

I N D E XTorrance City Council - December 11, 1984

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Peggy Laverty
Minute Secretary

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Prepared by Office of City Clerk
DONNA M. BABB, CITY CLERK

December 11, 1984

MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY
COUNCIL

The Torrance City Council convened in an adjourned regular meeting on Tuesday, December 11, 1984, at 6:00 p.m., in the Council Chambers at Torrance City Hall.

Present: Councilmembers Applegate, Geissert, Mock,
Nakano, Walker, Wirth and Mayor Armstrong.

Absent: None.

This meeting was convened at the hour of 6:00 p.m., for consideration of the following:

14. PERSONNEL MATTERS:

14a. Hearing on Appeal - Patrick Rivet.

Mayor Armstrong announced that this was the time and place to hear an appeal of a Civil Service Commission decision resulting in the demotion of Patrick Rivet, Building Maintenance Supervisor in the Building and Safety Department.

Mayor Armstrong provided the background history of the matter and the procedures to be followed at this hearing. Alternatives available to the Council were noted as follows:

1. Affirm the decision of the Civil Service Commission.
2. Affirm the decision of the Civil Service Commission but reduce the penalty.
3. Reverse in whole or in part the Commission's decision and reduce the penalty appropriately.
4. Return the matter to the Civil Service Commission if the Council finds their decision was not supported by substantial evidence or that new evidence has been discovered which could not have been presented by the exercise of due diligence at the original hearing.

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The principal parties involved indicated their approval of the established procedures to be followed at this hearing as related by Mayor Armstrong. All Councilmembers confirmed that they had read all pertinent material furnished, including the transcript of the Civil Service hearings.

Mayor Armstrong invited presentation by the appellant's attorney.

Representing the appellant, Patrick Rivet, Attorney Leo Geffner referenced the highly rated performance evaluations received by Mr. Rivet during his 8-year tenure with the City and in light of such, deemed Mr. Rivet's demotion and 30% reduction in salary as extremely punitive. The basic concept of progressive discipline has been violated in this case, per Mr. Geffner, there having been no record of a problem with Mr. Rivet's supervisory abilities reflected on his 8 years of performance evaluations.

Continuing, Mr. Geffner acknowledged "unfortunate instances" in the City involving some of the individuals under Mr. Rivet's supervision; however, stressed that Mr. Rivet is not accused of misconduct, nor is he accused of having knowledge that anybody in his Department under his supervision took time off when they shouldn't have for personal business -- Mr. Rivet is merely accused of not being a proper supervisor.

In conclusion, Mr. Geffner stated that the key to determining work performance in this type of Department is results -- in this case the users did not complain and the work was always done.

* * *

Mr. J. Mulkeen, Attorney for the City of Torrance in this matter, noted that, per Civil Service hearing testimony, Mr. Rivet did not adequately supervise his employees, nor did he coordinate their work activity -- further, per Mr. Mulkeen, there was not enough work to do, there was no system in place to cover such an eventuality, preventive maintenance was not practiced, etc.

Mr. Mulkeen continued to describe the atmosphere created by allowing employees to work during City time in the City Yard on personal projects; showing favoritism by allowing individuals to come in late and go home early; criticizing a Leadman for his desire to reprimand an employee for coming in late; etc. Attorney Mulkeen further maintained that any performance evaluation received by Mr. Rivet was by "trick and deceit" of his supervisor, Mr. Grippo.

* * *

In rebuttal, Mr. Geffner maintained that the only question in this case is that of responsibility for the employees who were found to have performed in a less than adequate manner and were, themselves, disciplined. In this case, per Mr. Geffner, Mr. Rivet was constantly told he was doing a good job; was given high performance evaluations; and then, without any real basis, was suddenly terminated.

Any claim that Mr. Grippo was deceived, Mr. Geffner deemed improper. The work was performed; the system of work orders had been in effect for many years; and users of the services of this department did not complain, per Mr. Geffner.

* * *

Responding, Mr. Mulkeen stated that the fact that user groups did not complain and the fact that the system had been in existence for years were not relevant. Per Mr. Mulkeen, there were no safeguards; no orderly distribution of work, etc. and, in his opinion, it is totally unacceptable to try to hold the Departmenthead (Mr. Grippo) responsible in such an instance.

* * * * *

The Council convened in Executive Session at 6:32 p.m., for deliberation in this matter, returning at 6:55 p.m., to take the following action:

MOTION: Councilman Applegate moved, in the matter of Patrick Rivet, that the Council affirm the decision of the Civil Service Commission with the appropriate demotion in job. The motion was seconded by Councilman Mock and carried by unanimous roll call vote.

* * *

The Council recessed at 6:56 p.m., returning at 7:00 p.m., to conduct the regular order of business as set forth on the following pages of these minutes.

* * *

3.

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MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The regular portion of the City Council meeting of December 11, 1984, convened at 7:00 p.m. (the Council having been in session in an adjourned regular meeting since the hour of 6:00 p.m.) in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

Present: Councilmembers Applegate, Geissert, Mock, Nakano, Walker, Wirth and Mayor Armstrong.

Absent: None.

Also present: City Manager Jackson and staff representatives.

3. FLAG SALUTE:

Boy Scout Troop #310, James Gordon, Scoutmaster, led in the salute to the flag.

4. INVOCATION:

Commander Lawrence Smith, recently retired Director of Salvation Army Services for the entire Western Territory of the United States, pronounced the invocation for the meeting.

STANDARD MOTIONS:

5. APPROVAL OF MINUTES:

Councilman Applegate MOVED for adoption of the minutes of November 13, 1984, as recorded. His motion, seconded by Councilwoman Geissert, was unanimously approved by roll call vote.

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6. MOTION TO WAIVE FURTHER READING:

Councilman Applegate 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 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 Councilwoman Geissert, and roll call vote was unanimously favorable.

7. COUNCIL COMMITTEE MEETINGS:

Community Planning and Design - to meet in January, rather than December 20, as previously scheduled.

8. COMMUNITY MATTERS:

8a. Resolution Congratulating Eugene Oshiro.

RESOLUTION NO. 84-325

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE CONGRATULATING EUGENE OSHIRO FOR HIS ASSISTANCE TO THE TORRANCE POLICE DEPARTMENT

MOTION: Councilwoman Geissert moved for the adoption of Resolution No. 84-325. Her motion was seconded by Councilman Mock, and roll call vote was unanimously favorable.

8b. Resolution Recognizing Torrance Unified School District Transportation Department.

RESOLUTION NO. 84-326

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE COMMENDING THE TORRANCE UNIFIED SCHOOL DISTRICT TRANSPORTATION DEPARTMENT FOR THEIR OUTSTANDING SAFETY RECORD

MOTION: Councilman Mock moved for the adoption of Resolution No. 84-326. His motion was seconded by Councilwoman Geissert, and carried unanimously by roll call vote.

8c. PROCLAMATION declaring week of December 9 - 15, 1984 "Bill of Rights Week."

So proclaimed by Mayor Armstrong.

10. TRANSPORTATION/PUBLIC WORKS MATTERS:10a. Design of New Walteria Reservoir Addition.RECOMMENDATION:

It is the recommendation of the Staff Evaluation Team that the City Council approve constructing the new Walteria Reservoir to Seismic Design Level I criteria as described in reports submitted by the City's engineer for the project, James M. Montgomery, Consulting Engineers, Inc.

MOTION: Councilman Walker moved to concur with the above stated staff recommendation. His motion, seconded by Councilman Mock, carried unanimously by roll call vote.

10b. Construction of 8" Sanitary Sewer along Airport Drive, west of Bellanca Way on the Torrance Municipal Airport - B84-69RECOMMENDATION OF CITY ENGINEER/DIRECTOR OF TRANSPORTATION:

- 1) That the contract be awarded to George Dakovich and Son, Inc. and that all other bids be rejected.
- 2) That \$17,000 be appropriated from Airport Funds for the cost of this project.

MOTION: Councilman Wirth moved to concur with the above recommendation of the City Engineer and Director of Transportation, with the recommended appropriation of funds. His motion was seconded by Councilman Mock, and roll call vote was unanimously favorable.

14. PERSONNEL MATTERS:14a. Hearing on Appeal - Patrick Rivet.

Heard at 6:00 p.m. - see Pages 1-3.

14b. JTPA Contract with the Marriott Hotel.RESOLUTION NO. 84-327

A RESOLUTION OF THE CITY COUNCIL OF TORRANCE
AUTHORIZING AND DIRECTING THE MAYOR AND THE
CITY CLERK TO EXECUTE AND ATTEST A CONTRACT
BETWEEN THE CITY OF TORRANCE AND THE MARRIOTT
CORPORATION UNDER TITLE II-A AND III OF THE
JOB TRAINING PARTNERSHIP ACT

MOTION: Councilman Mock moved for the adoption of Resolution No. 84-327. His motion was seconded by Councilman Nakano and roll call vote proved unanimously favorable.

14c. Supplemental MOU for Torrance Management Employees Organization.

RESOLUTION NO. 84-328

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TORRANCE GOVERNING EMPLOYMENT
COMPENSATION PROVISION FOR EMPLOYEES
REPRESENTED BY THE TORRANCE MANAGEMENT
EMPLOYEES ORGANIZATION (TMEO) AMENDING
RESOLUTION 84-209

MOTION: Councilwoman Geissert moved for the adoption of Resolution No. 84-328. Her motion, seconded by Councilman Walker, carried unanimously by roll call vote.

15. HEARINGS:

15a. PP 84-24, Rory Pendley (Dan Goodrich, Architect):

Mayor Armstrong announced that this was the time and place for consideration of an appeal of a Planning Commission approval to allow a first and second-story addition to an existing one-story single-family residence in the R-1 zone (Hillside Overlay District) at 26226 Delos Drive. The Planning Commission and the Planning Department recommend denial of the appeal and approval of Precise Plan 84-24.

Proof of Publication was presented by City Clerk Babb and it was ordered filed, there being no objection.

Following staff presentation by Planning Associate Bihn, Mayor Armstrong invited comments from the audience.

Mr. Spencer Chan, 2405 Grand Summit Road, voiced his opposition to the proposed construction because of potential view loss (correspondence of official record). Photographs were submitted.

Mrs. Karen McKittrick, 26317 Delos Drive (correspondence of record), voiced opposition and described the resultant impact to their existing view. A photograph supporting her stand was submitted by this speaker.

Next to speak was the architect for the project, Mr. Dan Goodrich, 1520 South Western Avenue, San Pedro, who advised that consideration had been given to neighbors' views and the roof design proposed does not affect neighbors as much as would a continuous ridge line. In Mr. Goodrich's opinion this is not making an "unusual intrusion" in anyone's light or view.

Indicating APPROVAL of the project were: Mr. Pete McLoughlin who resides directly across the street from the applicant; and Ms. Margo Jordan who lives adjacent to Mr. Pendley to the south.

Mr. Roy Pendley, proponent, submitted correspondence from Mr. Chuck Simmons and also a photograph depicting view blockage as taken from the roof of Mr. Simmons' home directly over the roof of his home.

There being no one else who wished to speak, Councilman Walker moved to close the hearing. His motion was seconded by Councilman Applegate, and carried unanimously by roll call vote.

MOTION: Councilman Walker moved to concur with the Planning Commission and Planning Department to deny the appeal and approve the project. His motion was seconded by Councilman Applegate.

Councilwoman Geissert stated that, having viewed the silhouette from the Chan's home, she would judge that a second-story addition could be accomplished on the subject property with a lower pitched roof and would result in very little, if any, obstruction of views in the area. A peaked roof in the hillside is, in Mrs. Geissert's opinion, excessive because of the potential for view obstruction.

A SUBSTITUTE MOTION was offered by Councilwoman Geissert to grant the appeal and DENY THE PROJECT WITHOUT PREJUDICE. Her motion was seconded by Councilman Mock, and carried as indicated by the following roll call vote:

AYES: COUNCILMEMBERS: Geissert, Mock, Nakano and Wirth.

NOES: COUNCILMEMBERS: Applegate, Walker and Mayor Armstrong.

15b. PP 84-36, Frank D. Novick.

Mayor Armstrong noted receipt of a request from the appellant to continue Item 15b for one week. There being no objection, it was so ordered.

15c. VP 84-3, Bon Anza, Ltd. (Gary A. Wires, General Partner).

Mayor Armstrong announced receipt of a request from the applicant for a one-week postponement of Item 15c. There being no objection, it was so ordered.

17. ADMINISTRATIVE MATTERS:

17a. Grant Programs for Non-Profit Organizations.

RECOMMENDATION OF CITIZEN DEVELOPMENT AND ENRICHMENT COMMITTEE (MAJORITY):

It is recommended that the Council concur with the revised Human Resources Commission recommendation (see below) on their selection of recipients for non-profit organization grants.

Revised Recommendation:

Alcoholism Council of South Bay	\$4,500
RSVP	2,000
1736 House	2,000
Westside Community for Independent Living	2,000
Torrance YWCA	1,250
Salvation Army	1,250
South Bay Free Clinic	1,000
Happy Time Pipers	1,000

MINORITY COMMITTEE REPORT:

Committee member Mark Wirth recommended that the City provide the reproduction of the large type songbooks for the Happy Time Pipers. He also recommended that the South Bay Free Clinic allocation be doubled from \$1,000 to \$2,000.

MOTION: Councilman Applegate moved to concur with the recommendation of the majority of the Citizen Development and Enrichment Committee. His motion was seconded by Councilman Nakano.

Prior to roll call on the motion, Councilman Wirth discussed his minority report, noting that it was not his desire to exceed the \$15,000 total allocation, but, rather, to provide the desired music for the Happy Time Pipers at a total cost of approximately \$425.00 and then reallocate that \$1,000 to the South Bay Free Clinic.

Councilwoman Geissert indicated her support of the minority report insofar as reappropriation of that particular \$1,000 is concerned, noting that, in her opinion, the Happy Time Pipers do not fall within the category, as originally conceived by her, for receipt of these grant monies. Mrs. Geissert requested that Parks and Recreation staff explore ways, in addition to the provision of large type music, to assist that worthy group.

The motion to concur with the Majority Committee Report carried by way of the following roll call vote:

AYES: COUNCILMEMBERS: Applegate, Nakano, Walker and Mayor Armstrong.

NOES: COUNCILMEMBERS: Geissert, Mock and Wirth.

Councilman Wirth noted his conviction that child care is an extremely important issue which needs to be addressed by the City.

Chairman of the Human Resources Commission, Mr. Bill Henderson, expressed appreciation for this opportunity to serve the citizens of the City of Torrance, and pledged the Commission's continuing dedication.

The program received high praise from Mayor Armstrong, as did the sincere and dedicated efforts of the Human Resources Commission. These sentiments were echoed by members of the Council.

17b. Jared Sydney Torrance Award.

RECOMMENDATION OF CITY MANAGER:

It is the recommendation of the City Manager that:

- 1) Council honor their commitment to establish a Jared Sydney Torrance Award;
- 2) The Mayor nominate the recipients with the unanimous consent of all Councilmembers;
- 3) Council adopt the criteria for the award as outlined in this item;
- 4) That \$1,500 be authorized from the Miscellaneous Community Promotion Fund to cover the cost of 15 gold medallions for the first 15 presentations.

MOTION: Councilman Applegate moved to concur with the City Manager's recommendation. His motion, seconded by Councilman Wirth, carried unanimously by roll call vote.

17c. Executive Session.

See Page 13.

18. SECOND READING ORDINANCES:

18a. Ordinance No. 3127.

ORDINANCE NO. 3127

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 51.5.5 AND 51.5.6 OF THE TORRANCE MUNICIPAL CODE PROHIBITING TOUCH AND GO OPERATIONS, STOP AND GO OPERATIONS AND LOW APPROACHES ON THE TORRANCE MUNICIPAL AIRPORT ON SATURDAYS, SUNDAYS AND CERTAIN HOLIDAYS

MOTION: Councilman Wirth moved for the adoption of Ordinance No. 3127, at its second and final reading. His motion was seconded by Councilwoman Geissert.

Prior to roll call on the motion, Mr. Cully Ebe, 26700 Indian Peak Road, Rancho Palos Verdes, indicated a desire to address the Council. Mr. Ebe, who stated that he is a student pilot, expressed strong opposition to the subject ordinance, noting that approximately 50% of the student pilots are only able to fly on weekends -- it was the recommendation of this speaker that Stop and Go landings be permitted in order to provide an opportunity for enhancement of landing skills. The severe impact on flight schools was also noted by Mr. Ebe.

It was clarified by Mayor Armstrong that the subject ordinance is to continue until April an "in-place" ban for purposes of conducting a study. The Mayor also reaffirmed efforts of the Council to establish a working relationship between the Airport and its neighbors.

Mr. Ursel Nolte, 5209 Paseo de Pablo, noted his opinion that a pilot is not being trained to Touch and Go -- he is being taught to land and to take off. Deletion of the Touch and Go requirement would not represent a significant hardship, per this speaker.

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The motion for adoption of Ordinance No. 3127, carried by way of the following roll call vote:

AYES: COUNCILMEMBERS: Geissert, Mock, Nakano, Walker and Wirth.

NOES: COUNCILMEMBERS: Applegate and Mayor Armstrong.

Mayor Armstrong stated that his negative vote is a procedural one only.

20. CONSENT CALENDAR:

- 20a. AWARD OF ANNUAL CONTRACT - to furnish required Liquid and Dry Chlorine, and Muriatic Acid.
Reference Bid #B84-68
Anticipated Expenditure: \$20,379.39 including tax

RECOMMENDATION OF PURCHASING AGENT/BUYER:

It is recommended that, inasmuch as the LOW BIDDER is an acceptable supplier, Council award an annual contract to furnish the City's annual requirements of Chlorine and Muratic Acid to the Jones Chemical Company of Torrance, California, in the total anticipated amount of \$20,379.39, including tax.

MOTION: Councilman Applegate moved to concur with the staff recommendation on Agenda Item 20a. His motion, seconded by Councilman Walker, was unanimously approved by roll call vote.

21. ADDENDUM MATTERS:

- 21a. Transfer of City Industrial Development Bond (IDB) Allocation to Los Angeles County.

RESOLUTION NO. 84-329

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, PROVIDING FOR THE TRANSFER OF THE CITY'S 1984 PRIVATE ACTIVITY BOND ALLOCATION TO THE COUNTY OF LOS ANGELES

MOTION: Councilwoman Geissert moved for the adoption of Resolution No. 84-329. Her motion, seconded by Councilman Walker, was unanimously approved by roll call vote.

* * *

At 8:15 p.m., the Council recessed and reconvened as the Redevelopment Agency of the City of Torrance, returning to the regular Council agenda at 8:16 p.m.

* * *

22. ORAL COMMUNICATIONS:

22a. Councilwoman Geissert expressed a sincere interest in the concept of formation of a Torrance Symphony Orchestra, and requested that staff keep the Council apprised of developments in this regard.

22b. Councilwoman Geissert requested a report on the current status of sidewalk repair in the City.

22c. Councilman Nakano requested that the Wyle Laboratory study on the Touch and Go moratorium at the Airport be submitted to the Council Transportation Committee. There were no objections, and it was so ordered.

22d. Councilman Wirth indicated his support of the concept of a Torrance Symphony Orchestra.

22e. Councilman Wirth expressed appreciation to the City Manager and staff for their diligent work on recent project requests.

22f. Cable Television Administrator Carter introduced Mr. Ian Tanza, a new member of his staff. A warm welcome was extended by the Council.

* * *

The Council returned to --

17c. Executive Session regarding Litigation and Personnel Matters.

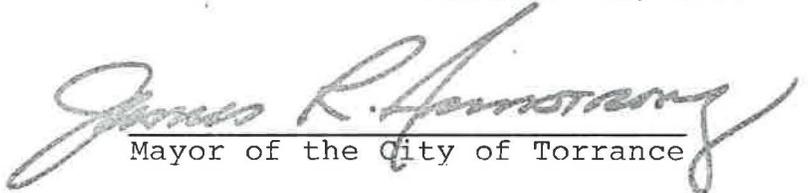
At 8:20 p.m. the Council recessed in Executive Session, returning at 9:10 p.m. for formal adjournment.

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Peggy Laverty
Minute Secretary

13.

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Mayor of the City of Torrance


City Clerk of the City of Torrance