

## I N D E X

Torrance City Council - July 15, 1986

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Adjournment at 10:05 p.m.

# # # # #

Peggy Laverty  
Minute Secretary

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MINUTES OF A REGULAR MEETING  
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in a regular meeting on Tuesday, July 15, 1986, at 5:35 p.m., in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

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

Absent: Councilman Walker (for main portion of meeting - Mr. Walker arrived during the Executive Session - see Page 19.

Also present: City Manager Jackson; City Attorney Remelmeyer; and Staff representatives.

3. FLAG SALUTE AND INVOCATION:

Environmental Quality Officer David Roelen led in the salute to the flag.

The invocation for the meeting was provided by Dr. Orlie White, Riviera United Methodist Church.

STANDARD MOTIONS:

4. APPROVAL OF MINUTES:

MOTION: Councilman Applegate moved for adoption of the City Council minutes of June 24, 1986, as recorded. His motion was seconded by Councilwoman Hardison, and roll call vote was unanimously favorable (Councilman Walker absent).

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5. 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. His motion was seconded by Councilman Nakano, and carried unanimously by roll call vote (Councilman Walker absent).

6. WITHDRAWN OR DEFERRED ITEMS:

Item 21a - NEPOTISM ORDINANCE: Held for one week.

7. COUNCIL COMMITTEE MEETINGS:

None scheduled.

\* \* \*

Mayor Geissert then invited comment from representatives of the City Employee Groups present to be --

Heard next out of order:

22a. Mr. Lamont Frederick, 3714 West 181st Street, President of Torrance Municipal Employees Local 1117, AFSCME, reported on his union's dissatisfaction with progress in current salary negotiations and requested City Council assistance in this regard.

Mr. Ben Kidner, Hesperia, California, Past President of AFSCME, requested that retired employees' be included without yearly renegotiation.

Mayor Geissert thanked those employees, friends and families who were present, and advised that the matters will be discussed by the Council in Executive Session, with appropriate direction then given to the negotiators.

\* \* \*

At 5:47 p.m., a brief recess was called by the Mayor. The Council reconvened at 5:52 p.m., to resume its regular agenda order.

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9. LIBRARY/PARKS AND RECREATION MATTERS:

9a. CONTRACT RE 1987 TOURNAMENT OF ROSES PARADE ENTRY:

RESOLUTION NO. 86-170

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THAT CERTAIN CONTRACT BETWEEN THE CITY AND C. E. BENT AND SON, INC., FOR THE DESIGN, CONSTRUCTION, ENTRY, DISPLAY AND OPERATION OF A FLOAT IN THE 1987 PASADENA TOURNAMENT OF ROSES PARADE

MOTION: Councilman Mock moved to adopt Resolution No. 86-170. His motion was seconded by Councilwoman Hardison, and roll call vote was unanimously favorable (Councilman Walker absent).

10. TRANSPORTATION/PUBLIC WORKS MATTERS:

10a. LEASE OF GROUNDWATER PUMPING RIGHTS:

RESOLUTION NO. 86-171

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A WATER RIGHT LICENSE AND AGREEMENT BETWEEN THE CITY OF TORRANCE AND THE ALLIED CORPORATION FOR LEASING 255 ACRE-FEET OF WATER RIGHTS ADJUDICATED TO THE ALLIED CORPORATION

MOTION: Councilman Nakano moved for adoption of Resolution No. 86-171. His motion, seconded by Councilman Mock, carried unanimously by roll call vote (Councilman Walker absent).

10b. FEDERAL AID URBAN (FAU) LANDSCAPING IN FIVE LOCATIONS (B86-32) - AWARD OF CONTRACT:

RECOMMENDATIONS OF ACTING CITY ENGINEER/PARKS AND RECREATION DIRECTOR:

1. That the contract be awarded to Terra-Cal Construction, Inc.
2. That \$115,000 be appropriated from Gas Tax funds to cover remaining costs.

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MOTION: Councilman Nakano moved to concur with the staff recommendation on Agenda Item 10b, with the necessary appropriation. His motion was seconded by Councilman Wirth, and roll call vote was unanimously favorable (Councilman Walker absent).

13. ENVIRONMENTAL/BUILDING AND SAFETY MATTERS:

13a. ADDITION OF A NEW BUILDING INSPECTOR POSITION:

RECOMMENDATION:

It is the recommendation of the Building and Safety Director that your Honorable Body authorize an amendment to the 1986-87 General Operating Budget by adding a Building Inspector position for fiscal year 1986-87 and transfer \$38,379 from the Professional and Technical Services of the Building and Safety Department to fund the position.

MOTION: Councilman Nakano moved to concur with the above stated recommendation of the Building and Safety Director (Item 13a.) His motion, seconded by Councilman Wirth, carried unanimously by roll call vote (Councilman Walker absent).

14. PERSONNEL MATTERS:

14a. ADOPTION OF MEMORANDUMS OF UNDERSTANDING FOR VARIOUS EMPLOYEE GROUPS:

Considered later - see Pages 19 and 20.

15. HEARINGS:

15a. V 71-13 (MOD), WHEREHOUSE ENTERTAINMENT, INC.

Mayor Geissert announced that this was the time and place for City Council consideration of a request for a modification of a previously approved Variance to allow an existing 3300 square-foot office area to be converted into a retail sales area in the C-5 zone at 3832 Sepulveda Boulevard; V 71-13 (MOD), WHEREHOUSE ENTERTAINMENT, INC.

Proof of publication was provided by the City Clerk and it was ordered filed, there being no objection.

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During the staff presentation provided by Planning Associate Gibson, it was noted that the Planning Commission and Planning Department recommend DENIAL of the Variance.

Following clarification and expansion by staff, as requested by Councilwoman Hardison, pertaining to parking, landscaping, etc., Mayor Geissert invited the proponent or his representative to address the Council. No one responded.

Planning Associate Gibson then advised the Council that the proponent had been appropriately informed of the date and time of this hearing.

There being no one else in the audience who wished to speak, Councilman Applegate moved to close the hearing. His motion was seconded by Councilwoman Hardison, and roll call vote was unanimously favorable (Councilman Walker absent).

MOTION: Councilman Applegate moved to concur with the recommendation of the Planning Commission and Planning staff for DENIAL of V 71-13 (Mod). His motion, seconded by Councilman Wirth, carried unanimously by roll call vote (Councilman Walker absent).

It was suggested by Councilwoman Hardison that the applicants might investigate the possibility of utilizing a portion of the adjacent, now vacant, Pacific Stereo building. Planning Associate Gibson will convey that suggestion to the applicants.

16. APPEALS:

16a. APPEAL FROM AIRPORT NOISE ADMINISTRATIVE HEARING BOARD -  
Case: Richard C. Devirian and Rodney C. Pratin.

It was ascertained by Mayor Geissert that Mr. Richard C. Devirian was present in the audience.

The Mayor then read the following prepared statement into the record:

This is the time, date, and place to hear the appeal of Mr. Richard Devirian and Mr. Rodney Pratin.

After a series of Airport Noise Limit violations in 1985 were recorded and attributed to the operation of aircraft N3TY, the City's Airport Noise Abatement Center staff contacted the

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owner listed in the Federal Aviation Administration's Civil Aircraft Registry, Mr. Richard C. Devirian. The Noise Abatement staff informed Mr. Devirian of the violations, and penalties therefor, and attempted to help him find operational techniques which would allow the aircraft to be operated at Torrance Municipal Airport, without additional violations of the Airport Noise Limits. Additional violations were recorded and Mr. Devirian was notified, by certified letter dated October 27, 1985, that any subsequent violation(s) would be referred to the Airport Noise Hearing Board for a determination on the matter. Later it was learned that Mr. Devirian and Mr. Rodney C. Prandin were co-owners of aircraft N3TY and that both Mr. Devirian and Mr. Prandin used the aircraft.

A subsequent Airport Noise Limit violation attributed to aircraft N3TY occurred on November 23, 1985. The matter was referred to the Airport Noise Hearing Board.

The Hearing Board met on February 13, 1986, to consider the matter. Mr. Devirian, representing both of the aircraft's co-owners, was present at the hearing, as were involved staff members representing the City. Testimony was heard and the case was argued before the Hearing Board.

Following the hearing, the Board made the following Findings of Fact and Conclusions of Law:

#### FINDINGS OF FACT

##### FIRST FINDING OF FACT

That aircraft Beechcraft Baron N3TY departed Torrance Municipal Airport on November 23, 1985, and at 1:22 p.m., registered noise levels of 86 dB(A) MAX and 95 dB(A) SENEL at Remote Monitor Site Number Five, and registered noise levels of 81 dB(A) MAX and 91 dB(A) SENEL at Remote Monitor Site Number Six.

##### SECOND FINDING OF FACT

That RICHARD C. DEVIRIAN, by his own admission, was at that time a registered and beneficial owner of BEEHCRAFT BARON N3TY; and that, by the preponderance of the evidence, RODNEY PRANIN was at that time and remains a registered and beneficial owner of BEEHCRAFT BARON N3TY.

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THIRD FINDING OF FACT

That RICHARD C. DEVIRIAN, pursuant to the un rebutted presumption of Section 46.8.12, was the pilot of BEEHCRAFT BARON N3TY on November 23, 1985, at 1:22 p.m.

FOURTH FINDING OF FACT

That RODNEY PRANIN, pursuant to the un rebutted presumption of Section 46.8.12, was the pilot of BEEHCRAFT BARON N3TY on November 23, 1985, at 1:22 p.m.

FIFTH FINDING OF FACT

The BEEHCRAFT BARON N3TY exceeded the noise limitations of the Torrance Airport on November 23, 1985, at 1:22 p.m.

## CONCLUSIONS OF LAW

FIRST CONCLUSION OF LAW

That aircraft BEEHCRAFT BARON N3TY was in violation of Section 46.8.8 of the Torrance Municipal Code on November 23, 1985.

SECOND CONCLUSION OF LAW

That pilot RICHARD C. DEVIRIAN did violate Section 46.8.8 of the Torrance Municipal Code on November 23, 1985.

THIRD CONCLUSION OF LAW

That pilot RODNEY PRANIN did violate Section 46.8.8 of the Torrance Municipal Code on November 23, 1985.

A timely appeal of the Hearing Board's Conclusions was filed with the City Clerk on February 24, 1986, by Mr. Devirian -- on behalf of himself, Rodney C. Pranin, and aircraft N3TY. The City Code allows the appeal of any Administrative Hearing Board decision to the City Council and provides that the City Council may, by a majority vote, sustain, modify, or reverse such decision. Thus, Council has the following alternatives:

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- 1) Affirm the Airport Noise Administrative Hearing Board's decisions against Mr. Devirian, Mr. Pranin, and aircraft N3TY;
- 2) Reverse the Hearing Board's decisions against Mr. Devirian, Mr. Pranin, and aircraft N3TY;
- 3) Affirm the decisions against some of the appellants and reverse the decisions against the rest;
- 4) Return the matter to the Airport Noise Administrative Hearing Board, if it is determined that the Board's 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.

In this case, the question is "Are any or all of the appellants guilty of an Airport Noise Limit violation?" -- A "Yes" or "No" proposition.

Questions regarding the legality of the Airport Noise Abatement Ordinance and the Hearing Process are not within the jurisdiction of the City Council, they can only be properly addressed in a Court of Law.

During the hearing tonight, no evidence not previously submitted and received into evidence by the Airport Noise Administrative Hearing Board may be heard by the City Council. The hearing will be held only on the record on appeal from the Airport Noise Administrative Hearing Board and on the oral arguments of Mr. Devirian and Mr. Pranin (or their representative) and of the City's representatives.

In accordance with the City Attorney's recommendation, I suggest the following procedure for the conduct of the hearing:

1. Mr. Devirian and Mr. Pranin (or their representatives) will argue first, for 15 minutes or less.
2. Ms. McElroy (representing the City) will then argue for 15 minutes or less.
3. Mr. Devirian and Mr. Pranin (or their representatives) will then have 5 minutes to reply to the City's argument.
4. Finally, the City will have 5 minutes to rebut any new arguments raised by Mr. Devirian and/or Mr. Pranin.

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Each of the members of the Council has been furnished with a copy of the administrative record of this matter, including a copy of the summary minutes of the Airport Noise Board's February 13, 1986 hearing.

\* \* \*

Mayor Geissert then inquired if any member of the Council had not read the material, including the hearing minutes. There was no response from members of the Council.

Mayor Geissert then inquired if the above outlined procedure met with the approval of Council and of the representatives of both sides. Mr. Devirian, Ms. McElroy, and members of the City Council responded affirmatively.

\* \* \*

Mr. Richard Devirian then presented his case.

Noting his intent to address issues of fairness, Mr. Devirian pointed out that the incident being consideration was under IFR conditions which, according to Federal regulations, require adherence to a straight out departure.

Mr. Devirian advised that he had conducted numerous tests both eastbound and westbound, and with the normal noise abatement turns wherein there was no difficulty with this particular aircraft complying with the noise regulations. Although the subject aircraft was capable of staying within the noise limits, Mr. Devirian reiterated that the clearance given by the Federal Government on the particular day in question required, by law, that the pilot go straight out.

Referencing information before the Hearing Board that there were other occasions (according to the tests) when the subject aircraft had departed straight out and was within the noise limit, Mr. Devirian maintained that this would indicate to him an inaccuracy in the test equipment (the plane having been operated in an identical manner over the same route representing a noise violation on one occasion and not on another).

Of further concern to Mr. Devirian was the considerable time delay between the date of the violation (November 23, 1985) and the notice of said violation advising that action was going to be taken pursuant thereto.

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Mr. Devirian advised that he would like to preserve his concerns regarding constitutional issues although the opening statement read by the Mayor established such issues as inadmissible at this time.

This concluded Mr. Devirian's presentation.

\* \* \*

Ms. Monte McElroy, representing the City of Torrance, presented as follows:

Ms. McElroy set forth, according to City records, that a violation took place on November 23, 1985 at approximately 1:22 p.m., the registered noise levels being 86 dB(A) and 95 dB(A) on Monitor Stations No. 5 and No. 6 in the City of Lomita. The plane was clearly identified by tape, and that plane, by record, was registered to Mr. Devirian and to Mr. Pranin and (by admission) was at that time under the ownership of Mr. Devirian and Mr. Pranin.

Addressing the question of accuracy of the monitoring equipment, Ms. McElroy advised that the monitoring equipment was calibrated at the time of the violation and subsequently checked by the City's consultant in December and found to be accurate.

Ms. McElroy advised that there were three incidents of correspondence with Mr. Devirian and Mr. Pranin with two responses to that correspondence. She further noted that during nine tests involving this aircraft under IFR and VFR conditions, in only two of the nine were they able to meet the noise standards of the City of Torrance because the aircraft itself is inherently loud.

As to due process of notification, Ms. McElroy advised that notification was duly provided on October 22, 1985 (by certified mail, return receipt required) that a subsequent violation would be adjudicated. Said notice was received and signed on October 30, 1985.

Notice of the hearing, per Ms. McElroy, was by certified return receipt mail on January 23, 1986 (received on January 27, 1986) -- in that correspondence staff advised that additional time to prepare for the defense would be granted if needed. It was affirmed at the hearing, per Ms. McElroy, that all material had been received and sufficient time given to read that material and that they were prepared for the defense.

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Ms. McElroy affirmed Mr. Devirian's comments regarding Federal preemption under IFR conditions, noting, however, that there is no discretion in the Ordinance indicating a different standard for IFR or VFR departures. Ms. McElroy further pointed out that the pilot has the option of waiting for VFR conditions prior to his departure.

Proper placement of the monitors; appropriate identification of the aircraft; Constitutionality of the Ordinance; and the competency of the Hearing Board were all confirmed by Ms. McElroy, in conclusion of her opening remarks.

\* \* \*

In response, Mr. Devirian clarified his concern regarding notification on January 23, 1986, for a November 23, 1985 violation -- this lengthy period of time between violation and notification being a matter of fundamental fairness and proper procedure, in his opinion, which contributed to difficulty in remembering exact details concerning weather and other facts and circumstances which might bear on the decision of the Board.

Mr. Devirian then stated his understanding that the person testifying before the Hearing Board was not the person at the monitor who witnessed a violation; further, he questioned why on certain occasions of IFR clearance there would be a violation and not on other occasions with identical operation of an aircraft.

\* \* \*

In her concluding remarks, Ms. McElroy advised that there were two causes for the time delay in notification (November 23, 1985 to January 23, 1986): (1) the department was "between secretaries" at the time; and (2) the need for considerable research to ensure the provision of sufficient data to the Board.

Ms. McElroy advised that the same staff person, Mr. David Roelen, had monitored the tape from the computer and was also the officer at the Hearing Board's consideration of this matter.

\* \* \* \* \*

This having concluded the formal format, Mayor Geissert then entertained questions and comments from the Council.

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In response to Council questions --

Ms. McElroy confirmed her statement contending that a pilot has the option of waiting for VFR conditions, rather than taking off under IFR conditions and restrictions.

Mr. Roelen clarified that the 15 violations listed in the backup material are separate from the tests run on this aircraft; there were approximately 9 violations after the owner was contacted; violations after the owner-conducted tests were: July 28, 1985, August 4, 1985, October 10, 1985, October 18, 1985 -- on October 27, 1985, correspondence was forwarded advising that one more noise violation would result in a hearing before the Board; and, violations appear to have occurred with take-off's from an easterly as well as a westerly direction.

Responding to a question by Councilman Applegate, Mr. Devirian advised that he averages approximately two to three flight operations out of the Torrance Airport per week. He further noted that he was not provided notice of all noise violations involving the subject aircraft, some violations (to his knowledge) being marginal and some occurring prior to the City ascertaining ownership of the aircraft.

Environmental Quality Officer David Roelen stated that three written notifications were mailed to Mr. Devirian between May and November, 1985 -- Mr. Roelen further deemed this a "fairly noisy type of aircraft" which was subsequently sold by Mr. Devirian partially because of the noise.

Mr. Devirian returned to state that he sold his interest in the aircraft in question not because he thought it was noisy, but because he very much values the opportunity to fly in and out of the Torrance Airport, and he had been notified of the noise violations and told that he would have to do something. The aircraft in question, per Mr. Devirian, is still owned by the previous co-owner (Mr. Pranin); and is based at the Long Beach Airport.

In response to Councilman Applegate's inquiry regarding who was piloting the aircraft at the time in question, Ms. McElroy recounted information provided at the Board's hearing of this matter: Mr. Devirian indicated that he did schedule a flight to Palm Springs at approximately the time in question; that the aircraft was taken to Palm Springs and then brought back to Torrance, when it was subsequently flown again to Palm Springs by his partner.

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\* \* \*

Councilman Applegate then stated that while the identity of the aircraft is known, the identity of the pilot for the flight in question is not. Mr. Applegate further pointed out that Mr. Devirian attempted, through testing, to determine the steps to be taken to operate in a less noisy manner and subsequently disposed of his interest in the aircraft which is no longer based at the Torrance Airport.

Taking into consideration the above circumstances, as well as the IFR conditions which prevailed, Mr. Applegate concluded that it is an established fact that aircraft N3TY was in violation of the Noise Ordinance. He would, therefore, affirm the decision of the Board regarding the violation against the aircraft, but reverse the decision against the two pilots because of the absence of conclusive evidence that either of them individually was in control of the aircraft.

City Attorney Remelmeyer pointed out a specific statement in the Ordinance that if the pilot cannot be identified, the owners of the aircraft are presumed to be the pilots at the time.

Continuing with his remarks, Councilman Applegate pointed out that it was the aircraft that was creating the problem and that aircraft has now been removed as a based aircraft at the Torrance Airport, thus achieving the bulk of what might have been hoped for.

The following motion was offered:

MOTION: Councilman Applegate moved to affirm the Airport Noise Administration Hearing Board's ruling against aircraft N3TY, but not against the two owners and presumed pilots, Mr. Richard C. Devirian and Mr. Rodney C. Pranin. This motion was seconded by Councilman Wirth.

Discussion continued, it being clarified by Mr. Dave Roelen that the aircraft in question (N3TY) is, to his knowledge, no longer based at the Torrance Airport. Referencing the minutes of the Hearing Board's consideration of this matter, Ms. McElroy confirmed the information as to the present ownership and location of aircraft N3TY, and further affirmed that Mr. Devirian now has another aircraft.

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Councilman Mock then stated as follows:

- (1) There is a presumption that if there is a violation both owners of the aircraft are guilty if the aircraft is found guilty of the violation;
- (2) The evidence demonstrates multiple violations;
- (3) Mr. Devirian was put on notice three times of the violations in the past.

Mr. Mock deemed the Findings of Fact and the Conclusions of Law correct, and while agreeing that a good faith effort was made after the fact by placing the aircraft on the Long Beach Airport, he would not consider that relevant or proper in terms of evaluating the Findings of Fact or the Conclusions of Law.

Based on these statements --

A SUBSTITUTE MOTION was offered by Councilman Mock that the City Council affirm the decision of the Airport Noise Administrative Hearing Board with regard to Richard C. Devirian and Rodney C. Pranin - Aircraft Noise Exceedance, Site #5, Lomita, California and Site #6, Lomita, California, on November 23, 1985. This motion was seconded by Councilman Nakano.

Prior to roll call vote, Councilwoman Hardison requested confirmation of notification dates and was advised by Mr. Roelen that Mr. Devirian was advised, in writing, of noise exceedances on May 17, 1985, July 31, 1985, and October 27, 1985.

Clarifying his position as seconder of the substitute motion, Councilman Nakano stated that the question at hand is whether the appellants were guilty of a noise limit violation -- in his opinion, there is no question of that fact. Mr. Devirian's good faith effort in selling the aircraft and no longer having it based in Torrance is not, per Mr. Nakano, relevant to the matter in question.

Mr. Devirian then requested, and received, permission to again address the Council. He stated that he and his partner had made the same exact flight on the same day -- an aircraft log does not log the time of the flight, only the day -- with a two-month time lapse between the violation and notice of same it is very difficult to reconstruct the events to determine who was flying the airplane at the specific time in question.

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Mr. Devirian stated that he had requested before the Hearing Board that the aircraft be found in violation and it be stipulated that it return to the Torrance Airport only in the case of an emergency.

In response to a question by the Mayor, Mr. Devirian advised that he had actually disposed of his interest in the subject aircraft approximately January 1, 1986.

Roll call vote on the SUBSTITUTE MOTION to uphold the decision of the Hearing Board was as follows:

AYES:	COUNCILMEMBERS:	Hardison, Mock, Nakano, and Mayor Geissert.
NOES:	COUNCILMEMBERS:	Applegate and Wirth.
ABSENT:	COUNCILMEMBERS:	Walker.

17. ADMINISTRATIVE MATTERS:

17a. EXECUTIVE SESSION:

See Pages 17-21.

17b. BANK DEPOSIT IN LIEU OF RETENTION - TV STUDIO PROJECT:

RESOLUTION NO. 86-172

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF TORRANCE APPROVING AN ESCROW ACCOUNT  
AGREEMENT WITH SHIRLEY BROTHERS, INC., FOR  
PROGRESS PAYMENTS ON THE CONSTRUCTION OF THE  
STANLEY E. REMELMEYER TELECOMMUNICATIONS  
FACILITY

MOTION: Councilman Nakano moved to adopt Resolution No. 86-172. His motion was seconded by Councilwoman Hardison, and roll call vote was unanimously favorable (Councilman Walker absent).

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17c. PURCHASE OF GROUP W, BUENA PARK LOCAL ORIGINATION  
PRODUCTION VEHICLE.

SOURCE OF FUNDING: Fiscal 1986 - 87 Cable Television  
Franchise Fees.

RECOMMENDATION:

It is the recommendation of the Cable Television Administrator, Acting Purchasing Agent, and the Garage Superintendent that your Honorable Body authorize the purchase of the Group W Local Origination production vehicle at a cost of \$52,000.00; and appropriate the funds for the purchase of the vehicle from the Cable Television Franchise fees.

MOTION: Councilman Nakano moved to concur with the above stated staff recommendation, with the specified appropriation. His motion was seconded by Councilwoman Hardison, and roll call vote was unanimously favorable (Councilman Walker absent).

\* \* \*

At 7:13 p.m., the City Council convened in Joint Session with the Redevelopment Agency of the City of Torrance, returning to the City Council agenda at 8:06 p.m., upon adjournment of the Agency.

\* \* \*

21. ADDENDUM MATTERS:

21a. NEPOTISM ORDINANCE:

Held for the Council meeting of July 22, 1986.

22. ORAL COMMUNICATIONS:

22a. See Page 2.

22b. City Manager Jackson advised of the immanent occupancy of the new Transit and General Services Facilities.

22c. City Manager Jackson introduced Water Services Supervisor Bill Heisner who was present for vacationing Bob O'Cain.

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22d. Fire Chief DeYoung referenced a statement by a citizen at the July 8 City Council meeting (Item 17d, Page 7, of the minutes of that meeting) wherein it was indicated that the response time to a Fourth of July blaze several years ago was 20 minutes. For the record, Chief DeYoung clarified, per Fire Department records, that the total response time in that specific instance was five minutes.

22e. Councilwoman Hardison expressed her sincere enjoyment of the Parks and Recreation Department's Summer Musical production of Carousel, and conveyed her appreciation to all involved for this outstanding event.

22f. Councilwoman Hardison requested that Planning Staff address the question of when a gasoline station is no longer a gasoline station, but rather a market or liquor store operation. Mrs. Hardison also indicated concern about regulations regarding signing of such entities. Staff will investigate.

22g. Councilman Wirth expressed enthusiasm regarding the new City Yard facilities.

22h. Councilman Wirth reported on his attendance, along with Councilman Mock, at the Independent Cities Annual Conference, and highlighted the session regarding City/School District relationships. Mr. Wirth particularly commended Dr. Owen Griffith of the Torrance School Board for his outstanding participation at this conference.

22i. Mr. Ursel Nolte, 5209 Paseo de Pablo, Chairman of Senior Citizens' Council, reaffirmed his support for senior housing in the City of Torrance, and advised that he intends to monitor the progress of the Downtown Senior Project.

The Council now returned to --

17a. EXECUTIVE SESSION:

Mayor Geissert read the following statement into the record:

The City Council will now recess to closed session for the purpose of conferring with the City Attorney regarding the following:

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1. Litigation has been formally initiated to which the City is a party. the title of said litigation is as follows: City of Torrance v. Torrance Investment Co., et al, Los Angeles Superior Court Case Number C577962. Said closed session is being held pursuant to the provisions of Government Code Section 54956.9(a).
2. Litigation has been formally initiated to which the City is a party. The title of said litigation is as follows: Lincoln Property Company, Inc. v. City of Torrance, Los Angeles Superior Court Case Number C607339. Said closed session is being held pursuant to the provisions of Government Code Section 54956.9(a).
3. Litigation has been formally initiated to which the City is a party. The title of said litigation is as follows: Lincoln Property Company, Inc. v. City of Torrance, United States District Court Case Number Civ 86 4432 FFF (Px). Said closed session is being held pursuant to the provisions of Government Code Section 54956.9(a).
4. Litigation has been formally initiated to which the City is a party. The title of said litigation is as follows: Dick Ford vs. City of Torrance, Los Angeles Superior Court Case Number SWC 66342. This closed session is being held pursuant to the provisions of Government Code Section 54956.9(a).
5. Litigation has been formally initiated to which the City is a party. The title of said litigation is as follows: Heirs of Raymond Cook vs. Bahr, City of Torrance, et al, Los Angeles Superior Court Case Number SWC 69611, which closed session is being held pursuant to Government Code Section 54956.9(a).
6. Potential litigation involving a claim for subrogation by the Automobile Club of Southern California. This closed session is being held pursuant to the provisions of Government Code Section 54956.9(b)(1).

The City Council will also recess to closed session to confer with the City Manager regarding salaries, salary schedules and compensation of certain employee groups. This closed session is being held pursuant to Government Code Section 54957.6.

At 8:20 p.m., the City Council recessed to Executive Session.

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NOTE: Councilman Applegate announced that he would abstain regarding matters pertaining to the area known as the Madrona Marsh. Mr. Applegate absented himself from the meeting room during consideration of those items.

The Council returned at 10:00 p.m.

NOTE: Councilman Walker had joined his colleagues during the Executive Session and was present at this time.

The following action was taken.

RESOLUTION NO. 86-173

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF TORRANCE REPEALING RESOLUTION  
85-177 AND ADOPTING A NEW COMPENSATION  
PROCEDURE FOR ELECTED OFFICIALS

MOTION: Councilman Nakano moved to adopt Resolution No. 86-173. His motion was seconded by Councilman Wirth, and roll call vote was unanimously favorable.

RESOLUTION NO. 86-174

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF TORRANCE REPEALING RESOLUTION NO.  
85-178 AND ADOPTING A NEW PROCEDURE  
GOVERNING EMPLOYMENT COMPENSATION FOR  
CERTAIN MANAGEMENT EMPLOYEES

MOTION: Councilman Nakano moved for the adoption of Resolution No. 86-174. This motion, seconded by Councilman Wirth, carried unanimously by roll call vote.

RESOLUTION NO. 86-175

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 85-238

MOTION: Councilman Nakano moved to adopt Resolution No. 86-175. His motion, seconded by Councilman Wirth, carried unanimously by roll call vote.

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RESOLUTION NO. 86-176

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)

MOTION: Councilman Nakano moved for adoption of Resolution No. 86-176. This motion was seconded by Councilman Wirth, and roll call vote was unanimously favorable.

Further action was taken as is indicated below.

MOTION: Councilman Applegate moved, in the matter of Dick Ford vs. City of Torrance, to concur with the City Attorney's recommendation for settlement. His motion was seconded by Councilman Mock, and roll call vote proved unanimously favorable.

MOTION: Councilman Applegate moved, in the matter of Heirs of Raymond Cook vs. Bahr, City of Torrance, et al, to concur with the City Attorney's recommendation for settlement. This motion, seconded by Councilman Mock, carried unanimously by roll call vote.

MOTION: Councilman Applegate moved, in the matter of subrogation by the Automobile Club of Southern California, to concur with the City Attorney's recommendation for settlement on the matter of property damage. This motion, seconded by Councilman Mock, was unanimously approved by roll call vote.

Mayor Geissert then requested a motion as a result of discussions on the provisions of the Development Agreement with Torrance Investment Company --

MOTION: Councilwoman Hardison moved that the City Council direct the City Manager and City Attorney to commence with the periodic review under Section 19 of the Park Del Amo Development Agreement. This motion, seconded by Councilman Wirth, carried by way of the following roll call vote:

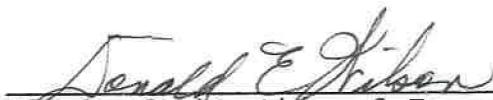
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AYES: COUNCILMEMBERS: Hardison, Mock, Nakano, Walker,  
 Wirth and Mayor Geissert.  
 NOES: COUNCILMEMBERS: None.  
 ABSTAIN: COUNCILMEMBERS: Applegate.

At 10:05 p.m., the meeting was formally adjourned to Tuesday, July 22, 1986, at 7:00 p.m.

# # # # #

  
 \_\_\_\_\_  
 Mayor of the City of Torrance

  
 \_\_\_\_\_  
 Clerk of the City of Torrance

Peggy Laverty  
Minute Secretary

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