

I N D E XTorrance City Council - September 30, 1986

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Adjournment at 11:06 p.m. to Tuesday, October 7, 1986  
at 5:30 p.m.

# # # # #

Peggy Laverty  
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, September 30, 1986, at 5:30 p.m., in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

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

Absent: None.

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

3. FLAG SALUTE AND INVOCATION:

Ms. Polly Watts led in the salute to the flag.

The invocation for the meeting was provided by Father Jeffrey D. Paul, St. Andrew's Episcopal Church.

STANDARD MOTIONS:4. APPROVAL OF MINUTES:

MOTION: Councilman Applegate moved to adopt the City Council minutes of September 9, 1986, as recorded. His motion was seconded by Councilwoman Hardison, and roll call vote was unanimously favorable.

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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 Councilwoman Hardison, and carried unanimously by roll call vote.

6. WITHDRAWN OR DEFERRED ITEMS:

Item 17b, SELF-INSURED LIABILITY CLAIMS -- Continued for one week.

7. COUNCIL COMMITTEE MEETINGS:

Community Planning and Design Committee  
October 6, 5:30 p.m., Third Floor Assembly Room  
Subject: Forty-foot R-2 Lots.

8. COMMUNITY MATTERS:8a. "OSCAR" COMMUNITY PROGRAM:RESOLUTION NO. 86-239

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF TORRANCE SUPPORTING THE OSCAR  
COMMUNITY PROGRAM

MOTION: Councilman Nakano moved to adopt Resolution No. 86-239. His motion, seconded by Councilman Mock, carried unanimously by roll call vote.

Present to accept this resolution and to describe the Outstanding Student Citizenship Annual Recognition program were:

Ms. Cheryl Liddle, President of the Torrance Area Chamber of Commerce,

Mr. Ted Porter, Southern California Edison, and

Mr. David Sargent, President of the Torrance Unified School District Board of Education.

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- 8b. PROCLAMATION proclaiming October 1 through 31, 1986, as "PTA Membership Enrollment Month."

SO PROCLAIMED by Mayor Geissert. Present to accept this proclamation was Ms. Gail Bedinger, Membership Chairman, Torrance Council PTA.

- 8c. PROCLAMATION proclaiming October 4, 1986, as "National Chess Day."

SO PROCLAIMED by Mayor Geissert, with acceptance by Mr. Henry Shippen, President of the Alondra Park Chess Club.

- 8d. PROCLAMATION proclaiming October 5 through 11, 1986, as "National Employ the Handicapped Week."

SO PROCLAIMED by Mayor Geissert. Mr. Jack Kramer was present to accept this proclamation.

9. LIBRARY/PARKS AND RECREATION MATTERS:

9a. APPOINTMENT OF 1986-87 YOUTH COUNCIL MEMBERS:

RECOMMENDATION:

The Selection Committee recommends that the City Council confirm the following people for the 1986-87 Torrance Youth Council:

Lori Briganti - West High School  
 George Brown - El Camino  
 Mary Brown - North High School  
 Dejeuné Champion - Bishop Montgomery  
 Jean Chang - Torrance High School  
 Jennifer Cummings - Member at Large  
 Monica Green - West High School  
 Kim Hale - Torrance High School  
 Becky Jackson - El Camino College  
 Janel Lardizabal - South High School.  
 Elizabeth Pazdrál - North High School  
 Andreas Phelps - Member at Large  
 Diana Scott-Monck - South High School  
 Geredith Villaver - Bishop Montgomery

The above members of the Torrance Youth Council were introduced by Mayor Geissert, assisted by Youth Council staff liaison, Gary Schmidt.

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The Oath of Office was administered by City Clerk Wilson, and warm congratulations were extended to these young people.

15. HEARINGS:

15a. FEDERAL REVENUE SHARING FUNDS:

Mayor Geissert announced that this was the time and place for the public hearing on the use of Federal Revenue Sharing Funds.

Proof of publication was presented by City Clerk Wilson. Councilman Applegate, seconded by Councilman Wirth, moved to receive and file the affidavit of publication, and roll call vote was unanimously favorable.

Mayor Geissert then invited audience comments on this agenda item. There being no response, Councilman Applegate moved to close the hearing. His motion was seconded by Councilwoman Hardison, and roll call vote was unanimously favorable.

RECOMMENDATION:

It is the recommendation of the City Manager that your Honorable Body authorize and appropriate Federal Revenue Sharing Funds for the following capital improvement projects:

- 1. New Recreation/Fine Arts Center \$1,000,000
- 2. Additional funding for City Service Facility, Cable Television Studio and Recreation/Fine Arts Center. 600,000

MOTION: Councilman Wirth moved to concur with the above stated recommendation of the City Manager. His motion, seconded by Councilman Nakano, carried by way of the following roll call vote:

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

NOES: COUNCILMEMBERS: Applegate.

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Finance Department Note:

To date, the following has been budgeted for the Recreation/  
Fine Arts Center:

. Certificates of Participation	\$7,300,000
. 1983-84 Federal Revenue Sharing	500,000
. 1984-85 General Fund Reserve	500,000
. 1984-85 Cable TV Utility Users Tax	225,000
. 1985-86 Cable TV Utility Users Tax	228,000

Total \$8,753,000

The estimated cost of the project will be \$10,000,000. The difference is approximately \$1,247,000. Based on the gap between the project cost and current appropriations, it is financially prudent to appropriate the remaining \$1,000,000 from the final allotment of the Federal Revenue Sharing Fund to the Recreation/  
Fine Arts Center.

MOTION: Councilman Wirth moved to concur with the above recommendation of the Acting Finance Director. His motion was seconded by Councilwoman Hardison, and roll call vote was unanimously favorable.

17. ADMINISTRATIVE MATTERS:17a. EXECUTIVE SESSION:

See below and also Pages 6; 16 and 17.

17b. CONTRACT RE SELF-INSURED LIABILITY CLAIMS:

Held for one week, to the City Council meeting of October 7, 1986.

The Council now returned to --

17a. EXECUTIVE SESSION:

Mayor Geissert read the following statement into the record:

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

- o Potential litigation involving a slope failure resulting in damage to real property located at 4730 Via Corona. The authority for holding a closed session for this purpose is contained in Government Code Section 54956.9(b)(1).

At 6:00 p.m., the City Council recessed to Executive Session for the above noted reason, returning at 7:03 p.m. to consider the following Council agenda item --

17c. RESOLUTION OF NECESSITY - SMITH PROPERTY:

Mayor Geissert announced that this was the time and place for a hearing on the adoption of a Resolution of Necessity to initiate condemnation proceedings for the purpose of acquiring the property at 4730 Via Corona in the City of Torrance.

City Manager Jackson advised, in response to the Mayor's question, that the owners of the property at 4730 Via Corona have been notified of tonight's meeting and of their opportunity to appear and be heard on the subject matter.

The Mayor then set forth the following findings which the Council must make prior to initiation of the above noted condemnation action:

1. That the public interest and necessity require the project;
2. That the project has been planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. That the property sought to be acquired is necessary for the project; and,
4. That the owner of the parcel has been offered the fair market value as determined by appraisal or that there exists the presence of an emergency and the property to be taken is necessary either to protect or preserve health, safety, welfare or property.

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The Mayor then verified that a series of meetings have been held between City representatives/consultants and Mr. Smith's representatives/consultants to explore the various alternatives and options available. City Manager Jackson advised that, although there are alternative ways of trying to save the Smith home, they would require some risk of public safety and less assurance as to the preservation or protection of the slope -- thus the City Manager's recommendation remains as was reflected in Option B (considered by the Council at their September 9 meeting, and set forth below).

\* \* \*

OPTION B:

Option B would be to condemn and demolish the residence and grade the remaining site to reduce the hazard of further collapse at the top.

A buttress wall, that could be incorporated into the final design for slope restoration, would be installed to protect the top of the slope, however this would be constructed on the vacated site.

No further work, other than winterization would proceed until spring of 1987.

\* \* \*

Continuing, Mayor Geissert invited the property owner or his representatives to address the Council on any or all of the following three issues.

1. The public interest and necessity for the project;
2. The planning and location of the project and its compatibility with the greatest public good and the least private injury; or,
3. Whether the portion of Mr. Smith's property which the City wishes to acquire is necessary to the project.

\*

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Mr. Vic Robinette, 4539 Newton Street, referenced a detailed packet of information complete with computer analysis and a safety factor evaluation which was now provided to each member of the Council.

Mr. Robinette introduced the following individuals who were present on behalf of Mr. Smith:

- Mr. Keith Ehlert, geologist from American Geotechnical.
- Mr. Greg Axten, principal soils engineer and developer of the computer analysis and safety factor analysis.
- Mr. August Augustine of August Construction Company, a company specializing in drilling in difficult situations.
- Mr. Richard Rockwell, Mr. Smith's attorney.

\*

Mr. Greg Axten, Principal Engineer with American Geotechnical, presented, with the aid of transparencies and in accordance with the packets of support material provided, a detailed analysis and evaluation of their proposal. Mr. Axten advised that their conclusions set forth reasonable criteria for accomplishing stabilization of the head scarp of the landslide and also for saving the Fred Smith home.

\*

At this point, City Manager Jackson set forth the City's concerns regarding safety and noted that City staff has investigated all of the options and explored all of the feasibilities proposed. The resultant conclusion of such investigation, according to Mr. Jackson, is that the safest and best way for the preservation of property in the City of Torrance pursuant to the demands of the hearing tonight is the acquisition of the land and the removal of the Smith home. This would, per Mr. Jackson, provide the safest method of winterizing the slope for the coming season.

\*

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Owner of the property at 4730 Via Corona, Mr. Fred Smith was next to address the Council. This speaker advised that he was informed by City staff, at the time that he was required to vacate his home, that his rent would be paid by the City -- an amount which has reached the sum of \$16,000.00, and which has not, to date, been reimbursed. Mr. Smith related his reluctance to sign certain documents which have been presented to him pursuant to the matter of rent payment. Concerns regarding the effect of the declaration of a state of emergency on his ultimate reimbursement for his house were also expressed by Mr. Smith.

\*

Responding to Mr. Smith's concerns, City Attorney Remelmeyer outlined the legalities and established procedures involving the taking of property by eminent domain proceedings, noting that State law requires that Mr. Smith be paid a compensation equal to the fair market value of his property, the existence of an emergency situation having no bearing on the matter.

As to Mr. Smith's statements regarding reimbursement for rents paid, City Manager Jackson advised that the signing of certain papers by Mr. Smith is a prerequisite to the City's commitment to him of that payment. City Attorney Remelmeyer indicated a desire to further study the matter of Mr. Smith's rent, with a report to be returned to the Council at a later date.

\*

The next representative of Mr. Smith to address the issue was Mr. Keith Ehlert, Senior Engineering Geologist with American Geotechnical, 25202 Crenshaw Boulevard, who re-emphasized their conclusions that the information they have presented indicates an ability to conform to the City's desires to restore the slope and, at the same time, allow the Smith home to be saved. Mr. Ehlert indicated a desire to discuss specifics with the City's consultants to "see exactly why they object to saving the Smith home."

\*

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It was once again emphasized by City Manager Jackson that the City is not suggesting that it does not want to save the Smith home or that it would not be feasible to save the home -- the City's concerns center around the safest, quickest and best way to winterize the slope for the preservation of property and for the safety of life.

Mr. Jackson also advised that the City's consultants and staff are available to again review the materials at hand should Mr. Smith's consultants so desire.

\*

Attorney Richard S. Rockwell, 315 Centennial Way, Tustin, addressed the methodology surrounding both solutions presented; the risk factors as provided by their engineering consultants; ultimate placement of the wall; use of tiebacks; etc. Mr. Rockwell surmised that the decision of Councilmembers to take the Smith property has already been reached, and suggested that the City may not be proposing to take the land for a proper purpose.

Mr. Rockwell opined that the problems surrounding the issue of rental payment can be resolved between himself and the City Attorney's office.

\*

At this point in the proceedings, Councilman Walker addressed the Council's overall concerns regarding the safety issue and the burden of responsibility on the decision-makers. Mr. Walker highly commended Mr. Fred Smith for the manner in which he has dealt with the City under such stressful circumstances.

\*

Mr. Axten returned to stress their desire that the Smith home be saved, there being no emergency or risk in leaving it as it presently stands. The wall location as they propose, which would preserve the home, was noted by this speaker as also serving the City's interest in protecting the head scarp.

\* \* \*

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Interested citizens then addressed the Council as follows.

Mr. Paul Nitchman, 4608 Newton Street (at the bottom of the hill affected by the slope failure), expressed concerns regarding the need for expeditious winterization and stabilization of the slope.

\*

Ms. Elaine McAloon, 4918 Paseo Del Pavon (approximately 2 1/2 blocks southwest of the Smith home), questioned the method and extent of notification for this hearing -- response by City Manager Jackson indicated the absence of an extensive written notification, but included efforts to contact individual homeowners by telephone. The fact that the date of this hearing was established some 30 days ago and was public knowledge at that time was pointed out by Mayor Geissert.

\*

Mr. Tom Cook, owner of property at 4718 Via Corona, indicated his apprehension regarding the safety of his property subsequent to the winterization efforts -- the City's efforts to assure maximization of the safety factor for the hillside were explained by City Manager Jackson.

It was the suggestion of Mayor Geissert that a neighborhood meeting be arranged in the very near future for all concerned and interested parties who might be affected by the movement of the hillside or who might have concerns regarding the winterization efforts. Staff will follow through.

\*

The resident of property some 30 feet from the scarp of the slide, Mr. Henry Smith requested that he be advised, in writing, as to any risk factors involving his home.

\*

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

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During his ensuing comments, Councilman Applegate pointed out that, while this Council has always been desirous of saving the Smith home, it is the City's ultimate responsibility to provide the best protection in the safest manner for all concerned -- the residents of the area, as well as those who will be working on the slope to achieve that end. The City's interest, Mr. Applegate pointed out, was under no circumstances approached from the position of a landowner, but rather from the standpoint of providing the greatest degree of protection to people and property.

The following motion was then offered.

MOTION: Councilman Applegate moved to concur with the recommendation of the City Manager on Agenda Item 17c. His motion was seconded by Councilman Mock.

Councilwoman Hardison requested specific clarification regarding the aspect of safety in winterization and stabilization of the slope. City Manager Jackson noted his understanding that completion of the winterization program would be faster and also easier and safer for the workmen with removal of the Smith home.

Noting that she has reluctantly become convinced that there is a resultant higher level of safety involved with removal of the structure, Mayor Geissert noted her support of the City Manager's recommendation and requested that the City Clerk assign a number and read title to the following --

RESOLUTION NO. 86-240

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF THAT CERTAIN PROPERTY LOCATED AT 4730 VIA CORONA; AND DECLARING THE PRESENCE OF AN EMERGENCY; AND AUTHORIZING THE ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN PROCEEDINGS

MOTION: Councilman Nakano moved to adopt Resolution No. 86-240. His motion, seconded by Councilman Mock, carried unanimously by roll call vote.

The following recommendation of the Finance Department was then noted.

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FINANCE RECOMMENDATION:

- A. If your Honorable Body chooses to proceed with an Eminent Domain action, the City Attorney will need to deposit the appraised value of the property with the court upon filing for an order of immediate possession.

It is estimated that \$500,000 will cover said deposit and certain other procedural costs at this time.

Funding resources are currently extremely limited. It is RECOMMENDED that by minute motion a temporary \$500,000 cash loan from the Water Revenue Fund and appropriation to this project be authorized. The Water Fund has adequate cash reserves so that water operations and approved capital projects would in no way be impaired by this loan. Investment earnings at the City's going rate would be allocated so that there is no earnings loss to the Water Fund.

- B. If the choice is to save the Smith property, no appropriation is recommended at this time -- to allow a better determination of costs and consideration of other funding sources.

MOTION: Councilman Applegate moved to concur with the above noted recommendation of the Finance Department. His motion was seconded by Councilman Nakano, and roll call vote proved unanimously favorable.

Mayor Geissert urged that a neighborhood meeting be scheduled within the next two weeks.

Councilman Walker voiced his concerns regarding the reimbursement of Mr. Smith's rental expenses, and was advised that the City Attorney's office will return with a report to the Council in this regard in one week.

\* \* \*

At 8:20 p.m., a brief recess was called. The Council reconvened at 8:45 p.m., to continue with their regular agenda order.

\* \* \*

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17d. ACQUISITION OF APPLICATION ACCELERATOR SOFTWARE PACKAGE:RECOMMENDATION:

The Information Systems Director recommends that Council authorize an agreement be made with Cortex Corporation to provide the Application Accelerator Package for a total not to exceed \$22,500.

Cortex is a sole source developer for Inform language software packages. Funds are available from existing Federal Revenue Sharing for fiscal systems.

MOTION: Councilman Applegate moved to concur with the above stated recommendation of the Information Systems Director. His motion, seconded by Councilman Wirth, carried unanimously by roll call vote.

18. SECOND READING ORDINANCE:18a. ORDINANCE NO. 3175:

Supplementary material on this agenda item was noted, said material setting forth a suggested list of property improvements for Council consideration (per concerns voiced at the September 23, Council meeting).

It was the consensus of the Council that the second reading of Ordinance No. 3175 (ZC 86-1) should be held pending staff's notification of the property owners involved, regarding the recommended property improvements.

MOTION: Councilwoman Hardison moved to hold the second reading of Ordinance 3175. Her motion was seconded by Councilman Wirth.

The feasibility of requiring construction of trash enclosures was questioned by Councilman Walker. It was the desire of Planning Director Ferren to check into this question, as well as to establish with the property owners a realistic time frame for accomplishment of the proposed improvements. Staff will return within two weeks with a progress report.

Councilwoman Hardison's above motion to hold the second reading of Ordinance 3175, carried without objection.

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20. CONSENT CALENDAR:20a. FINAL TRACT MAP NO. 43667

SUBDIVIDER: WESTMOUNT, INC.

LOCATION: AMAPOLA COURT/AMAPOLA AVENUE S/O DEL AMO;  
E/O CRENSHAW

NO. OF LOTS: 7.

RECOMMENDATION OF CITY ENGINEER/PLANNING DIRECTOR:

That Final Tract Map No. 43667 be approved.

MOTION: Councilman Applegate moved to concur with staff's recommendation on Agenda Item 20a. His motion was seconded by Councilwoman Hardison, and roll call vote was unanimously favorable.

\* \* \*

At 8:51 p.m., the City Council convened as the Redevelopment Agency of the City of Torrance, reconvening as City Council at 8:52 p.m.

\* \* \*

22. ORAL COMMUNICATIONS:

22a. Councilman Wirth announced that the Council Transportation Committee will meet in the near future to consider the following:

- Airport Noise, and
- Joint participation with other South Bay cities regarding transit improvements.

22b. Councilman Wirth complimented Mayor Geissert on receiving national coverage in a recent article in the "National News Weekly."

22c. Mayor Geissert appointed Councilman Wirth to sit as a member of the South Bay Corridor Steering Committee. There were no objections, and it was so ordered.

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22d. Mayor Geissert announced the upcoming National League of Cities Conference in San Antonio, and noted the need for appointment of a delegate and alternate for that conference.

MOTION: Councilman Applegate moved to designate Councilman Walker as delegate and Councilman Mock as alternate to the National League of Cities Conference. His motion, seconded by Councilman Wirth, carried unanimously by roll call vote.

22e. Mayor Geissert noted the League of California Cities conference to be held in Los Angeles in mid October.

MOTION: Councilman Applegate moved to designate Mayor Geissert as delegate and Councilman Wirth as alternate to the League of California Cities conference. His motion was seconded by Councilwoman Hardison, and carried unanimously by roll call vote.

22f. It was the request of Mayor Geissert that the Council's Legislative Review Committee (Mayor Geissert and Councilmen Mock and Walker members) meet in the very near future regarding ballot measures of concern to the City.

The Council now returned to --

17a. EXECUTIVE SESSION (Continued from Page 6):

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 pending litigation cases to which the City is a party. The authority for holding a closed session for this purpose is contained in the provisions of Government Code Section 54956.9(a).

1. City of Torrance v. Group W. Cable, et al, Los Angeles Superior Court Case Number C607766.
2. Gerardin Corp. vs. City of Torrance, United States District Court Case Number 86 CV 5681-WJR.
3. Lincoln Property Company vs. City of Torrance, et al, United States District Court Case Number 86 CIV 4432 FFF (Px).

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4. Lincoln Property Company vs. City of Torrance, et al, Los Angeles Superior Court Case Number C607339.

Potential litigation involving a claim from Western Waste Industries, Inc. for property damage. The authority for holding a closed session for this purpose is contained in the provisions of Government Code Section 54956.9(b)(1).

Presentation by the Assistant City Manager regarding the Sonoma Sump or the El Dorado Sump. This closed session is being held pursuant to the provisions of Government Code Section 54956.8.

The City Council will also recess to closed session to confer with the City Manager regarding salaries, salary schedules and compensation for certain employee groups. The authority for holding a closed session for this purpose is contained in Government Code Section 54957.6.

At 9:02 p.m., the City Council recessed to Executive Session to consider the above stated matters.

NOTE: Councilman Applegate announced that he would abstain in consideration of the Lincoln Property matters and absented himself from the meeting room during that discussion.

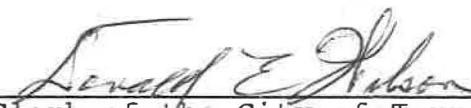
The Council returned at 11:05 p.m., to take the following action.

MOTION: Councilman Applegate moved to concur with the City Attorney's recommendation regarding settlement of the claim from Western Waste Industries, Inc. His motion, seconded by Councilman Wirth, carried unanimously by roll call vote.

At 11:06 p.m., the meeting of the City Council was formally adjourned to Tuesday, October 7, 1986, 5:30 p.m.

# # # # #

  
 Mayor of the City of Torrance

  
 Clerk of the City of Torrance

Peggy Laverty  
 Minute Secretary

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