

**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 5:32 p.m. on Tuesday, September 19, 2000, in City Council Chambers at Torrance City Hall.

**ROLL CALL**

Present: Councilmembers Cribbs, Nowatka, Scotto, Walker, Witkowsky, and Mayor Hardison.

Absent: Councilmember Messerlian.

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

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City Attorney Fellows announced that subsequent to the posting of the agenda on Thursday, September 14, the City Attorney’s office received a written settlement offer in the case of Matthew Mehegan v. City of Torrance (L.A. Superior Court Case No. YC035979) that will be affected by impending pre-trial discovery and asked the City Council to consider discussing the matter in closed session in order to provide the City Attorney with direction on how to proceed.

As a two-thirds vote is required to add urgency items to a posted agenda, Councilmember Cribbs moved, seconded by Councilmember Walker, to add the item to the agenda under Government Code Sections 54954.2(b)(2) and 54956.99(a); the motion passed by unanimous roll call vote (absent Councilmember Messerlian).

Agenda Item Agenda Item 16 was considered out of order at this time.

**16. EXECUTIVE SESSION**

At 5:32 p.m., pursuant to Government Code Sections 54957.6 and 54956.8, the Council recessed into a closed session to discuss matters listed on the meeting agenda.

The Council reconvened in Council Chambers at 7:25 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 Kathryn Roberts, Library Commission.

Father Michael Coury, St. Katherine’s Eastern Greek Orthodox Church, gave the invocation for the meeting.

**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, there being no objection, it was so ordered by Mayor Hardison (absent Councilmember Messerlian).

**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, there being no objection, it was so ordered by Mayor Hardison (absent Councilmember Messerlian).

**4. WITHDRAWN OR DEFERRED ITEMS**

City Manager Jackson announced that Agenda Item 11g was withdrawn.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Mayor Hardison announced that the Ad Hoc Legislative Committee will meet on October 3, 2000, at 4:00 p.m. in the City Hall 3<sup>rd</sup> floor Council Conference Room.

Mayor Hardison announced a joint meeting of the City Council with the Cultural Arts Commission on Tuesday, September 26, 2000, at 5:30 p.m. in the West Annex Commission Room.

City Clerk Herbers announced that applications for vacancies on the Planning Commission and the Traffic Commission will be accepted in the City Clerk's Office until 5:30 p.m. on Wednesday, September 20, with appointments to be made at the September 26 City Council meeting. She noted that applicants must be residents of Torrance and registered voters.

City Clerk Herbers noted that the deadline to register to vote for the November 7 Presidential election is October 10 and that voter registration forms are available in City Clerk's Office.

Fire Chief Bongard reported that Mobil will be doing a turnaround from October 1 through November 9, which entails additional activities 24 hours a day. More information is available by calling the hotline at (310) 505-3158.

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Item 11 e was considered out of order at this time.

**11e. CREATION OF EMPLOYMENT AND TRAINING CONSORTIUM**

**Recommendation**

Recommendation that City Council:

- 1) Adopt a Resolution establishing a local workforce investment system under the provisions of the Workforce Investment Act of 1998; and

- 2) Approve an Amendment to the Joint Exercise of Powers Agreement among the cities of Carson, Lomita and Torrance for the purpose of creating an Employment and Training Consortium.

**RESOLUTION NO. 2000-114**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE CONDITIONALLY APPROVING THE AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT AMONG THE CITIES OF CARSON, LOMITA AND TORRANCE FOR THE PURPOSE OF CREATING AN EMPLOYMENT AND TRAINING CONSORTIUM**

**MOTION:** Councilmember Cribbs moved for the adoption of Resolution No. 2000-114. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember Messerlian).

**MOTION:** Councilmember Cribbs moved to approve the amendment to the joint powers agreement. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember Messerlian).

**6. COMMUNITY MATTERS**

**6a. APPOINTMENTS TO WORKFORCE INVESTMENT NETWORK BOARD**

**Recommendation**

Recommendation of the Policy Board that City Council appoint and officially swear in members of the Carson/Lomita/Torrance Workforce Investment Network Board.

Councilmember Cribbs expressed her appreciation for the time and effort put forth by those involved in the transition from the Private Industry Council to the new Workforce Investment Network Board.

**MOTION:** Councilmember Cribbs moved to appoint the following members to the Workforce Investment Network Board: Patricia Doherty, Scott Gobble, Mark Goebel, Teri Morales, Sergio Minassi, Robert Paulson, Joan Smith, Kurt Weideman, Dr. Elizabeth Nash, Dr. Linda Arroyo, John Schmitt, Richard Slawson, Bob Shafer, Janet Strand, and Elaine M. Winer. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember Messerlian).

City Clerk Herbers administered the oath to all except members Minassi, Slawson, and Shafer.

**7. CONSENT CALENDAR**

**7a. APPROVAL OF MINUTES – AUGUST 1, 2000**

**7b. PROPOSITION A 40% DISCRETIONARY GRANT FUNDS**

**Recommendation**

Recommendation of the Transit Director that City Council authorize the Mayor to execute and the City Clerk to attest to a Memorandum of Understanding (MOU) with the Los Angeles County Metropolitan Transportation Authority (LACMTA) for annual Proposition A 40% Discretionary Grant Funds for the Torrance Transit System.

**7c. AMENDMENT TO CONTRACT RE KATY GEISSERT LIBRARY**

**Recommendation**

Recommendation of the General Services Director and the City Librarian that City Council approve an amendment to the Tri-Span Inc. contract on the amount of \$33,815.73 for recommended changes in the renovation of the Katy Geissert Civic Center Library.

**7d. LICENSING/MAINTENANCE OF AIRPORT NOISE MONITORING SYSTEM**

**Recommendation**

Recommendation of the Building & Safety Director that City Council :

- 1) Approve an agreement with Lochar Corporation for maintenance of the ANOMS noise abatement system for an initial three-year period at a cost of \$35,500 for the first year with a CPI increase for the second and third years and two optional extension years and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

**7e. FY 2001-2005 SHORT RANGE TRANSIT PLAN**

**Recommendation**

Recommendation of the Transit Director that City Council approve the FY 2001-2005 Short Range Transit Plan (SRTP) for submittal to the Los Angeles County Metropolitan Transportation Authority.

**7f. OCEAN AVENUE REHABILITATION PROJECT**

**Recommendation**

Recommendation of the Engineering Director that City Council:

- 1) Approve the Plans and Specifications for the Ocean Avenue Project (I-8) on file in the City Clerk's Office;
- 2) Award a Public Works Agreement to Sully-Miller Contracting Co. in the amount of \$998,764 and authorize a 5% contingency in the amount of \$49,938 for this project;
- 3) Waive a minor irregularity in the contractors bid proposal;
- 4) Authorize the Mayor and City Clerk to execute and attest to said Agreement; and
- 5) Appropriate an additional \$300,269 for this project from funds previously allocated to the completed CMP Replacement Project (I-9). (B2000-22)

**7g. PURCHASE ORDER RE ANNUAL REQUIREMENT OF PERIODICALS**

**Recommendation**

Recommendation of the City Librarian that City Council authorize a purchase order not to exceed \$65,000 for the period October 1, 2000 through June 30, 2001 to furnish the annual requirement of periodicals for the Torrance Public Library System for the calendar year 2001 with EBSCO Subscription Services. (B1999-41)

**7h. TORRANCE TRANSIT BUS BIKE RACKS**

**Recommendation**

Recommendation of the Transit Director that City Council authorize the Mayor to execute and the City Clerk to attest to a Memorandum of Understanding (MOU) with the Los Angeles County Metropolitan Transportation Authority (LACMTA) for the purchase and installation of bike racks on Torrance Transit buses. Total project costs not to exceed \$52,000.

**MOTION:** Councilmember Walker moved for the approval of Consent Calendar Items 7a through 7h. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember Messerlian).

**11. ADMINISTRATIVE MATTERS**

**11a. ARTESIA BOULEVARD IMPROVEMENTS**

**Recommendation**

Recommendation of the City Manager that the City Council:

- 1) Approve the Professional Service Agreement with RBF Consulting for the preparation of plans, specifications and estimates for the Artesia Boulevard Improvements in the amount of \$594,380;
- 2) Approve in-house project management in the amount of \$85,000;
- 3) Authorize staff to prepare a standard Consulting Service Agreement between the City and RBF Consulting; and
- 4) Authorize the Mayor and City clerk to execute and attest to the said Agreement.

Assistant to the City Manager Sunshine noted that a ground breaking would be held on Thursday, September 28, at 2:00 p.m. at the corner of Artesia and Crenshaw.

**MOTION:** Councilmember Nowatka moved to concur with the staff recommendation. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote (absent Councilmember Messerlian).

**11b. TORRANCE RECURRENT RECREATION EMPLOYEES ORGANIZATION MEMORANDUM OF UNDERSTANDING**

**Recommendation**

Recommendation of the City Manager that City Council adopt a Memorandum of Understanding with Torrance Recurrent Recreation Employees Organization (TRREO) for the period September 10, 2000 through June 30, 2002.

**RESOLUTION NO. 2000-116**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
TORRANCE SETTING FORTH WAGES, HOURS AND  
WORKING CONDITIONS FOR EMPLOYEES REPRESENTED  
BY THE TORRANCE RECURRENT RECREATION EMPLOYEES  
SEPTEMBER 10, 2000 THROUGH JUNE 30, 2002**

**MOTION:** Councilmember Nowatka moved for the adoption of Resolution No. 2000-116. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember Messerlian).

**11c. DESIGNATION OF VOTING DELEGATE AND VOTING ALTERNATE  
FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE**

**Recommendation**

Recommendation of the City Manager that City Council approve the recommended designation of voting delegate and voting alternate to represent the City of Torrance at the National League of Cities Annual Business Meeting, December 9, 2000.

**MOTION:** Councilmember Nowatka moved to approve the appointment of Councilmember Walker as voting delegate and Councilmember Witkowsky as voting alternate. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote (absent Councilmember Messerlian).

**11d. TRANSFER OF CIVIL SERVICE RULEBOOK TO TORRANCE MUNICIPAL  
CODE**

**Recommendation**

Recommendation of the Civil Service Commission and the Civil Service Administrator that City Council adopt an Ordinance amending the Torrance Municipal Code by adding the "old" Civil Service Rulebook to the Torrance Municipal Code.

Civil Service Administrator Ghio reported that staff was recommending that the Civil Service Rulebook be incorporated into the Torrance Municipal Code to make reading, interpreting and applying the rules easier and more efficient. He noted that changes include the deletion of items that are now covered by State or Federal law and the revision of outdated terminology, such as "Personnel Board." He corrected Section 14.1.8 of Ordinance 3486 as follows: "A record shall be kept in the minutes of the time and place of each meeting of the Commission,..."

**ORDINANCE NO. 3486  
AN ORDINANCE OF THE CITY OF TORRANCE AMENDING  
CHAPTER 4 OF DIVISION 1 OF THE TORRANCE MUNICIPAL  
CODE, RELATING TO THE OPERATION OF THE CIVIL  
SERVICE SYSTEM OF THE CITY OF TORRANCE**

**MOTION:** Councilmember Cribbs moved for the adoption of Ordinance No. 3486 as amended. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote (absent Councilmember Messerlian).

**11e. CREATION OF EMPLOYMENT AND TRAINING CONSORTIUM**

Considered out of order, see page 2-3.

**11f. INCREASE OF RETIREE HEALTH INSURANCE FOR CERTAIN MANAGEMENT EMPLOYEES**

**Recommendation**

Recommendation of the City Manager the City Council adopt a Resolution fixing the Employers Contribution under the Public Employees' Medical and Hospital Care Act for the Certain Management employees.

**RESOLUTION NO. 2000-115**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**

**MOTION:** Councilmember Nowatka moved for the approval of Resolution No. 2000-115. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote (absent Councilmember Messerlian).

**11g. MEMORANDUM OF UNDERSTANDING CLARIFYING CERTAIN BENEFITS**

**Recommendation**

Recommendation of the City Manager that City Council adopt a supplemental Memorandum of Understanding clarifying certain benefits.

Withdrawn, see page 2.

**11h. SAFETY MANAGEMENT RESOLUTION**

**Recommendation**

Recommendation of the City Manager that City Council adopt a Resolution setting forth hours, wages and working conditions for employees covered by the Safety Management Resolution for 3 years effective September 10, 2000.

**RESOLUTION NO. 2000-107**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH WAGES, HOURS AND WORKING CONDITIONS FOR SAFETY MANAGEMENT EMPLOYEES AND REPEALING RESOLUTION NO. 99-76**

**MOTION:** Councilmember Cribbs moved for the adoption of Resolution No. 2000-107. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember Messerlian).

**13. APPEALS**

**13a. APPEAL RE AMERICAN TAXI'S SERVICE OPERATOR'S PERMIT**

**Recommendation**

Recommendation of the License Review Board that City Council hear the appeal of the License Review Board's approval of a taxicab service operator's permit for American Taxi, and affirm the decision of the Board. The appeal has been filed by Yellow Cab of South Bay on behalf of Yellow Cab of South Bay Cooperative, Inc., South Bay Cooperative, Inc., and United Independent Taxi Drivers, Inc.

Mayor Hardison announced that this was the time and place for a hearing on this matter.

Deputy City Attorney Hansen provided a brief overview of the procedural history and the legal standards that apply in this case.

Mayor Hardison asked if any new evidence had been submitted since the posting of the agenda and the submission of the staff report for this proceeding. Councilmembers indicated that additional information had been received consisting of a letter from American Livery, Inc., dated September 18; a fax from The Katherman Company, dated September 19; and an article from the *Orange County Weekly*, Volume 5, No. 51, August 25-30, 2000.

The Council recessed from 8:07 p.m. to 8:34 p.m., during which time the supplemental material was copied and distributed to Councilmembers, staff and members of the audience.

Mr. Rick Schorling, President of American Livery, Inc., 202 E. Alton Avenue, Santa Ana, offered background information about his company, noting that it is the only 100% dedicated compressed natural gas (CNG) taxicab company in the nation. He reported that American Honda had approached him earlier in the year about developing a new category of taxi utilizing a Honda Civic powered by CNG; that he had subsequently met with Mayor Hardison, Commuter Transportation Consultant Kim Fuentes, and a representative of American Honda to discuss developing a clean air taxi program in Torrance; and that it was suggested that the company first obtain a Taxicab Service Operator's Permit, which was approved on July 25, 2000 and later appealed. He explained that the company would like to work with the City to develop clean air programs which would allow the City to apply for various funds, credits and grants available through the AQMD and the U.S. Department of Energy. He stated that his company has no intention of competing with taxicab companies currently operating in Torrance, explaining that the company was attempting to develop a new market that would be open to any operator who wishes to purchase and operate clean air vehicles.

Mr. Anthony Palmeri, representing South Bay Yellow Cab and United Independent Taxi, stated that he believed American Taxi's application for a Taxicab Service Operator's Permit was approved by the License Review Board (LRB) based on



false representations made by the company. He stated that the company claimed that it could help secure federal subsidies for the City's senior ride program, but his research revealed that, while limited capital is available for the purchase of alternative fuel vehicles, there are no programs subsidizing senior fares. He reported that he had contacted Mission Viejo's Transportation Engineer to check on the applicant's claim that the company was working with the City of Mission Viejo to develop a senior ride program and she had no knowledge of such a program. He noted that he currently has four CNG vehicles operating in Torrance; that AQMD Rule 1194 requires taxicab companies servicing commercial airports to use alternative fuel vehicles by January 2002; and that to that end, he had recently negotiated a deal whereby each of his taxi driver/owners will be able to purchase a new CNG vehicle for \$10,000. He maintained that the four taxicab companies currently licensed to operate in Torrance are providing great service and that American Taxi's proposal to license 11 taxis was an attempt to get a foothold in the City.

Mr. Gene Hauck, 4119 Calle de Primera, President of Super Shuttle, related his experience in operating CNG vehicles and obtaining Mobile Source Emission Reduction Credits for the purchase of fuel and voiced his opinion that an additional 11 CNG vehicles would not justify the building of a fueling station or generate enough credits to fund any kind of program.

Returning to the podium, Mr. Schorling reported that his company was founded on grants and subventions from federal, state and local agencies and that he took the initiative to develop clean air programs when no one else was willing to do so. He stated that the City's Transportation Consultant, Kim Fuentes, has confirmed that funding is available for the senior ride and emergency ride home programs; advised that he never intended to fund the programs using credits from fuel purchases; and offered his assurance that a fueling station will be built if the project goes forward. He indicated that he was willing to accept a conditional permit that would not allow the company to operate until a clean air taxi program is in place.

In response to questions from Councilmembers, Mr. Schorling explained that the City would have to apply for the funding because his company cannot apply on the City's behalf and that the company would help the City qualify for funds because of its status as a 100% dedicated CNG taxicab company. He noted that American Honda has offered to provide assistance in writing grant proposals.

Noting that information in the supplemental material indicates that funds are only available to non-profit organizations, Councilmember Cribbs questioned whether the City would qualify. City Manager Jackson advised that the qualifications vary, however grants specifically targeted at non-profit organizations often exclude public agencies.

Councilmember Cribbs stated that she would need a lot more information, regarding whether or not funds are available and how much staff time would be involved in applying for them, before approving even a conditional permit. She asked about American Taxi's pilot program in Mission Viejo, and Mr. Schorling indicated that plans had been put on hold because the Orange County Transportation Authority was looking into developing a county-wide senior ride program.

In response to Councilmember Nowatka's inquiry, Mr. Schorling confirmed that that all 11 taxicabs, 6 Honda Civics and 5 Crown Victorias, would be dedicated to clean

air programs in Torrance and that the company would not be competing for regular fares with taxi companies currently operating in the City.

Mayor Hardison stated that when she met with Mr. Schorling earlier in the year, she was under the impression that the company met the criteria for obtaining a Taxicab Service Operator's Permit on its own merits and that the possibility of developing clean air programs, in addition to regular operations, would be explored once the permit was approved.

Mr. Schorling explained that it would not be feasible to operate a fleet of CNG vehicles until there is a local fueling station and that American Taxi was proposing to work with American Honda to develop the infrastructure needed to support CNG vehicles along with the clean air programs.

Mayor Hardison asked if it was possible to grant a conditional permit as Mr. Schorling suggested. City Attorney Fellows outlined two alternatives: approving a Taxicab Service Operator's Permit with conditions specifying that the permit may not be exercised until all the components of the clean air program are in place (i.e. funding/fueling station/ 11 vehicles dedicated exclusively to Torrance); or allowing American Taxi to work with staff to develop a pilot program and treating it differently than an operation subject to the terms of the Taxicab Ordinance. He recommended that the hearing be continued if the Council wished to grant a conditional permit, so that legal staff could provide a written proposal with appropriate findings and conditions.

In response to Councilmember Witkowsky's inquiry, Transit Director Whittle reported that staff has been actively searching for sources of funding for the senior ride program but has been unable to identify any funds specifically targeted to subsidize senior transportation. City Manager Jackson noted that Proposition A funds currently subsidize the senior ride program and that grant funds have been used to purchase commuter vans, City fleet vehicles and street sweepers powered by CNG.

Councilmember Witkowsky asked if there have been complaints from seniors about taxis not being available when they call. Transit Director Whittle related his understanding that availability was not a problem and that the issue was how to make additional rides available for seniors at an affordable price.

**MOTION:** Councilmember Cribbs moved to close the hearing. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote (absent Councilmember Messerlian).

**MOTION:** Councilmember Scotto moved to continue this item for one month to allow staff to investigate and bring back additional information. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember Messerlian).

Mayor Hardison requested that Transportation Consultant Kim Fuentes be present at the meeting when this item is brought back for further consideration.

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The Council met as the Redevelopment Agency from 9:31 p.m. to 9:32 p.m.

**15. ORAL COMMUNICATIONS**

Responding to Councilmember Cribbs' inquiry about the status of Saint Joseph Mission Church, City Manager Jackson indicated that the realtor has been asked to contact the City regarding the potential purchase of the property.

Councilmember Nowatka welcomed his 6<sup>th</sup> grandchild with details to follow.

Councilmember Walker stated that he found the emergency command vehicle displayed earlier in the day very interesting and thought it would be of benefit to the community in the future.

Commenting on her participation in Coastal Clean Up Day, Councilmember Witkowsky announced that Torrance Beach is very clean and thanked Wendell Johnson and City staff for all their efforts.

Mayor Hardison thanked Councilmember Cribbs for filling in at various functions in her absence.

**16. EXECUTIVE SESSION**

Considered out of order, see page 1.

**17. ADJOURNMENT**

At 9:36 p.m., the meeting was adjourned to Tuesday, September 26, 2000, at 5:30 p.m. for a meeting with the Torrance Cultural Arts Commission in the West Annex Commission Meeting Room, with the regular meeting to commence at 7:00 p.m. in the City Council Chambers.