

July 14, 1998

**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 5:36 P.M. on Tuesday, July 14, 1998, in the City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Cribbs, Lee, Messerlian, Nakano, O'Donnell and Mayor Hardison.

Absent: Councilmember Walker.

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

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Agenda Item No. 20 was considered out of order at this time.

20. **EXECUTIVE SESSION**

Reading aloud from a prepared script, Mayor Hardison advised that, pursuant to Government Code Section No. 54956.8, it was necessary for the Council to take action in closed session on a letter from Mitsubishi Motor Sales of America, Inc. received subsequent to the posting of the meeting agenda.

MOTION: Councilmember Messerlian moved that "Mitsubishi Motor Sales of America, Inc." be added to the "Executive Session" portion of the meeting agenda. The motion was seconded by Councilmember O'Donnell and passed by unanimous roll call vote, absent Councilmember Walker.

At 5:39 P.M., pursuant to Government Code Section Nos. 54957.6, 54957 and 54956.8, the Council entered into a closed session to discuss the matters listed on the meeting agenda, as well as "Mitsubishi Motor Sales of America, Inc."

The Council (Councilmember Walker absent) returned to open session at 7:15 P.M. to conduct the regular adjourned meeting. No action was taken in closed session.

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2. **FLAG SALUTE/INVOCATION**

Master Aaron Maass, Boy Scout Troop #310, Bruce Maass, Scoutmaster, led the Pledge of Allegiance.

Pastor John Gross, Ascension Lutheran Church, gave the invocation for the meeting.

3. **AFFIDAVIT OF POSTING/WAIVE FURTHER READING**

MOTION: Councilmember Lee moved to receive and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Cribbs and, there being no objection, it was so ordered by Mayor Hardison (absent Councilmember Walker).

MOTION: Councilmember Lee 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 Cribbs and, there being no objection, it was so ordered by Mayor Hardison (absent Councilmember Walker).

4. **WITHDRAWN/DEFERRED ITEMS**

City Manager Jackson announced the withdrawal of Agenda Item No. 7e (Job Training Partnership Act (JTPA) Employment and Training Agreements.

City Clerk Herbers announced the withdrawal of Agenda Item No. 7a (Approval of Minutes - April 28, 1998).

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

City Council Workshop

Tuesday, July 21, 1998, 5:30 P.M.

West Annex Commission Room

Subject: Procedures and Rates at Cultural Arts Center

City Clerk Herbers announced that applications for a vacant seat on the Planning Commission will be accepted until Wednesday, July 22, 1998, with the appointment tentatively scheduled for the City Council meeting of Tuesday, July 28, 1998. She invited interested parties to contact the City Clerk's office.

6. **COMMUNITY MATTERS**

None.

7. **CONSENT CALENDAR**

Supplemental written material of record distributed at the meeting with regard to Agenda Item No. 7d (Amended and Restated Ambulance Service Contract) included a July 14, 1998 memorandum addressed to the City Council from Administrative Chief Bongard transmitting changes made to the Contract to clarify the audit and reimbursement procedures.

City Clerk Herbers confirmed that the supplemental written material of record pertaining to Agenda Item No. 7d was received by the City Clerk's office and that the approval of Item No. 7d included the information in the written material of record.

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7a. **APPROVAL OF MINUTES - APRIL 28, 1998**

Withdrawn (see page 2).

7b. **LIBRARY COMMISSION REQUEST TO HOLD MEETINGS AT BRANCHES**

Recommendation

The Library Commission requests permission to convene five regularly scheduled meetings at branches rather than at the Katy Geissert Civic Center Library, in order to encourage greater public participation.

7c. **PURCHASE ORDER RE SODIUM HYPOCHLORITE SOLUTION**

Recommendation

The Engineering Director recommends that the City Council authorize a purchase order be issued to Jones Chemicals, Inc., of Torrance, California, in the amount of \$170,482.06 to furnish and deliver sodium hypochlorite solution (12%) on an "as needed" basis.

7d. **AMENDED AND RESTATED AMBULANCE SERVICE CONTRACT**

Recommendation

The Interim Fire Chief recommends amending and restating the City's ambulance service contract with Gerber Ambulance Service to include:

- Clarification/modification of allowable billing rate language to include a medical and pharmaceuticals replenishment fee of \$23.00;
- A new fee schedule of billing rates; and
- A provision for Gerber Ambulance Service to provide billing services for the City.

7e. **JTPA EMPLOYMENT AND TRAINING AGREEMENTS**

Withdrawn (see page 2).

7f. **CONTRACT RE CURBSIDE RECYCLING (BID 98-23)**

Considered separately (see page 4).

MOTION: Councilmember O'Donnell moved for the approval of Consent Calendar Item Nos. 7b, 7c and 7d. The motion was seconded by Councilmember Messerlian and passed by unanimous roll call vote, absent Councilmember Walker.

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Agenda Item No. 7f was considered at this time.

7f. **CONTRACT RE CURBSIDE RECYCLING (BID 98-23)**

Recommendation

It is the recommendation of the City Manager and the Acting Street Services Director that the City Council award the contract for the processing, marketing and reporting of the City's curbside recycling to Quality Paper Fibers.

Mr. Dan Domonoske, Vice President, Potential Industries, 922 E. "E" Street, Wilmington, came forward to dispute the staff recommendation to award the contract for the processing, marketing and reporting of the City's curbside recycling materials to Quality Paper Fibers. He maintained that Potential Industries' response to the Request for Proposal (RFP) provided the best bottom line financial performance for the City and residents. Addressing the issues of safety, indemnification and insurance, Mr. Domonoske explained the following: that the City has confirmed that, in terms of safety, both Quality Paper Fibers and Potential Industries would be acceptable; that, with regard to indemnification, California Insurance Company has provided the City of Torrance a Defense for the Reservation of Rights; and that, per written material of record distributed to City Attorney Fellows during the meeting, the question of primary versus secondary insurance coverage, and not automobile liability as additional insured to the City of Torrance, is at issue. He emphasized that Potential Industries has made significant progress in addressing the concerns expressed by the Council at a previous meeting and Mr. Domonoske asked that the subject contract be awarded to Potential Industries.

Mr. David Hare, General Manager, Quality Paper Fibers, 19204 South Figueroa Street, Carson, related his understanding that the staff recommendation was based solely on the requirements submitted in the RFPs and on staff's analysis thereof; that the staff recommendation in favor of Quality Paper Fibers was based on the fact that Quality Paper Fibers is closer to City Hall and that they recycle more materials; and that Quality Paper Fibers provided the highest and most competent bid and, therefore, should be awarded the contract.

Mr. Domonoske came forward again to point out that, as included in the staff analysis, the Potential Industries' projected revenue would be greater than Quality Paper Fibers' and that the staff analysis clearly states that, after the mileage deduction, the award should be given to Potential Industries.

Mayor Hardison clarified the staff recommendation to award the contract to Quality Paper Fibers.

City Attorney Fellows advised that the contract will be awarded pursuant to the RFPs; that this is not a bid, and the City is not limited to a purely objective bottom line with the lowest bidder; that the City is interested in optimizing its returns, is not required to solely look to the highest dollar value to be received and is allowed to examine all intangibles; that, notwithstanding their efforts to address concerns expressed by the Council at a previous meeting, he is somewhat troubled that it took Potential Industries so long to obtain insurance coverage and begin movement in the direction staff feels they should have been a long time ago; and that the

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written material of record provided by Mr. Domonoske earlier in this discussion appears to be only one page out of a multi-page letter.

Mr. Fellows supplied detailed input regarding the Defense for the Reservation of Rights referred to by Mr. Domonoske earlier in this discussion. He explained that, contrary to the requirements of their current contract, Potential Industries has not yet indemnified the City and that this, alone, is not a disqualifying factor; but, it is an intangible that can be considered when making this decision.

MOTION: Councilmember Lee moved to concur with the staff recommendation. The motion was seconded by Councilmember O'Donnell and ultimately passed by unanimous roll call vote (absent Councilmember Walker).

Prior to roll call vote, Councilmember Lee voiced his understanding that the Defense for the Reservation of Rights is nothing like extending the coverage. He stated his support of the staff recommendation to award the contract to Quality Paper Fibers.

Mr. Domonoske expressed his understanding, that according to discussion of this topic at a previous City Council meeting, Potential Industries' responsibilities can be met either through indemnifying themselves or by providing an insurance company to do so (which they have done). He clarified that the original lawsuit did not involve Potential Industries, but was against the City of Torrance for employee negligence, and that the contract stipulated an exception to the indemnification based on the City's negligence. Mr. Domonoske recommended that a determination on this item be postponed for the Council to full understand the consequences of awarding the contract to Quality Paper Fibers.

City Attorney Fellows stated his adamant disagreement with the comments made by Mr. Domonoske.

The motion to concur with the staff recommendation was passed by unanimous roll call vote, absent Councilmember Walker.

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13. **ADMINISTRATIVE MATTERS**

13a. **RESOLUTION RE MEMORANDUM OF UNDERSTANDING FOR TMEO**

Recommendation

The City Manager recommends the approval of the Memorandum of Understanding (MOU) with the Torrance Management Employees Organization (TMEO) and adoption of the implementing resolution.

City Clerk Herbers read aloud the number and title of Resolution No. 98-86.

MOTION: Councilmember Nakano moved for the adoption of Resolution No. 98-86. The motion was seconded by Councilmember Messerlian and passed by unanimous roll call vote, absent Councilmember Walker.

RESOLUTION NO. 98-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TORRANCE GOVERNING EMPLOYMENT COMPENSATION
PROVISIONS FOR EMPLOYEES REPRESENTED BY THE
TORRANCE MANAGEMENT EMPLOYEES ORGANIZATION
(TMEO)

13b. **STATUS REPORT ON EMPLOYEE RELATIONS (LABOR NEGOTIATIONS)**

Mr. Alan Lee, President, American Federation of State, County and Municipal Employees (AFSCME) Local 1117, contended that it would not be appropriate to discuss labor negotiations in this forum. Should the specifics of the negotiations be discussed by City staff, Mr. Lee asked that the union be given an opportunity to respond.

Mayor Hardison stated her understanding that specific information will not be provided during the staff report.

Assistant to the City Manager Keene provided a brief update on the status of labor negotiations. She advised that, as of this time, the City is not at an impasse with any employee groups.

Mr. Patrick Astredo, Executive Board Member, AFSCME Local 1117, related his confusion over specific information having been provided by Assistant to the City Manager Keene. He commented that the contract has expired; that this matter needs to be resolved in a timely manner; that he has tremendous faith in the negotiators; and that AFSCME, various City Councilmembers and the City have made great strides in the negotiation process.

Mr. David Cochran, serving as AFSCME Council 36 Business Representative and representing AFSCME Local 1117, stated his impression that specific information was not to have been discussed this evening. He voiced his hope that the City Council will remember that City workers make Torrance the excellent place in which it is to live and that the Council will encourage City Management to approach the workers in a fair and just way.

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Mr. Lee came forward again to discuss the importance of a fair contract. Inasmuch as the contract expired approximately two weeks ago, Mr. Lee maintained that the City Council should have become involved in this process earlier. He explained his understanding that specifics were not to have been discussed this evening; noted that, according to a City survey, approximately one-half of the employees working in positions represented by AFSCME receive below-average wages; and expressed his hope that the Council will give Management some authority and direction to bring the contract to a speedy and fair resolution.

Mayor Hardison responded that, approximately three weeks ago, she expressed concern to AFSCME that the first of July was approaching and a contract had not been agreed to.

Mr. Lee stated that AFSCME initiated the contact with Mayor Hardison because they were also concerned that the contract was going to expire.

Mayor Hardison clarified that the Council has shared AFSCME's concerns about the contract expiring and that the Councilmembers have been approachable.

13c. **CHAMBER OF COMMERCE AGREEMENT FOR FISCAL YEAR 1998-1999**

Recommendation

A recommendation of the City Manager for the City Council to approve two agreements with the Torrance Area Chamber of Commerce:

1. For the performance of specified professional services by the Torrance Area Chamber of Commerce in an amount not to exceed \$7,434; and
2. For the operation of the Torrance Conference and Visitors' Bureau for an amount not to exceed \$57,375.

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

18. **ADDENDUM MATTERS**

None.

19. **ORAL COMMUNICATIONS**

19a. City Manager Jackson introduced newly appointed Fire Chief Rick Bongard.

The Council welcomed Fire Chief Bongard who, in turn, thanked the Council and City Manager Jackson for having appointed him.

19b. Councilmembers Lee and O'Donnell and Mayor Hardison voiced their appreciation of the recent Torrance Air Fair.

Mr. Tom Barringer (address inaudible) related his displeasure with the unfortunate grounding of the F-18 Hornets during the Fair.

Mr. Gary Kovacs, 2528 W. 234th Street, serving as a volunteer at the recent Torrance Air Fair, voiced his concern that the F-18 Hornets were not allowed to fly. In view of the efforts that take place to abate Airport noise the remainder of the year, Mr. Kovacs stated his disappointment that the City did not allow them to fly for two fifteen minute periods during the Fair.

Ms. Shirley Turner, 23216 Juniper Avenue, elaborated on her concern that the F-18 Hornets were not allowed to fly at the recent Air Fair.

19c. Ms. Shirley Turner, 23216 Juniper Avenue, explained her continuing support for closing Plaza Del Amo between the entrance to the Madrona Marsh preserve and Madrona Avenue to implement the Strategic Plan and provide safety.

City Manager Jackson advised that, as shown on page 4 of the meeting agenda, Bid No. B98-30 to install a new traffic signal and street improvement for the Madrona Marsh Nature Center is scheduled to open on July 23, 1998, with the construction of the traffic signal to begin shortly thereafter.

Mr. Jackson clarified that Plaza Del Amo and Monterey Street were studied as part of the Environmental Impact Report (EIR) for the entire Park Del Amo development and that the City has no plans to revoke the actions of the EIR or the requirements pertaining to the tract.

Mayor Hardison explained that she could not support the idea of closing either Plaza Del Amo or Monterey Street. She related her understanding that her fellow Councilmembers would also not agree to do so.

Ms. Turner pointed out that, after 35 years, the configuration of 235th Street was changed. She invited the Council to visit Plaza Del Amo to examine the unsafe traffic conditions there, particularly because of vehicles moving at excessive speeds. She asked the Council to consider the increased number of pedestrians who will use Plaza Del Amo in the future.

19d. Ms. Shirley Turner, 23216 Juniper Avenue, announced the upcoming Summer Science Camp at the Madrona Marsh, 1:00 P.M. to 4:00 P.M., July 13 to 17, 1998.

19e. Referring to his June 12, 1998 letter, Charles Boughton came forward to discuss his concerns over drainage problems and inappropriate activities taking place on the vacant property adjacent to the new Texaco Starmart in north Torrance. He related his understanding that the construction of a Cal Trans Park and Ride Lot on the property has been put on hold for approximately three to four years and requested that the Council address this issue.

Mayor Hardison stated the Council's lack of awareness that the construction of a Park and Ride Lot on the above-mentioned property has been put on hold. She asked staff to look into and report back to the speaker on this matter.

20. **EXECUTIVE SESSION**

Pursuant to Government Code Section Nos. 54957.6, 54957 and 54956.8, at 8:15 P.M., the Council entered into a closed session to discuss the matters listed on the meeting agenda, as well as "Mitsubishi Motor Sales, Inc." (added to the "Executive Session" portion of the agenda earlier in the meeting - see page 1).

At 10:20 P.M., the Council returned to open session.

21. **ADJOURNMENT**

At 10:20 P.M., the meeting was adjourned to Tuesday, July 21, 1998, 5:30 P.M., to conduct a Council Workshop in the West Annex, with the regular meeting commencing at 7:00 p.m. in Council Chambers.