

March 25, 1997

**MINUTES OF AN ADJOURNED REGULAR  
MEETING OF THE TORRANCE CITY COUNCIL**

**OPENING CEREMONIES**

1. **CALL TO ORDER**

The Torrance City Council convened in an adjourned regular session at 6:00 P.M. on Tuesday, March 25, 1997, in the City Council Chambers of Torrance City Hall.

**ROLL CALL**

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

Absent: Councilmember Walker (See Below).

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

\*

Mayor Hardison noted Councilmember Walker's absence from this meeting due to illness.

\*

Agenda Item No. 12a was considered out of order at this time.

12a. **HEARING RE APPEAL OF BUS OPERATOR KENNETH JOHNSON**

**Recommendation**

Kenneth Johnson was dismissed for misconduct from his position as Bus Operator with the Fleet Services Department. The Civil Service Commission, following a hearing, sustained the charges. The employee has now appealed that decision to the City Council. The Civil Service Administrator recommends the appeal be heard by the City Council.

Mayor Hardison announced that, pursuant to Government Code Section 54956, discussion of Agenda Item No. 12a would be conducted in a closed session. She asked those present not involved in the hearing to exit Council Chambers.

Mayor Hardison read aloud from a prepared statement (of record) providing background information on this matter.

On behalf of the appellant, Mr. Richard Burton came forward to advise that the appellant and a witness were not present. Mr. Burton explained that Bus Operator

City Council  
March 25, 1997

Johnson represented himself originally without understanding the procedures and the necessity of bringing forward his witness; and that the witness, Mr. Tito Voorhees, was prevented by his employer (the body which terminated Bus Operator Johnson) from attending Bus Operator Johnson's hearing before the Civil Service Commission.

Due to the absence of both the appellant and the witness, Mr. Burton asked the Council to examine what the proposed testimony would be and to determine whether or not it would be sufficient grounds to hear the evidence itself at a later date.

For the City, Assistant City Attorney Ronald Pohl maintained that the absence of the appellant and the witness should not affect the Council going forward with consideration of this matter. He explained that, according to the Code, new and substantial evidence which could not have been produced with the use of due diligence at the Civil Service Commission level would be a basis for the Council to send it back to the Commission for further hearing; however, there is none.

Assistant City Attorney Pohl reviewed a written brief and exhibits (of record), pointing out that, in the Declaration filed by Mr. Burton, it was stated that it would not be necessary to subpoena Mr. Voorhees because he was a friendly witness; that, with regard to Exhibit "B" of the Civil Service Commission transcript, witnesses were not subpoenaed because he did not know who they are; that the union representative was supposed to bring the witnesses to this hearing; and that, therefore, this is not a situation involving due diligence. Assistant City Attorney Pohl explained that, as reflected in Exhibit "C," Mr. Voorhees was released from work at 9:57 P.M. so he had 58 minutes to get to the hearing and testify, had he chosen to do so; and that therefore, there is no basis for Mr. Voorhees' opinion about the appropriateness of the penalty.

The Council agreed there was no new and substantial evidence which, with the use of due diligence, could not reasonably be expected to have been presented to the Civil Service Commission. The hearing continued.

Mayor Hardison continued reading aloud from a prepared statement, supplying instructions with regard to the procedures for conducting the hearing. The Council and the representatives concurred with the procedures.

Mr. Burton declined the opportunity to present an argument on the appellant's behalf.

Assistant City Attorney Pohl advised that, other than the record and the documents he filed, he had no argument.

## 20. **EXECUTIVE SESSION**

At 6:10 P.M., the Council recessed into Executive Session to consider the appeal of Bus Operator Kenneth Johnson.

City Council  
March 25, 1997

At 6:39 P.M., the Council returned to Council Chambers and a motion was offered as follows.

**MOTION:** Councilmember Lee moved to uphold the Civil Service Commission's ruling, thereby sustaining the dismissal of Bus Operator Kenneth Johnson. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote, absent Councilmember Walker.

\*

At 6:35 P.M., there was a recess until 7:01 P.M. when the meeting reconvened in regular agenda order.

\*

2. **FLAG SALUTE/INVOCATION**

The Pledge of Allegiance was led by Junior Girl Scout Troop #979 (Troop Leader Lisa Neumeyer).

The invocation for the meeting was given by Pastor John Gross of Ascension Lutheran Church.

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

**MOTION:** Councilmember Lee 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 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 reads number and title to any resolution or ordinance of the agenda for the meeting, the further reading thereof 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 it was so ordered without objection by Mayor Hardison (absent Councilmember Walker).

4. **WITHDRAWN/DEFERRED ITEMS**

Mayor Hardison advised that Agenda Item No. 14a (Del Amo Fashion Center) was withdrawn.

City Manager Jackson announced that Agenda Item No. 13b (Resolution Re Joint Powers Authority [JPA]) was withdrawn.

\*

At this time, Mayor Hardison noted supplemental material available to interested parties concerning Agenda Item Nos. 7c (Monthly Investment Statement for February 1997) and 7e (Appropriation of Funds from the Asset Forfeiture Fund).

\*

City Council  
March 25, 1997

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

**Citizen Development and Environment Committee**

Monday, March 31, 1997, 5:30 P.M., 3rd Floor Assembly Room  
Subject: Gymnasium at Wilson Park

**Budget Workshops**

Wednesday, May 28, 1997, City Council Chambers  
Tuesday, June 3, 1997  
Thursday, June 5, 1997

Councilmember O'Donnell announced an upcoming meeting of the Torrance Rose Float Association ad hoc committee to be held on Monday, April 7, 1997, time and location to be determined.

Councilmember Lee advised that an Armed Forces Day Committee meeting will be scheduled in the near future.

6. **COMMUNITY MATTERS**

6a. **RECOGNITION RE EVALYN CLAXTON AND CARL DUNCAN**

The Council presented a plaque to retiring Crossing Guard Carl Duncan in recognition of his outstanding service to the City of Torrance.

Due to her absence from this meeting, a plaque will be presented to Ms. Evalyn Claxton at a future meeting).

7. **CONSENT CALENDAR**

7a. **APPROVAL OF MINUTES - March 4, 1997**

7b. **PROFESSIONAL SERVICES AGREEMENTS RE PUBLIC WORKS CIP**

**RECOMMENDATION**

The Engineering Director recommends that the City Council approve two new agreements and an amendment to one existing agreement for professional services for three projects included in the 1995-1998 Public Works Capital Improvement Program

City Council  
March 25, 1997

7c. **STATEMENT OF INVESTMENT ACTIVITY FOR FEBRUARY 1997**

**RECOMMENDATION**

The City's Statement of Investment Policy requires the City Treasurer to report a monthly statement of investment activity. The City Treasurer recommends that the City Council accept and file the subject report.

7d. **AGREEMENT RE EMERGENCY WATER SUPPLY INTERCONNECTION**

It is the recommendation of the Engineering Director that City Council: (1) Approve an agreement; and (2) Authorize the Mayor to execute and the City Clerk to attest to this agreement on behalf of the City, for emergency water supply interconnection between the City of Torrance and California Water Service at Walnut Street south of Sepulveda Boulevard.

7e. **REQUEST TO APPROPRIATE \$75,000 OF ASSET FORFEITURE FUNDS**

Considered separately (see page 6).

7f. **FUNDING FOR AND PURCHASE OF THE AUTO CITE PROJECT**

**RECOMMENDATION**

The Chief of Police recommends that the City Council approve a revenue increase of \$56,879 in the Impound Release Fee budget estimate and an appropriation in the same amount for the purchase of Auto Cite software and related hardware pursuant to Fiscal Year 1996-1997 Budget Adjustment #10, and complete funding during Fiscal Year 1997-1998.

**MOTION:** Councilmember O'Donnell moved for the approval of the Consent Calendar as written, with the exception of Item No. 7e (Request to Appropriate \$75,000 of Asset Forfeiture Funds) which was considered later in the meeting (see page 6). The motion was seconded by Councilmember Messerlian and passed by unanimous roll call vote, absent Councilmember Walker.

Consent Calendar Item No. 7e was considered separately at this time.

7e. **REQUEST TO APPROPRIATE \$75,000 OF ASSET FORFEITURE FUNDS**

**RECOMMENDATION**

The Chief of Police and Finance Director recommend that City Council authorize the appropriation of \$75,000 from asset forfeiture to:

- o Provide \$197,973 to meet the cash match for the Bureau of

City Council  
March 25, 1997

Justice Assistance (BJA) block grant;

- o Purchase SWAT and South Bay Platoon equipment worth an estimated \$35,000; and
- o Provide funding in the amount of \$20,000 for minor purchases of asset forfeiture related equipment and supplies.

Councilmember O'Donnell related her concern that the Local Advisory Board required as part of the Bureau of Justice Assistance (BJA) block grant would remove from the Council authority with respect to the Police Department. She asked for clarification as to the purview of the Local Advisory Board.

City Manager Jackson advised that, per the original grant application, the only power of the Local Advisory Board would be to review Police Department proposals and make suggestions to the Council, which would have the final authority.

Councilmember O'Donnell questioned the need for the grant if it requires the establishment of a Local Advisory Board. She stated her concern about the past history of advisory boards in other communities, as well as the potential for serious ramifications down the road.

Mayor Hardison recalled the Council's prior approval of applying for and accepting the grant, including the Local Advisory Board's purpose to meet, give recommendations to the Council and then be disassembled.

City Manager Jackson advised that the Local Advisory Board would be active for a period of no more than 60 days from the date of its creation to the time the report is presented to the City Council for action and that the selection of the Board members would be presented for the Council's consideration.

Following questions from Councilmember Cribbs, staff provided input relevant to "revolving" funds and verified that the City has received the BJA block grant funds.

Councilmember Cribbs supported continuing the past practice of the Council reviewing purchases made with BJA grant funds, as well as deferring action on the recommendation for the City to provide \$19,973 to meet the cash match for the BJA block grant until all items are completed.

Councilmember Lee related his understanding that an effort will be made to vary the members on the Local Advisory Board, as well as those on other committees in the City. He stated his agreement with his fellow Councilmembers' concerns.

Mayor Hardison expressed her interest in seeing the Police Department's input on the purview of the Local Advisory Board.

**MOTION:** Councilmember Cribbs moved to concur with the staff recommendation to purchase SWAT and South Bay Platoon equipment in an estimated amount of \$35,000. The motion was seconded by Councilmember Lee and passed by unanimous roll call vote, absent Councilmember Walker.

**MOTION:** Councilmember Cribbs moved to concur with the staff recommendation to provide funding in the amount of \$20,000 for minor purchases of asset forfeiture related equipment and supplies on a one-time basis. The motion was seconded by Councilmember Lee and passed by unanimous roll call vote, absent Councilmember Walker.

**MOTION:** Councilmember Cribbs moved to defer action on the recommendation to provide \$19,973 to meet the cash match for the Bureau of Justice Assistance (BJA) block grant until all items are completed. The motion was seconded by Councilmember Lee and passed by unanimous roll call vote, absent Councilmember Walker.

12. **PERSONNEL MATTERS**

12a. **HEARING RE APPEAL OF BUS OPERATOR KENNETH JOHNSON**

Considered earlier in the meeting (see page 1).

12b, **APPROPRIATION RE MANAGEMENT DEVELOPMENT TRAINING SERVICES**

**RECOMMENDATION**

The Personnel Director recommends the Council allocate an additional \$23,800 from Fiscal Year 1996-1997 training funds for the extension of a contract with the University of California Los Angeles (UCLA) to provide management development training services and authorize the Mayor to execute and the City Clerk to attest the extended contract, subject to the City Attorney's approval as to form.

**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.

13. **ADMINISTRATIVE MATTERS**

13a. **RESOLUTION RE USED OIL RECYCLING BLOCK GRANT APPLICATION**

**RECOMMENDATION**

The Street Services Director recommends that the City adopt the resolution authorizing a used oil recycling block grant application.

City Clerk Herbers read aloud the title of Resolution No. 97-34.

**MOTION:** Councilmember Nakano moved for the adoption of Resolution

No. 97-34. The motion was seconded by Councilmember Messerlian and passed by unanimous roll call vote, absent Councilmember Walker.

**RESOLUTION NO. 97-34**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
TORRANCE AUTHORIZING A USED OIL RECYCLING  
BLOCK GRANT APPLICATION

13b. **ESTABLISHMENT OF A TORRANCE PUBLIC FINANCING AUTHORITY**

Withdrawn (see page 3).

13c. **ORDINANCE RE MULTI-STEP SEALED BIDDING**

**RECOMMENDATION**

The City Attorney recommends that an urgency ordinance creating a multi-step sealed bidding process be adopted for the City's use in purchasing products and in constructing public works projects.

City Attorney Fellows advised that, as documented in supplemental material of record provided to the Council during the meeting, there is no longer a need to consider adopting the ordinance on an urgency basis in that the City is deferring consideration of the planning items for the proposed expansion of Del Amo Fashion Center. He recommended that the standard procedures for adopting ordinances be followed.

City Clerk read aloud the title of Ordinance No. 3432.

**MOTION:** Councilmember Nakano moved for the adoption of Ordinance No. 3432. The motion was seconded by Councilmember Messerlian and passed by unanimous roll call vote, absent Councilmember Walker.

**ORDINANCE NO. 3432**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF TORRANCE ADDING SECTIONS 22.3.19 THROUGH  
22.3.23 OF THE TORRANCE MUNICIPAL CODE RELATING  
TO MULTI-STEP SEALED BIDDING

14. **HEARINGS**

14a. **DEL AMO FASHION CENTER**

Withdrawn (see page 3).



16. **SECOND READING ORDINANCES**

16a. **ORDINANCE NO. 3431 RE RECLASSIFICATION OF PROPERTIES  
- SECOND AND FINAL READING**

City Clerk Herbers read aloud the title of Ordinance No. 3431.

**MOTION:** Councilmember Nakano moved for the adoption of Ordinance No. 3431. The motion was seconded by Councilmember Messerlian and passed by unanimous roll call vote, absent Councilmember Walker.

**ORDINANCE NO. 3431**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AMENDING DIVISION 9 OF THE TORRANCE MUNICIPAL CODE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT 2616 TO 2628 TORRANCE BOULEVARD FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO C-1 (RETAIL COMMERCIAL)

18. **ADDENDUM MATTERS**

None.

19. **ORAL COMMUNICATIONS**

19a. Commending the pleasing nature of the Downtown redevelopment and the good condition in which most residential properties on Sartori Avenue are kept, Councilmember Lee voiced his concern over the poor condition of Sartori Avenue in the vicinity of the railroad property.

19b. Councilmember Messerlian requested input on the status of the property at the southeast corner of Pacific Coast Highway and Hawthorne Boulevard. He related his understanding that it is used by vagrants.

19c. Councilmember O'Donnell related a citizen inquiry concerning the possibility of installing additional park benches in El Prado Park.

19d. Councilmember O'Donnell expressed her pleasure with having attended a dinner honoring South Bay Special Olympic athletes.

19e. Councilmember O'Donnell invited interested parties to a Torrance Historical Society bus trip to the Orange Empire Railway Museum on Sunday, April 27, 1997, 8:30 A.M. to 3:00 P.M.

City Council  
March 25, 1997

19f. The quality of the railroad crossing at Cabrillo Avenue near Torrance Park was questioned by Mayor Hardison.

20. **EXECUTIVE SESSION**

Considered earlier in the meeting (see page 3).

21. **ADJOURNMENT**

At 7:45 P.M., the meeting was adjourned to Tuesday, April 1, 1997, 7:00 P.M.