

I N D E XCity Council - April 6, 1982

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Ava Cripe
Minute Secretary

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MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCILOPENING CEREMONIES:1. CALL TO ORDER:

The Torrance City Council convened in a Regular Meeting on Tuesday, April 6, 1982, at 5:30 P.M. in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

Present: Councilmembers Applegate, Rossberg, Walker and Wirth. Councilwoman Geissert arrived at 5:45 P.M.

Absent: Councilman Wilson, Mayor Armstrong (with Sister City delegation in Kashiwa, Japan).

Also present: City Manager Ferraro and Staff representatives.

In the absence of Mayor Armstrong, the meeting was conducted by Mayor Pro Tem Applegate.

3. FLAG SALUTE:

Civil Service Administrator Ghio led in the salute to the flag.

4. INVOCATION:

The invocation was given by Reverend Frank Morley, Church of the Nazarene.

STANDARD MOTIONS:5. APPROVAL OF MINUTES:

None available.

6. MOTION TO WAIVE FURTHER READING:

Councilman Walker moved that after the City Clerk has assigned a number and read title to any resolution or ordinance on tonight's agenda, the further reading thereof

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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 Councilman Wirth, and roll call vote was unanimously favorable (Councilwoman Geissert had not yet arrived at the meeting; Councilman Wilson, Mayor Armstrong absent).

7. COUNCIL COMMITTEE MEETINGS:

None scheduled.

10. TRANSPORTATION/PUBLIC WORKS MATTERS:

10a. APPROPRIATION OF FUNDS FOR CONSTRUCTION OF CROSS GUTTER AND STREET IMPROVEMENTS.

RECOMMENDATION OF CITY ENGINEER:

That your Honorable Body appropriate \$20,000 in Gas Tax Funds for the construction of improvements at:

1. Van Ness Avenue at Artesia Boulevard; and
2. The north one-half of 238th Street west of Hawthorne Boulevard.

MOTION: Councilman Rossberg moved to concur with the above stated recommendation of the City Engineer. His motion was seconded by Councilman Walker, and roll call vote was unanimously favorable (Councilwoman Geissert had not yet arrived at the meeting; Councilman Wilson, Mayor Armstrong absent).

10b. INSTALLATION OF TRAFFIC SIGNAL AT OCEAN AVENUE AND PACIFIC COAST HIGHWAY.

Withdrawn.

15. HEARINGS:

15a. PUBLIC HEARING ON ASSESSING THE COSTS OF CONSTRUCTION OF STREET IMPROVEMENTS AT VARIOUS LOCATIONS UNDER THE PROVISIONS OF CHAPTER 27, 1911 ACT - ASSESSMENT DISTRICT PROJECTS 81-1 THROUGH 81-7.

Mayor Pro Tem Applegate announced that this was the time and place for the advertised public hearing on costs of construction of street improvements at various locations under the

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provisions of Chapter 27, 1911 Act, Projects 81-1 through 81-7. City Engineer Bourbonnais confirmed that the notices were mailed and posted, and advised that no written protests were received.

Mayor Pro Tem Applegate then inquired if anyone wished to be heard.

Mr. Gabriel Cosoleto, 3445 Emerald Street, expressed concern regarding the payment of the assessment based on the financial hardship thereof. It was clarified by City Engineer Bourbonnais that it is a Staff recommendation that the Council establish the payment schedule at a maximum of ten years at a 7% interest rate. Mr. Cosoleto advised that this arrangement would be satisfactory to him. It was the request of Councilman Rossberg that Staff advise Mr. Cosoleto as to the exact amount to be paid as well as the billing procedure.

There being no one else present who wished to be heard, Councilman Walker moved that the hearing be closed. His motion was seconded by Councilwoman Geissert, and roll call vote was unanimously favorable.

At the request of Mayor Pro Tem Applegate, City Clerk Babb assigned a number and read title to:

RESOLUTION NO. 82-74

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TORRANCE ASSESSING THE COST OF
CONSTRUCTION OF CURBS, GUTTERS, SIDEWALKS
AND DRIVEWAYS IN FRONT OF CERTAIN PROPERTIES
IN SAID CITY PURSUANT TO CHAPTER 27, DIVISION
7, OF THE STREETS AND HIGHWAYS CODE (SHORT
FORM IMPROVEMENT ACT OF 1911)

MOTION: Councilwoman Geissert moved for the adoption of Resolution No. 82-74 and for concurrence with the Staff recommendation that a payment schedule at a maximum of ten years at a 7% interest rate be established, at the option of the property owner. The motion was seconded by Councilman Rossberg; roll call vote was unanimously favorable (Councilman Wilson, Mayor Armstrong absent).

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17. ADMINISTRATIVE MATTERS:

17a. APPEAL OF DECISION BY ADMINISTRATIVE HEARING BOARD -
Case: David S. Kirbach - Aircraft Noise Exceedance,
Site #6, Lomita, California, on January 2, 1981.

17b. APPEAL OF DECISION BY ADMINISTRATIVE HEARING BOARD -
Case: David S. Kirbach - Aircraft Noise Exceedance,
Site #6, Lomita, California, on January 2, 1982.

Mayor Pro Tem Applegate announced that this was the time, date and place to hear the two appeals of David S. Kirbach from two separate decisions of the Administrative Hearing Board finding that Mr. Kirbach violated the City's noise ordinance. Procedures to be followed and Council alternatives were outlined by Mr. Applegate, noting that Mr. Kirbach has raised various points of law as grounds for his appeal in each of the two hearings. However, the Council will not decide questions on the constitutionality or the legality of the applicable City ordinance provision, assuming that applicable provisions are legally enforceable; Mr. Kirbach has the right to raise such issues of law in the Superior Court in the event of a later judicial proceeding in this matter, and the Council recognizes that he has preserved his right to do so by including those issues as grounds of appeal in these two hearings now before the Council, per Mayor Pro Tem Applegate.

Mr. Kirbach was then requested to present his case by Mayor Pro Tem Applegate, after it was confirmed that the Council had read all the material in this matter and that the procedures outlined met with the approval of the Council and all interested parties.

Mr. David Kirbach, 27520 Hawthorne Boulevard, Rolling Hills Estates, stated his opinion that the ordinances are needed; that his appeal is a technical one, as noted by the record. Mr. Kirbach then stated that the airplane involved - a Model 680B Aero Commander - necessitates the inducing of cooling into the plane and the resultant noise. It was further stated by Mr. Kirbach that he has no further argument in the matter; his only arguments are legal issues and not appropriate at this point.

Representing the Administrative Hearing Board, Captain Jim Popp stated that the case is self-explanatory by way of material, of record, and the above comments of Mr. Kirbach.

Mr. Kirbach returned to further comment that his first conviction was on the presumption that he was the pilot, minus any evidence to this effect, based upon the City ordinance which holds that whoever owns the airplane is presumed to be flying it -- in this case, Sequoia Leasing was the owner of the plane; this is a partnership and a partnership can't be a pilot.

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Council discussion was directed to Sequoia Leasing procedures re: flight logs, flight plans, records, etc. Mr. Kirbach advised that flight records are not maintained by Sequoia Leasing, only pertinent financial records. The possible banning of offensive aircraft was also discussed.

Councilman Rossberg requested an Executive Session in this matter; there were no objections. City Attorney Remelmeyer advised that he and the City Manager would not participate in the Session, although he would be available for any legal questions.

The Council thereupon recessed for an Executive Session -- the hour being 6:10 P.M. On their return at 6:20 P.M. the following action was taken:

MOTION: Councilwoman Geissert moved that the Council concur with the Administrative Hearing Board on the second violation, which would be both against Mr. Kirbach as the pilot and the aircraft -- in the case of the first violation, since it is not clearly identified who the pilot was but the plane was identified, that the violation be logged against the aircraft. The motion was seconded by Councilman Rossberg, and roll call vote was unanimously favorable (Councilman Wilson, Mayor Armstrong absent).

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17c. PUBLIC EMPLOYEES' RETIREMENT SYSTEM COST-OF-LIVING INCREASES.

RECOMMENDATION OF THE FINANCE AND GOVERNMENTAL OPERATIONS COUNCIL COMMITTEE:

That Council:

Adopt the subject resolution supporting the City of Anaheim's SB-90 claim for reimbursement of costs incurred as a result of the 1980 passage of AB 2674;

Adopt the subject resolution opposing the cost-of-living adjustment financing mechanisms in AB-2344; and

Direct Staff to investigate and report on the options available to the City for providing for the adjustment of benefits for retirees.

Committee findings were reviewed by Councilman Rossberg, noting that Staff will come up with options, this being a negotiating item at contract time. It was the request of Councilwoman Geissert that there be a recap of the one-time increase given Safety retirees a few years back.

MOTION: Councilman Rossberg moved to concur with the above stated recommendation of the Finance Committee. His motion was seconded by Councilman Applegate, and roll call vote was unanimously favorable (Councilman Wilson, Mayor Armstrong absent).

Representing TPOA, Sergeant Harold Maestri expressed appreciation for the consideration given this retirement cost-of-living item; the position taken is understood, and they are very much encouraged by the supportive attitude of the Council in wanting to do something for the retirees; they are looking forward to working with Staff and the Council to achieve these goals.

RESOLUTION NO. 82-75

A RESOLUTION OF THE COUNCIL OF THE
CITY OF TORRANCE SUPPORTING THE CLAIM
OF THE CITY OF ANAHEIM FOR STATE-MANDATED
COSTS ASSOCIATED WITH CHAPTER 1244,
STATUTES OF 1980

Councilwoman Geissert moved for the adoption of Resolution No. 82-75. Her motion was seconded by Councilman Rossberg, and roll call vote was unanimously favorable (Councilman Wilson, Mayor Armstrong absent).

RESOLUTION NO. 82-76

A RESOLUTION OF THE COUNCIL OF THE CITY
OF TORRANCE OPPOSING THE PASSAGE OF
AB 2344 AND OTHER LEGISLATION VIOLATING
CERTAIN FINANCING PRINCIPLES IN PROVIDING
COST-OF-LIVING ADJUSTMENTS FOR PERS
RETIREES

Councilwoman Geissert moved for the adoption of Resolution No. 82-76. Her motion was seconded by Councilman Rossberg, and roll call vote was unanimously favorable (Councilman Wilson, Mayor Armstrong absent).

18. SECOND READING ORDINANCES:18a. ORDINANCE NO. 3039 re: Fireworks.

MOTION: Councilwoman Geissert moved to continue this matter until the Council meeting of April 13th when a full Council will be present. The motion was seconded by Councilman Wirth. There were no objections, and it was so ordered.

20. CONSENT CALENDAR:20a. TRACT NO. 40564.

Subdivider: Swanson

Location: Between Paseo de las Tortugas and Bluff
Street, west of Via Valmonte

No. of Lots: 2

RECOMMENDATION OF CITY ENGINEER/PLANNING DIRECTOR:

That Final Tract Map No. 40564 be approved.

20b. RELEASE OF SUBDIVISION BONDS - Tract No. 35716

Subdivider: R.G. Garland Corporation

Location: South side of Western, north of 184th Street.

RECOMMENDATION OF CITY ENGINEER:

That the subject bonds be released.

20c. AWARD OF CONTRACT - Re: Furnishing Stationery and Office Supply Item required. Ref. Bid No. B82-14
Estimated Expenditure: \$27,579.38RECOMMENDATION OF PURCHASING AGENT/BUYER:

That Council award five 6-month contracts based upon the "Low Responsive Bid" received for the City's stationery requirements as follows:

1. Award a contract for 77 of the stationery bid items to the J.K. Gill Stationers of the City of Industry in the total amount of \$9,110.89 (including tax).

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2. Award a contract for 63 of the stationery bid items to the Eastman, Inc. Company of Long Beach in the amount of \$6,406.54 (including tax).
3. Award a contract for 48 of the stationery bid items to the Bevco Office Products Company of Carson in the total amount of \$6,597.84 (including tax).
4. Award a contract for 32 of the stationery bid items to the Stationers Corporation of Los Angeles in the total amount of \$3,019.00 (including tax).
5. Award a contract for 41 of the stationery items to the Bayless Stationers Company, Inc. of Inglewood in the total amount of \$2,445.01 (including tax).

MOTION: Councilman Rossberg moved to concur with Staff recommendations on agenda items 20a, 20b and 20c. His motion was seconded by Councilman Walker, and roll call vote was unanimously favorable (Councilman Wilson; Mayor Armstrong absent).

22. ORAL COMMUNICATIONS:

22a. Councilwoman Geissert inquired as to the status of the difficulty encountered this date, at approximately 4:00 P.M., when the petitions relating to the Park Del Amo Project were submitted to the City Clerk.

It was stated by City Attorney Remelmeyer that the City Clerk, according to the law, has a reasonable time to determine whether or not there are sufficient signatures to qualify the referendum for the ballot -- they will be officially filed only when Mrs. Babb makes the determination that the petition contains the requisite number of signatures.

City Clerk Babb advised that in looking through the first few boxes received she discovered that there were a number of blank pages in the groups of stapled petitions which will necessitate detailed scrutiny of the petitions submitted -- a reasonable length of time would be approximately three hours on Wednesday morning.

22b. Councilman Rossberg recommended Staff and Airport Commission review of Airport and noise ordinance matters -- specifically as it relates to registration of airplanes on the Airport re: ownership with information as well where partnerships are concerned. Further, that there be a requirement where

there are changes in partnerships, it would be their responsibility to so advise the City -- with a corporation-owned plane, there should be pertinent information regarding the officers, along with some kind of "proof of corporation." Also, per Mr. Rossberg, there should be review re: avenues offered in the banning of aircraft -- what is reasonable and consistent? -- in cases of noise violations.

22c. Councilman Wirth requested Staff review and recommendation regarding keeping the Probation Office open in view of the proposed closure of this facility.

22d. City Clerk Babb requested Council approval of the transfer of funds to cover the cost of verifying the Park Del Amo petition signatures submitted this date.

MOTION: Councilman Walker moved to appropriate an amount not to exceed \$10,000 for the above stated purpose. His motion was seconded by Councilwoman Geissert, and roll call vote was unanimously favorable (Absent: Councilman Wilson; Mayor Armstrong).

22e. Dr. Robert Mantovani, 411 Camino de Encanto, reviewed the events which transpired with the filing of the Park Del Amo petitions at the City Clerk's Office this date -- "talk about confusion; it was chaos -- and it was rather sad to see this kind of thing happen in a City this size...."

22f. Mr. Sam Suitt, 1745 Maple Avenue, joined in expressing his disapproval at the events which occurred in the City Clerk's Office this date re: the Park Del Amo petitions -- like displeasure was indicated with the City Attorney's findings: "...to the City Clerk's satisfaction."

City Attorney Remelmeyer reaffirmed that he had never instructed the City Clerk not to take the petitions but that he had advised her she had a reasonable period of time in which to check the signatures and make a determination as to their validity. Desired clarification was also provided regarding the time period, the date as related to the referendum, etc.

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The hour being 7:00 P.M., the Council recessed and reconvened as the Redevelopment Agency, returning at 7:10 P.M.

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EXECUTIVE SESSION:

At 7:10 P.M. the Council convened in Executive Session, returning at 7:45 P.M. The following action was taken:

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MOTION: Councilman Rossberg moved to concur with the recommendation of the City Attorney to authorize a settlement in the David Hahn vs. City of Torrance case in the amount of \$15,000.00. The motion was seconded by Councilman Walker, and roll call vote was unanimously favorable (Absent: Councilman Wilson; Mayor Armstrong).

It was the comment of Mayor Pro Tem Applegate that the above settlement is only for the reason that the attorney's fees would far outweigh the cost of settlement; "there is absolutely no other reason the City of Torrance should have to pay this bill."

The meeting was regularly adjourned at 7:50 P.M.

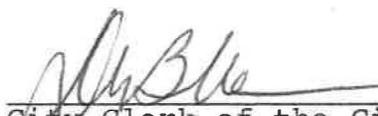
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Ava Cripe
Minute Secretary

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Mayor of the City of Torrance


City Clerk of the City of Torrance