO. AND APPROPRIATION OF FUNDS FOR WORK AT ZAMPERINI FIELD

Recommendation:

Recommendation of the **Acting Public Works Director** that City Council:

- 1) Approve a Second Amendment to the public works agreement with Pavement Coatings Company (C2002-166) for the Residential Slurry Seal Project in the amount of \$286,745.05; for a total contract amount of \$849,818.49 and extend the agreement term to September 1, 2005;
- 2) Authorize a 5% contingency for this amendment in the amount of \$14,400; and
- 3) Appropriate \$22,000 from Airport-Aeronautical funds to cover construction, contingencies, inspection and administration for the work at Zamperini Field.

Nancy Clinton, 2785 Pacific Coast Highway, Torrance Airport Association, questioned the need for spending \$22,000 for projects not critical to airport operations. She also questioned the priority of slurry sealing a taxi lane at the far west end that is rarely used by aircraft as well as the priority to repair the taxi lane in the East Ts southwest of the East T's hangars and adjacent to the east property line of Robinson leasehold.

She submitted photographs and stated that the Torrance Airport Association and pilots of Zamperini Field urged City Council to use these funds and necessary additional funds to correct the following shortcomings found by the Department of Transportation, Division of Aeronautics in 2002, 2003 and 2004: asphalt erosion in numerous taxiway ramps and runway areas, deterioration of Runway 1-1 Right, 2-9 Left, the short runway, and the need to repave the main runway/taxiway Alpha. She stated that the time period given for rehabilitation was listed for 2009 – 2013 and did not feel this was appropriate.

MOTION: Councilmember Scotto moved to concur with staff recommendation to approve items 1 and 2 of Consent Calendar 7X and to hold the appropriation of funds from the Airport-Aeronautical funds for the Airport until a later date pending a report back to the City Council. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

Councilmember Nowatka requested that Item Administrative Matters Item 11G be considered out of order.

**11G. CONSIDERATION OF REMOVAL OF CIVIL SERVICE COMMISSIONER
TOM BREWER**

Mayor Walker, citing Torrance Municipal Code, Article 10, Civil Service Commission, Section 13.10.4, stated that members of the commission may be removed from office by a vote of the majority of all the members of the City Council.

Mayor Walker read a statement: "The Civil Service Commission is an advisory body to city council. As council members we rely on the judgment of our Commissioners. Mr. Brewer has shown a critical misunderstanding of the Council's position on specific housing projects. Mr. Brewer assumed where the council was going to go on matters not yet before it. His assumption was not based upon conversations with individual councilmembers nor was it based upon public statements made by the council. Rather than talking to us Mr. Brewer simply drew his own conclusions in the utter absence of information. This was an appalling lack of judgment on his part. No one should be surprised that members of this council have lost faith in Mr. Brewer's judgment and thus his ability to advise and serve as a city commissioner.

Compounding the problem has been the manner in which Mr. Brewer has discussed issues and individuals who have come before the Civil Service Commission. Last year Mr. Brewer was not reappointed to the Civil Service Commission. Later when a vacancy occurred on the commission I asked Mr. Brewer to reapply. After that favorable vote he sat in the audience making critical remarks about the city council.

Mr. Brewer and others have tried to turn his potential removal from the Civil Service Commission into a question about his right to be an activist supporting community involvement in opposing future housing in Torrance. As an individual and as a president of a homeowners association he has every right to say whatever he wants, it's called free speech. Every member of this council supports Tom Brewer's right to voice his position. Every member of this council supports Tom Brewer's right to voice any position. But when you spread stories about the actions and motives of the city council that are just not true you cannot expect to retain our trust or remain our adviser. I was the fourth vote putting Mr. Brewer back on the Civil Service Commission. Mr. Brewer has made it impossible for me to rely on his judgment and advice in his capacity as a commissioner.

Several of my colleagues asked me to give Mr. Brewer the opportunity to resign. Mr. Brewer offered an apology instead."

Councilmember Nowatka requested that City Attorney Fellows expand on case law and possible violation of constitutional rights in removing a commissioner.

Responding to Councilmember Nowatka, City Attorney Fellows cited Kimura v. Roberts (Cit. 89 Cal.App.3d 871,874) as a case where a planning commissioner was married to a council member where the majority council decided that by reason of her marital status there was sufficient reason to remove her from the commission. She claimed it was a violation of her civil rights; the trial court agreed with her and ordered her to be reinstated but an appeal court said that it was not sufficient cause. He indicated that the legal phrase "dictum" applied to the statement supplied by court that is not

necessarily the decision in the case and does not give a constitutional situation other than that marital status was not protected. He stated that there was no authority that said that dismissal of a Commissioner could not be done without cause, and cited the authority Torrance Municipal Code and noted that each commissioner was given a handbook that reiterated the information that they are subject to removal.

Councilmember Nowatka stated that even if it was not required to show cause, there was need for moral justification for taking such a drastic action.

Councilmember Scotto submitted to City Clerk Herbers for the record e-mails from concerned residents that he received the past week concerning the item.

Councilmember Scotto, referring to the Planning Commissioner's Handbook, stated that he saw nothing that said that a commissioner had to give up his rights on becoming a city commissioner. He asked City Attorney Fellows to clarify if a commissioner had the right to voice a position on issues related to matters other than the commission he represented.

City Attorney Fellows responded that he believed concerns about Mr. Brewer were not related to his Civil Service Commission activities.

Councilmember Scotto stated that on January 13, 2004, city council voted unanimously to appoint Mr. Brewer to the Civil Service Commission, and that fellow commissioners felt that he was doing an exceptional job. He stated that a commissioner had the right to speak his mind on city issues, and that many commissioners exercised that right.

Councilmember Mauno concurred with Councilmember Scotto that it was important for city council to hear from commissioners. He stated that Mr. Brewer was not actually voted in unanimously, but out of council courtesy for a unanimous consent vote. He stated that on two occasions he voted not to reappoint Mr. Brewer to the Civil Service Commission.

Councilmember Scotto stated that on January 13, 2004 there were five applicants for the Civil Service Commission, that two individuals were nominated, and that it was a unanimous vote.

Councilmember McIntyre stated that, as this was a precedent-setting evening, she hoped that there would be a fair and objective resolution. She stated that she served on the Civil Service Commission for eight years, and that she supported Mr. Brewer three times in his quest to be a Civil Service commissioner. She stated that all city commissioners were akin to political appointees, and that members of city staff and council needed to be able to trust implicitly those appointed.

Councilmember Nowatka stated that it was very important not to prejudge this case and to keep an open mind.

Mayor Walker welcomed public input at 7:35 p.m.

Pat Furey, Cranbrook Avenue, requested that at least two council members recuse themselves from this hearing due to bias against Mr. Brewer. He cited Clark vs. Hermosa Beach and Breakstone vs. City of Torrance. He referred to e-mail communication between himself, Mayor Walker, and council members included in the material of record. He stated that communications received by him from some council members demonstrated bias and predisposition.

City Attorney Fellows stated that this item was not a hearing or an adjudicatory proceeding, that there was no evidence or testimony being admitted, and that the two cases that Mr. Furey cited were completely different types of cases.

Councilmember Mauno stated that he felt uncomfortable making a decision on this matter until consulting with the city attorney about what has been said.

Tom Brewer, 23426 Evalyn Avenue, stated that Councilmember Mauno had prejudged this case. He stated that to date he has not been provided with a single instance of wrongdoing that he could specifically respond to. He outlined the events leading up to the call for his dismissal from the Civil Service Commission, noting that any wrongdoing must have occurred since January 2004 when he was reappointed to the commission. He distributed a packet included in the material of record containing communication with city residents regarding the Mills Corporation proposal. He described in chronological order the communications in the packet, beginning with his May 13, 2004 e-mail to the Daily Breeze and including the June 2, 2004 Southwood Riviera Homeowner's Association meeting with a representative from Mills Corporation, reiterating that at that meeting he encouraged members to ask questions and not make statements. He stated that he encouraged members to let council members know how they felt about the Mills Corporation proposal. He described communication regarding the June 9, 2004 scoping meeting at Madrona Middle School and the June 16, 2004 city council meeting as well as communication with Mayor Walker regarding an effort to recall him. He described communication received from Councilmember Mauno.

Mr. Brewer stated that he encouraged residents to attend meetings, hear the facts, and make up their own minds. He stated that in no way could his efforts be construed as a campaign to recall the mayor or council members.

Bill Sutherland, El Prado Avenue, spoke on behalf of city commissioners, volunteers, and the right of free speech. He stated that he saw no rationale for Mr. Brewer's dismissal and that he has done nothing to violate his oath as a Civil Service Commissioner. He stated that, if Council members voted for Mr. Brewer's dismissal, they were sending the message that they only wanted commissioners and volunteers who shared the same political opinions as themselves.

Sandi Monda, Talisman Street, Environmental Quality and Energy Conservation Commissioner, questioned the reasons for considering the dismissal of Mr. Brewer. She applauded Mr. Brewer for being honest and forthright, and for believing in his convictions. She stated that she also attended the same homeowner association meetings as had Mr. Brewer and that at those meetings Mr. Brewer encouraged members to write letters, make phone calls, and attend meetings. She stated that 80 Torrance residents served on commissions, and doubted if any of them were willing to give up their right to act and speak freely. She urged council members to consider their vote carefully and that their decision could cause division in the City.

Jonna Smoot, 171st Street, Parks and Recreation Commissioner, stated that commissioners had the First Amendment right to free speech and that there was no compelling evidence that Mr. Brewer violated a condition of trust, regulations, rights, or laws. She stated that a vote to remove Mr. Brewer would be notification to her that her immediate resignation as commissioner was requested because city council was not interested in hearing her free speech.

Linda Gottshall-Sayed, Donora Avenue, stated that she attended the meeting at Madrona Middle School and offered to swear under oath that Mr. Brewer had reiterated at least three times - that only questions could be asked and that it was not a forum to argue or debate. She stated that she failed to see the connection between his position as a Civil Service Commissioner and as president of the Southwood Riviera Homeowners Association, and that all she has seen is an appropriate call for action for public input. She reminded the councilmembers and mayor that they serve at the pleasure of the residents of Torrance.

Mike Tarzia, Carlow Road, expressed concern about the negative publicity in the press about this matter. He stated that on several occasions he heard Mr. Brewer state that he was opposed to a recall and defended city council. He stated that cooler heads needed to prevail and suggested that council members and Mr. Brewer try to resolve the issues.

Mayor Walker stated that the Council was concerned about the Mills Corporation proposal, and that council members have given every possible signal that they legally could to them to drop their application. He stated that the public was led to believe that city council was going in a different direction, and that it was not true. He stated that he lost faith in the commissioner, and that this consideration was an unfortunate but appropriate one.

He announced that a different route may be a better one and withdrew the item.

City Council was in recess from 8:17 p.m. to 8:42 p.m.

11A. CONTINUE STATE OF EMERGENCY – 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 staff recommendation. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

11B. STATEMENT OF INVESTMENT POLICY FOR 2004-2005

Recommendation:

Recommendation of the **City Treasurer** that City Council adopt a **RESOLUTION** to establish the Statement of Investment Policy for Fiscal Year 2004-2005.

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

City Clerk Herbers read the number and title of the Resolution.

RESOLUTION NUMBER 2004-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, ESTABLISHING THE STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2004-2005 IN ACCORDANCE WITH CERTAIN GUIDELINES.

MOTION: Councilmember Mauno moved to adopt Resolution 2004-75. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

11C. APPROVAL OF REVISED CLASS SPECIFICATION OF PUBLIC WORKS DIRECTOR

Recommendation:

Recommendation of the **Human Resources Director** and the **Civil Service Commission** that City Council approve the revised class specification of Public Works Director.

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

7N. AUTHORIZATION OF OPEN EXAMINATION FOR PUBLIC WORKS DIRECTOR

Recommendation:

Recommendation of the **City Manager, Human Resources Manager**, and the **Civil Service Commission** that City Council authorize an open examination to fill the position of Public Works Director on an open competitive basis.

This item was considered out of order.

Responding to Councilmember Witkowsky's inquiry, staff clarified that the opening was to fill former Public Works Director Bell's position.

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

11D. AMENDMENT OF CITY'S COMPREHENSIVE GENERAL PLAN

Recommendation:

Recommendation of the **Community Development Director** that City Council review and concur with the strategy to amend the City's Comprehensive General Plan.

Senior Planning Associate Chun introduced the item and described the General Plan process.

In response to Mayor Walker's inquiry, Community Development Director Gibson stated that the timeframe presented allowed adequate opportunity for public input, complete review of alternatives by staff, and assured that staff recommendations would reflect community values and the direction of City Council. He advised that City Council could direct staff to shorten or speed up the timeframe. He stated that the amendment was an adjustment to the General Plan as opposed to the creation of a whole new General Plan.

Councilmember Scotto requested an explanation of how the public would be notified of meetings and the timeframe this could be accomplished on a normal schedule.

Community Development Director Gibson responded that there would be several notifications through homeowners associations, display ads in newspapers, and through normal Planning Department and City Council's advertising techniques. He added that if there were a specific issue of interest to a constituency, staff would conduct outreach to that specific group to include them in the process. He advised that there would be approximately 10 to 12 meetings or hearings regarding the General Plan.

Responding to Councilmember Witkowsky, he advised that ideally the General Plan should be updated every 10 years.

Councilmember Witkowsky requested that staff address how the General Plan would meet the vision of a balanced community and where the City might be in five or 10 years.

Community Development Director Gibson explained that the General Plan was a broad policy document, not a regulatory document, and did not answer these questions specifically. He stated that it outlined goals and objectives for City Council and the community. He noted that their strategy was to not make significant changes to the existing General Plan and land use categories but rather to make the document more readable and understandable.

Referring to the Hawthorne Boulevard Corridor plan, Councilmember Witkowsky recommended that the City's vision for a balanced community be included in the General Plan.

Community Development Director Gibson advised that if Council directed, a document could be created with more specific standards. He stated that in the past the General Plan was not used as a regulatory tool, but was a broader based expression of community goals that set very broad goals and objectives.

City Manager Jackson stated that parts of the General Plan could be taken as they were developed for scoping sessions and to get feedback from selected groups.

Councilmember Scotto stated that adding an element that included State mandates would be wrong because it was not something that they had to abide by.

Mayor Walker discussed the need for low and moderate-income housing and requirements from the State and federal governments. He stated that the City could not be forced to build when there was no available land, and when zero vulnerability was reached they could look at community development grant funds; in the meantime, they did not want to lose local control.

In response to Councilmember McIntyre's inquiry regarding the hiring of outside consultants, Community Development Director Gibson responded that it would cost approximately \$250,000 for a cradle to adoption process, and that they would choose to use consultants judiciously.

Referring to Option 3, he advised that staff recommended that Land Use and Circulation Elements be addressed first, but that specific elements of the General Plan could be worked on individually and brought forward for approval. He cautioned that the elements overlapped and worked in combination with one another to express the City's position.

Councilmember Nowatka discussed his involvement with SCAG and concurred that all elements of the General Plan were interrelated and that there was no pressure on them at present.

Councilmember Mauno encouraged staff to hold community meetings regarding land use. He stated that the document was an educational tool for City Council, Planning Commissioners, and public.

A brief discussion centered on the merits and drawbacks of hiring an outside consultant.

MOTION: Councilmember Scotto moved to continue Administrative Matters Item 11D for two weeks to hear staff report on funding sources and evaluation of the cost of hiring an outside consultant to prepare the General Plan. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

Environmental Quality and Energy Conservation Commission Chairperson Monda requested clarification that projects presently in the process would not be affected. She was assured that projects presently in the pipeline were covered by the current General Plan adopted in 1992. She requested that additional options of growth management and education be included in the General Plan and considered by City Council.

11E. ADOPT RESOLUTION FOR TORRANCE FIRE FIGHTERS ASSOCIATION

Recommendation:

Recommendation of the **City Manager** that City Council adopt a supplemental Memorandum of Understanding **RESOLUTION** for the Torrance Fire Fighters Association (TFFA) adding Phase II of the Retirement Health Savings Plan (RHSP).

Allen Lee stated that he would provide updates on health insurance and deferred compensation issues at a later date. He announced that AFSCME was having their international convention with 4,000 delegates in Anaheim, California. He stated that he appreciated City Council's diplomacy and commitment in all matters and offered his support of Item 11E.

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

City Clerk Herbers read the number and title of the Resolution.

RESOLUTION NUMBER 2004-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA AMENDING RESOLUTION NUMBER 2003-160 SETTING FORTH CHANGES REGARDING WAGES, HOURS, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY TORRANCE FIRE FIGHTERS ASSOCIATION (TFFA).

MOTION: Councilmember Mauno moved to adopt Resolution Number 2004-76. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

11F. ADOPTION OF POLICY FOR MILITARY PERSONNEL

Recommendation:

Recommendation of the **Finance Director** that City Council adopt a policy effective July 1, 2004 offering a ten percent (10%) discount with a maximum of \$10 ~~per occurrence~~ on defined City services to active duty military personnel and their immediate dependents.

Mayor Walker clarified that the words "per occurrence" were eliminated.

Councilmember Lieu stated that he hoped other South Bay cities would follow Torrance's lead in offering discounts to military personnel.

MOTION: Councilmember Lieu moved to concur with staff recommendation as amended. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

11G. CONSIDERATION OF REMOVAL OF CIVIL SERVICE COMMISSIONER TOM BREWER

This item was considered out of order after Consent Calendar. The consideration was withdrawn.

11H. ADOPTION OF RESOLUTION APPROVING CITY'S APPROPRIATIONS LIMIT FOR FY 2004-2005.

This item was considered after Hearings Item 12A.

11I. LEASE EXTENSION BY HI-SHEAR CORPORATION

Recommendation:

Recommendation of the **Land Management Team** that City Council authorize the Mayor to execute and the City Clerk to attest to a one month lease extension from July 1 through July 31, 2004 for the lease by and between Hi-Shear Corporation for a lease extension fee of \$62,275.

Assistant City Manager Sunshine reported that Hi-Shear was requesting an extension of the current lease for one month so that its parent company in France could conclude their review of the new ground lease.

Pat Meade, Hi-Shear Corporation, 2600 Skypark Drive, stated that the delay did not reflect negotiations between Hi-Shear and City staff, but because the parent company wanted to review the long term financial impact of the lease.

MOTION: Councilmember Scotto moved to concur with staff recommendation as amended. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

At 9:18 p.m., the City Council took a recess without leaving their seats and met as the Redevelopment Agency of the City of Torrance.

12. HEARINGS

12A. REVISIONS FOR THE 2ND YEAR OF THE 2003-2005 OPERATING BUDGET

Recommendation:

Recommendation of the **Finance Director** that City Council open the second public hearing on the City of Torrance proposed budget revisions for the 2nd year of the City's two-year 2003-2005 Operating Budget and adopt the appropriations **RESOLUTIONS** for Fiscal Year 2004-2005.

(Companion to Redevelopment Agency item 4B)

Councilmember Witkowsky inquired if all rental assistance money had been spent. Deputy Executive Director Gibson explained that each year a portion of their budgeted Section 8 dollars went back to the Department of Housing and Community Development. He explained that HUD over budgeted at the beginning of each fiscal year, so the City always gave back some of the funds, but not necessarily because of lease-up. He advised that the City could request more vouchers.

The public hearing opened at 9:20 p.m. No one from the public came forward to speak.

MOTION: At 9:22 p.m., Councilmember Scotto moved to close the public hearing. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

MOTION: Councilmember Scotto moved to concur with staff recommendation for the proposed changes. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

MOTION: Councilmember Scotto moved to concur with staff recommendation for the 2003-2005 fiscal year operating budget. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

City Clerk Herbers read the number and title of the Resolution.

RESOLUTION NUMBER 2004-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADOPTING THE SECOND YEAR OF THE TWO YEAR OPERATING BUDGET FOR THE 2003-2005 FISCAL YEARS AS PROPOSED BY THE CITY MANAGER AND AMENDED BY THE CITY COUNCIL, AND ESTABLISHING THE ANNUAL APPROPRIATION FOR THE 2004-2005 FISCAL YEAR.

MOTION: Councilmember Mauno moved to adopt Resolution Number 2004-78. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

City Clerk Herbers read the number and title of the Resolution.

RESOLUTION NUMBER 2004-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADOPTING THE CITY MANAGER'S 2004-2005 CITY CAPITAL BUDGET.

MOTION: Councilmember Mauno moved to adopt Resolution Number 2004-79. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

11H. ADOPTION OF RESOLUTION APPROVING CITY'S APPROPRIATIONS LIMIT FOR FY 2004-2005

Recommendation:

Recommendation of the **Finance Director** that City Council adopt a **RESOLUTION** approving the City's appropriations limit for Fiscal Year 2004-2005 in the amount of \$666,249,175; and selection of the 2003-2004 net change in the total assesses valuation due to non-residential new construction as the cost of living factor together with the increase in the City's population as the annual adjustment factors for same Fiscal Year.

This item was considered out of order.

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

City Clerk Herbers read the number and title of the resolution.

RESOLUTION NUMBER 2004-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING THE 2004-2005 APPROPRIATIONS LIMIT AND SELECTION OF THE ANNUAL ADJUSTMENT FACTORS FOR THE SAME FISCAL YEAR.

MOTION: Councilmember Mauno moved for the adoption of Resolution Number 2004-77. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

12B. AMENDMENT OF ORDINANCE SETTING SPEED LIMIT ON OCEAN AVENUE

Recommendation:

Recommendation of the **Community Development Director, Police Chief,** and the **Traffic Commission** that City Council concur with staff's recommendation to adopt an **ORDINANCE** amending Section 61.10.1 of the Torrance Municipal Code (TMC) "Subsection j" to read Ocean Avenue between Torrance Boulevard and Pacific Coast Highway within the City with a speed limit of twenty-five (25) miles per hour.

The public hearing opened at 9:31 p.m.; no one from the public came forward to speak.

MOTION: At 9:32 p.m., Councilmember Scotto moved to close the public hearing. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

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

City Clerk Herbers read the number and title of the Ordinance.

ORDINANCE NUMBER 3660

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA AMENDING SECTION 61.10.1 OF THE TORRANCE MUNICIPAL CODE RELATED TO SPEED LIMITS WITHIN THE CITY.

MOTION: Councilmember Mauno moved for the adoption of Ordinance Number 3660. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

12C. ADOPTION OF ORDINANCE RE ZONE CHANGES FROM A-1 TO R-1

Recommendation:

Recommendation of the **Community Development Director** and the **Planning Commission** that City Council:

- 1) Adopt an **ORDINANCE** approving a zone change from A-1 (Light Agricultural District) to R-1 (Single Family Residential District) on 60 properties throughout the City for the purpose of bringing consistency between the zoning and the general plan. Fifty-nine (59) of the properties are currently developed with single family homes, and one property is vacant; and
- 2) Approve an **Ordinance Summary** for publication.

ZON04-00003: CITY OF TORRANCE – General Plan Consistency

The public hearing opened at 9:34 p.m.

Yogesh Mehta, 25600 Rolling Hills Way, offered support of the zone change and commented that many of the roads also have a light agricultural look.

Mayor Walker stated that utilization of the land would not be affected by this ordinance.

MOTION: At 9:37 p.m., Councilmember Witkowsky moved to close the public hearing. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

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

City Clerk Herbers read the number and title of the ordinance.

ORDINANCE NUMBER 3661

AMENDING DIVISION 9 OF THE TORRANCE MUNICIPAL CODE (TMC), TO RECLASSIFY CERTAIN PROPERTIES LOCATED IN DIFFERENT LOCATIONS THROUGHOUT THE CITY FROM A-1 (LIGHT AGRICULTURAL DISTRICT) TO R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) IN ORDER TO BRING CONSISTENCY BETWEEN THE ZONING AND GENERAL PLAN LAND USE DESIGNATION.

MOTION: Councilmember Mauno moved for the adoption of Ordinance 3661. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

16. ORAL COMMUNICATIONS

16a. Community Development Director Gibson announced that Transportation Manager Semaan was the proud father of a daughter born June 21, 2004.

16b. Councilmember Lieu stated that last week he sent a letter to the Mills Corporation asking them to withdraw their proposal for 917 units, and that he was pleased to hear they were considering alternative uses for that land.

16c. Councilmember Lieu announced that Senate Bill 744 was defeated, and thanked all those who wrote letters, particularly Bonnie Mae Barnard, Sandi Monda, Liz Fobes, and Debbie Hayes. He stated that he was optimistic about defeating AB 2702 as well.

16d. Councilmember Lieu commended the newly formed group Torrance Parents at www.torrparents.org who were working to keep class sizes low.

16e. Councilmember Lieu commended Torrance Chamber of Commerce for their installation dinner last week and in particular Guy Fox for doing an outstanding job as Chairman. He congratulated Merietta Fong, the new Chairwoman, and wished her the best of luck.

16f. Councilmember Mauno congratulated all families who had graduates.

16g. Councilmember Mauno wished everyone a wonderful Fourth of July holiday.

16h. Councilmember Mauno requested that City Manager Jackson research the policy of releasing inmates from the Torrance Courthouse and the possibility of assisting them with transportation.

16i. Councilmember McIntyre commended the stellar performance at the June 19, 2004 Torrance Symphony fundraiser with 320 attendees.

16j. Councilmember Nowatka asked City Manager Jackson if there was a way to acknowledge Torrance residents who were appointed to military academies.

16k. Councilmember Witkowsky wished everyone a happy Fourth of July and reminded them that Torrance does not allow fireworks except at Wilson Park.

16l. Bonnie Mae Barnard, 2028 Gramercy Avenue, discussed a City Council decision on June 17, 2003 to overturn a Planning Commission decision to deny a project at 2103 Gramercy Avenue. She stated that she was pleased to announce that the house was not demolished and that the property was listed for sale.

16m. Bonnie Mae Barnard requested that City Council consider a moratorium on building in the Old Torrance neighbor until it was determined if it is an historic district or not.

16n. Bonnie Mae Barnard requested that a Historic Preservation plan with an overlay zone be included in the General Plan to preserve and protect the City's heritage, resources, and landmarks.

16o. Nina McCoy, 1918 W. 220th Street, requested clarification on Item 11F regarding military personal discounts. City Manager Jackson stated that the policy would be effective when reservists were called up.

18A. ADJOURNMENT

Recommendation of the **City Manager** to adjourn City Council and Redevelopment Agency to Tuesday, July 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. **Tuesday, June 29, 2004 and Tuesday, July 6, 2004 will be Council dark nights.**

MOTION: At 9:52 p.m., Councilmember Scotto, with a second by Councilmember Witkowsky, moved to adjourn the City Council and Redevelopment Agency to Tuesday, July 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; hearing no objection, Mayor Walker so ordered.

###

/s/ Dan Walker

Attest:

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC
City Clerk of the City of Torrance

Approved on September 14, 2004