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Torrance City Council - October 13, 1987

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Adjournment was at 12:37 a.m. (October 14th) to
Tuesday, October 20, 1987, 5:30 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, October 13, 1987, at 7:00 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/INVOCATION:

The salute to the flag was led by Boy Scout Troop 310, James Gordon, Scoutmaster.

The invocation for the meeting was provided by Dr. Donald E. Wilson.

4. APPROVAL OF MINUTES/MOTION RE FURTHER READING:

MOTION: Councilman Applegate moved to adopt the City Council minutes of September 15, 1987, as recorded. His motion was seconded by Councilman Mock, and roll call vote was unanimously favorable.

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MOTION: 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, seconded by Councilman Mock, carried unanimously by roll call vote.

5. MOTION RE POSTING OF AGENDA:

MOTION: Councilman Applegate moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. This motion was seconded by Councilwoman Hardison, and roll call vote was unanimously favorable.

6. WITHDRAWN OR DEFERRED ITEMS:

City Manager Jackson announced that the proponent has requested that Agenda Item 15a, CUP 87-36, SERGIO NAVARRO AND LINDA BOUGNEIT, be continued to the Council meeting of October 20, 1987. (See Page 18).

7. COUNCIL COMMITTEE MEETINGS:

FINANCE AND GOVERNMENT OPERATIONS COMMITTEE
Wednesday, October 21, 1987, 4:30 p.m.
Subject: First Quarter Budget Review.

TRANSPORTATION COMMITTEE
Monday, October 26, 1987, 6:00 p.m.
Subject: Airport Concerns.

AD HOC ARMED FORCES DAY COMMITTEE
Met this date
Subject: Procedural Matters.

Considered out of order --

22. ORAL COMMUNICATIONS:

22a. Mayor Geissert announced that a 1988 Honda automobile was delivered this date by Scott Robinson Honda, in conjunction with the City's 75th Anniversary Celebration.

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22b. Mayor Geissert announced that Mr. Larry Gitschier, member of the Senior Citizens Council, recently celebrated his 84th birthday -- congratulations and best wishes were extended on behalf of the entire Council.

The Council returned to its regular agenda order.

8. COMMUNITY MATTERS:

8a. AMERICAN FIELD SERVICE EXCHANGE STUDENTS:

It was with a great deal of pleasure that Mayor Geissert recognized, by way of the presentation of plaques, the following AFS exchange students.

- VEENA MORAR, from South Africa and attending South High School.

Host Family: Bob and Judy Helbling.

- JENS ANDERSSON, from Sweden and attending Torrance High School.

Host Family: David and Carla Longacre.

- LUT TAMAM, from Turkey and attending South High School.

Host Family: Philip and Lynn Solomita.

Mr. Ray Roulette, President of Torrance Chapter of AFS, was present to introduce these young people and to provide information regarding the American Field Service Exchange Student Program.

8b. PROCLAMATION proclaiming Sunday, October 18, 1987, as "National Catholic Daughters of the Americas Day."

SO PROCLAIMED by Mayor Geissert and accepted by Ms. Beulah Helgerson.

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8c. PROCLAMATION proclaiming October 18 through 24, 1987,
as "Dental Hygiene Week."

SO PROCLAIMED by Mayor Geissert. Present to Accept this proclamation was Ms. Kathy Kay Alvarez, President of California Dental Hygienists' Society and member of the South Bay Dental Hygienists' Society.

8d. PROCLAMATION proclaiming October 1987 as "National Lupus Month."

SO PROCLAIMED by Mayor Geissert. Ms. Charlene Wakefield accepted this proclamation.

8e. PROCLAMATION proclaiming Sunday, October 18, 1987, as "Bike Ride Against Diabetes Day."

SO PROCLAIMED by Mayor Geissert. This proclamation was accepted by Ms. Anne Ryan.

8f. PROCLAMATION proclaiming October 18 through 24, 1987,
as "Financial Independence Week."

SO PROCLAIMED by Mayor Geissert. This proclamation was accepted by Mr. John Grace of Financial Network. Mr. Grace introduced Ms. Toni Harris of the International Association of Financial Planners, who accompanied him to the podium.

8g. PROCLAMATION designating October 19 through 24, 1987,
as "Water Awareness Week."

SO PROCLAIMED by Mayor Geissert, and presented to the City's Water Superintendent, Mr. Bob O'Cain.

8h. PROCLAMATION proclaiming October 15, 1987, as "White Cane Safety Day."

SO PROCLAIMED by Mayor Geissert.

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8i. RESOLUTION re Jared Sydney Torrance Award for 1987-88.

RESOLUTION NO. 87-231

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF TORRANCE NAMING RECIPIENTS
OF THE JARED SYDNEY TORRANCE AWARD FOR
1987-88

MOTION: Councilman Nakano moved to adopt Resolution No. 87-231. His motion was seconded by Councilman Walker, and roll call vote was unanimously favorable.

9. LIBRARY/PARKS AND RECREATION MATTERS:

9a. HUMAN RESOURCES COMMISSION'S ANNUAL REPORTS -
1984/85, 1985/86, AND 1986/87.

Ms. Hope Witkowsky, Chairperson of the Human Resources Commission, was present to confirm the following --

RECOMMENDATION:

The Human Resources Commission and the Parks and Recreation Director recommend your Honorable Body accept and file the Human Resources Commission's Annual Reports for 1984/85, 1985/86, and 1986/87.

MOTION: Councilman Walker moved to concur with the above stated recommendation on Agenda Item 9a. His motion, seconded by Councilman Wirth, carried unanimously by roll call vote.

10. TRANSPORTATION/PUBLIC WORKS MATTERS:

10a. GRANT OF EASEMENT TO SOUTHERN CALIFORNIA EDISON:

RESOLUTION NO. 87-232

A RESOLUTION OF THE CITY OF TORRANCE
AUTHORIZING AND DIRECTING THE MAYOR
AND CITY CLERK TO EXECUTE AND ATTEST
AN EASEMENT TO SOUTHERN CALIFORNIA
EDISON COMPANY FOR UNDERGROUND ELECTRICAL
SYSTEMS AND APPURTENANCES

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MOTION: Councilman Nakano moved to adopt Resolution No. 87-232. This motion, seconded by Councilman Mock, was unanimously approved by roll call vote.

10b. DIAL-A-LIFT SERVICE AWARD OF CONTRACT:

RESOLUTION NO. 87-233

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING EXECUTION OF AN AGREEMENT WITH COMMUNITY TRANSIT SERVICES, INC. FOR PROVISION OF DIAL-A-LIFT SERVICES FROM NOVEMBER 1, 1987 THROUGH OCTOBER 31, 1989

MOTION: Councilman Nakano moved to adopt Resolution No. 87-233. His motion was seconded by Councilman Mock.

Prior to roll call vote, Councilman Wirth expressed his personal concerns that the previous high quality of Dial-A-Lift service will be maintained in the City of Torrance.

Mr. Robert Wilson, 2518 Eldon Avenue, Costa Mesa, Vice-President of Community Transit Services and Data Systems, advised that no changes in quality of service are anticipated, and he assured the Council that the same level of commitment and enthusiasm will be maintained.

Councilwoman Hardison requested that staff provide the Council with an update on the Saturday Dial-A-Lift ridership statistics. Department of Transportation staff to respond.

Roll call vote on the above motion for adoption of Resolution No. 87-233 was unanimously favorable.

10c. WATER WELL NO. 4 REPAIR WORK:

RESOLUTION NO. 87-234

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING RETENTION OF GENERAL PUMP COMPANY, INC., TO PERFORM REPAIR WORK ON WATER WELL NO. 4

MOTION: Councilman Nakano moved to adopt Resolution No. 87-234. His motion, seconded by Councilwoman Hardison, was unanimously approved by roll call vote.

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13. ENVIRONMENTAL/BUILDING & SAFETY MATTERS:

13a. REGULATION OF SMOKING IN CERTAIN DESIGNATED PLACES:

Staff presentation was provided by Environmental Quality Administrator McElroy, who set forth the following options for Council consideration.

I. ORDINANCE "A" represents the model ordinance sponsored by the American Cancer Society, the American Heart Association, and the American Lung Association. This model has been used by most cities in California.

Salient components of the ordinance are:

- o Would require all enclosed facilities owned by the City of Torrance to formulate smoking policies.
- o Would require businesses to establish a smoking policy when there are more than (3) employees. Would require smoke-free environment to the extent possible without incurring additional expense. Would provide non-smoking areas in cafeteria and lobby of 40% of the seating capacity.
- o Would require restaurants with more than 50 seating capacity to provide a minimum of 40% of seating for non-smokers.
- o Prohibits smoking in waiting rooms, hallways, wards and semi-private rooms of health facilities, in elevators, public restrooms, indoor service lines, in buses, taxicabs, and other means of public transit under the authority of the City, in museums, galleries, theaters, auditoriums, and halls used for entertainment, and in retail food markets.
- o Provides that an owner, manager, or operator can declare establishment as a non-smoking establishment.
- o Provides the following areas are not to be restricted: private residences used for work place, bars, hotel and motel rooms rented to guests, tobacco shops, rooms set aside for private conferences in hotels, motels, restaurants, etc., and in private rooms or offices, or other areas set aside for smokers.

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- o Provides enforcement as to be implemented by the City Manager or his designee.
- o Provides for enforcement on complaint basis only.
- o Provides the owner/manager/operator to comply through establishment of a policy relating to smoking, to post signs designating no smoking areas, to inform employees of smoking policy.
- o Provides that no expense is to be incurred to comply.
- o Provides violations are considered a misdemeanor.
- o Provides employers cannot retaliate against employees when employee exercises rights allowed by ordinance.

This ordinance provides the most protection for non-smokers and is applied by most work and public areas.

* * *

II ORDINANCE "B" includes the above components but differs in the following ways:

- o Would exclude facilities owned by the City of Torrance.
- o Would exclude work places.
- o Would require restaurants to establish a smoking policy but would not specify the number of seating capacity or the percentage of smoking to non-smoking ratio.

This ordinance would exclude the City Hall from requiring a smoking policy. This would accommodate the particular problems associated with the separation of building, the lack of lobbies, or private areas in some buildings and associated with the various Memorandums of Understanding that serve as contracts for work and wage conditions. It would also exclude work places .

This alternative would allow a discretionary policy in restaurants that could relate to the actual need expressed by clients for smoking and non-smoking areas.

* * *

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III ORDINANCE "C" includes components of Ordinance "A" with the following changes:

- o Would exclude sports events.
- o Would exclude restaurants.
- o Allows public meeting facilities having more than 50 seating to allow 50% of the contiguous area, if not segregated on a front area versus rear area basis, for a smoking area and provides that areas with less than 50 seats shall provide an area not more than 25% for a smoking area.
- o Provides a contiguous non-smoking area of not less than 2/3 of the seating capacity in cafeterias, lunchrooms and employee lounges in work places.
- o Provides a statement providing that in any dispute arising between smokers and non-smokers, efforts shall be made by the employer to accommodate the desires of both smokers and non-smokers.

This is patterned after the ordinance used by the City of Los Angeles. This option excludes sports events and restaurant activities most often associated with smoking. It allows separation in most public areas to accommodate smokers and non-smokers. It provides for a mediation process between the smoker and non-smoker.

* * *

IV NO ORDINANCE. VOLUNTARY APPROACH. The fourth option would be a voluntary approach wherein staff would communicate with each business to furnish educational materials from the American Cancer Society and the American Lung and Heart Associations to encourage businesses and employers to establish a policy to protect the non-smoker to the extent possible.

This approach is the most elusive in determining if the non-smokers rights are being protected. At the same time, it may provide more viable programs to accommodate both smoker and non-smokers and give businesses a greater opportunity to accommodate employees and patrons.

* * *

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V NO ACTION OR REFER TO COUNCIL COMMITTEE.

* * *

RECOMMENDATION:

Building and Safety Department staff recommends that your Honorable Body approve Ordinance "A" that is recommended by the various health organizations, since it will provide the optimal protection for the non-smoker while providing reasonable means to protect businesses from expenses.

CITY MANAGER'S RECOMMENDATION:

It is the City Manager's recommendation that your Honorable Body adopt Ordinance "B". Ordinance "B" effectively addresses smoking problems associated with restaurants without imposing regulations upon the general workplaces of all businesses.

Audience input was invited by Mayor Geissert. Speakers were:

Mr. Daniel Stock, 20440 Anza Avenue, favored the most restrictive ordinance possible.

*

Mr. Carl Simino, 9301 Lucerne Avenue, Culver City, President of Californians for Non-Smokers' Rights submitted, as a model, a copy of the non-smokers' rights ordinance recently adopted by the City of Culver City. (This material has been made part of the official record on this agenda item.)

*

Mr. Seymour Uberman, 4116 Konya Drive, strongly recommended further study and the submittal of additional options prior to the adoption of any ordinance by the City of Torrance. Portions of the Surgeon General's Report of 1986 were referenced by Mr. Uberman as statements supportive of the goal to protect the safety of the indoor environment from the harmful effects of tobacco smoke.

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This speaker also recommended that the City of Torrance address the promotion of a smoke cessation program in conjunction with adoption of an ordinance, and indicated his concurrence with a modified version of Ordinance "A" with an increased percentage of non-smoking seats in restaurants.

*

Dr. William McCarthy, Research Psychologist at UCLA with the UCLA Division of Cancer Control, and also involved with the American Cancer Society and representing the American Heart and Lung Associations, recommended Ordinance "A" modified to increase the percentage of non-smoking restaurant seats to 70% (more in line with the national ratio).

This speaker also addressed the benefits recognized by employers when a significant number of employees quit smoking. An ordinance more stringent than the most restrictive offered to the Council this evening was recommended by Dr. McCarthy.

*

Next to speak was Dr. Maurine Sasoon, 3602 Estates Lane, Palos Verdes Peninsula, who urged, as one who is allergic to cigarette smoke, that regulations governing smoking in the workplace be included in any ordinance adopted by the City of Torrance.

*

The most restrictive ordinance possible was urged by Ms. Yvonne Tressle, 4558 Cathann, who related experiences involving a member of her family who suffers from a violent allergy to smoke.

*

Dr. Stanley Rubin, Associate Professor of Medicine at UCLA School of Medicine, and Director of the Cardiology Training Program at Cedars-Sinai Medical Center. Dr. Rubin advised that this evening he is also acting as a volunteer Board Member of Americans for Non-smokers' Rights.

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The public health concerns represented by the subject issue was addressed by Dr. Rubin, who offered his opinion that Ordinance "A", modified to address the inadequacy of the percentage of non-smokers' seats in restaurants, would satisfactorily handle the problem.

*

Representing the Torrance Area Chamber of Commerce, 3400 Torrance Boulevard, was Mr. Dan McClain, who related the following suggestions regarding Ordinance "A" expressed by a representative group of major employers in the City --

SECTION 45.15.4 (b) (2) should be reworded to indicate supervision or company management as having the right to designate the specific smoke-free work area; rather than the employee.

SECTION 45.15.4 (c) (regarding disputes in the workplace) it was suggested that an effort be made by the employer to accommodate the desires of both smokers and non-smokers (per SECTION 45.15.3 (a) (3) of Ordinance "C").

*

Mr. David Show(?), 21025 Victor Street, Apt. #1, identified himself as a smoker and recommended that, if possible, a physical barrier and filter system be initiated in restaurants between the smoking and nonsmoking areas.

*

President of Americans for Non-smokers' Rights, Mr. Walt Bilofsky, 14478 Glorietta Drive, Sherman Oaks, recommended that SECTION 45.15.3 (b) of Ordinance "A" be clarified to specify no more than 60% smoking in a separate area in the same room.

Referencing smoking in the workplace, Mr. Bilofsky offered his opinion that the clause giving the non-smoker precedence in the event of a dispute (SECTION 45.15.4 (c) should be retained.

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An increase in the percentage of seating in the non-smoking area in restaurants and the adoption of Ordinance "A" with that modification was recommended by Mr. Bilofsky.

*

Mr. Mark Allen, 4210 Cathann Street, recommended that care be taken to assure the effectiveness of the ordinance adopted.

*

A volunteer for the American Cancer Society, the American Heart Association, and the Los Angeles County March of Dimes, Mr. Don Johnson, 5605 Edgemere Drive, urged favorable consideration of Ordinance "A".

*

Mr. Terry Bass, 3007 Carolwood, favored Ordinance "A" with the percentage indicated for non-smokers in restaurants brought closer to the national average of non-smokers (at least 50% - 60%).

*

Ordinance "A" was also recommended by Ms. Mary Wangerheim, 6740 Los Verdes Drive, Rancho Palos Verdes, who stressed the need for regulations in the workplace.

*

Ms. Teri Transer, 4523 Monogram, Lakewood, manager of a restaurant in Torrance, stated that she would welcome guidelines in the form of an Ordinance and concurred with Ordinance "A".

*

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Mr. Dick Johnson, 23059A South Nadine Drive, recommended Ordinance "A", but expressed doubts as to the enforcement aspects. Mr. Johnson reiterated previously stated difficulties experienced regarding maintenance of a green belt near his home. Mayor Geissert requested that staff follow through.

*

The last speaker from the audience, Mr. Ralph Sokolo, 3202 West 154th Street, Gardena, stated that he is allergic to cigarette smoke and urged adoption of an effective ordinance.

* * *

Council discussion then ensued.

Councilman Wirth indicated his preference for Ordinance "A" with modifications. It was Mr. Wirth's desire that the public be given an opportunity for further input prior to a final decision by the Council, and he suggested that a hearing be scheduled before the Torrance Environmental Quality and Energy Conservation Commission for that purpose.

Councilman Applegate indicated two areas of personal concern -- restaurants and the workplace -- and he recommended that SECTION 45.15.4(c) of Ordinance "A" be changed to indicate that the employer shall be responsible for resolving any resultant disputes (per language in Ordinance "C"). Council action this evening rather than postponement was urged by Mr. Applegate.

Councilman Walker favored an in-depth effort of communicating with the restaurant industry, major employers in the City, and individuals who spoke at this meeting in order to formulate an ordinance appropriate for all.

More extensive public notification including Homeowners Associations was desired by Councilwoman Hardison, who agreed with the need to reconsider percentages in restaurants and suggested the possibility of posting the smoking/non-smoking sections for the information of customers.

Councilman Nakano agreed with the need for further input, particularly regarding places of employment.

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The need for more information regarding the seating ratio in restaurants, as well as more input from businesses with regard to smoker/non-smoker relationships in the workplace, was noted by Councilman Mock who offered the following.

MOTION: Councilman Mock moved to forward Agenda Item 13a to the Torrance Environmental Quality and Energy Conservation Commission for further input, to be returned to the Council in a timely manner. The motion was seconded by Councilman Wirth.

Mayor Geissert indicated her inclination to adopt Ordinance "A" without the further delay represented by sending the matter to Commission.

A SUBSTITUTE MOTION was offered by Councilman Applegate to approve Ordinance "A", replacing SECTION 45.15.4(c) with SECTION 45.15.3(a) (3) from Ordinance "C". This motion was seconded by Mayor Geissert.

Prior to roll call vote, Councilman Walker indicated his preference that the matter be held for approximately 60 days in order to give staff and the business community an opportunity to "fine tune" the ordinances, with the matter then to be returned directly to the Council.

The above SUBSTITUTE MOTION FAILED TO CARRY as is indicated by the following roll call vote.

AYES: COUNCILMEMBERS: Applegate and Mayor Geissert.

NOES: COUNCILMEMBERS: Hardison, Mock, Nakano, Walker and Wirth.

Prior to roll call on the main motion, some concerns were expressed regarding delays involved in submitting the matter to the Commission.

The MAIN MOTION then FAILED TO CARRY as shown below.

AYES: COUNCILMEMBERS: Mock and Wirth.

NOES: COUNCILMEMBERS: Applegate, Hardison, Nakano, Walker and Mayor Geissert.

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A MOTION was then offered by Councilman Walker to hold Item 13a for 60 days or less to afford staff and the Chamber of Commerce an opportunity to work with the business community, restaurants, and the community at large for input -- an ordinance then to be returned to the Council which also addresses the concerns of the individuals who spoke this evening and the concerns of Councilmembers.

This motion was seconded by Councilman Nakano.

Noting his opinion that less than 60 days should be required, Councilman Applegate offered a SUBSTITUTE MOTION to hold Agenda Item 13a until November 17, 1987, 5:30 p.m., at which time an ordinance is to be returned to the Council with staff having obtained the additional information requested by the Council and with ample notification having been given to the public.

The substitute motion was seconded by Councilman Mock.

Prior to roll call vote, Councilman Mock specified his overall concerns to include the percentage figures appropriate for, and acceptable to, restaurants and acceptable language regarding the conflict between the smoker and non-smoker in the workplace. Mr. Mock suggested that input might be invited from other cities as to methods of dealing with disputes in the workplace.

Councilwoman Hardison requested additional information regarding employee/employer rights and also the matter of disputes (SECTION 41.15.4). Expanded notification to the general public was an important consideration in Mrs. Hardison's opinion.

Information on the State law on smoking/non-smoking areas was requested by Councilman Wirth.

Roll call vote on the above SUBSTITUTE MOTION proved unanimously favorable.

* * *

At 9:25 p.m., a recess was called by Mayor Geissert. The Council returned at 9:45 p.m.

* * *

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At 9:45 p.m., the City Council convened in joint session with the Redevelopment Agency of the City of Torrance. At 10:15 p.m., the regular City Council agenda order was resumed, the Council/Agency remaining in joint session for purposes of a joint executive session to be held later in the meeting (see Page 30).

* * *

14. PERSONNEL MATTERS:

14a. REVISED CLASS SPECIFICATIONS - SEMI-SKILLED LABORER:

RECOMMENDATION:

The Personnel Department and the Civil Service Commission recommend approval of the proposed revised class specification for Semi-Skilled Laborer. The Torrance Municipal Employees, AFSCME Local 1117 concurs with staff's recommendation.

MOTION: Councilman Applegate moved to concur with the above noted recommendation on Agenda Item 14a. His motion, seconded by Councilman Walker, carried unanimously by roll call vote.

14b. CONTRACT AMENDMENT FOR MC DONNELL DOUGLAS CORPORATION FOR 1987-1988 CONTRACT PERIOD:

RESOLUTION NO. 87-235

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TORRANCE AUTHORIZING AND DIRECTING
THE MAYOR AND THE CITY CLERK TO EXECUTE
AND ATTEST A CONTRACT AMENDMENT BETWEEN
THE CITY OF TORRANCE AND MC DONNELL DOUGLAS
CORPORATION

MOTION: Councilman Nakano moved to adopt Resolution No. 87-235. His motion, seconded by Councilwoman Hardison, carried unanimously by roll call vote.

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- 14c. RESOLUTION RE: APPLICATION FOR DISABILITY RETIREMENT,
WILLIAM T. SPRANKLING:

RESOLUTION NO. 87-236

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TORRANCE RELATING TO THE
APPLICATION FOR A DISABILITY RETIREMENT
FILED BY WILLIAM T. SPRANKLING

MOTION: Councilman Nakano moved to adopt Resolution No. 87-236. His motion, seconded by Councilman Walker, was un-animously approved by roll call vote.

15. HEARINGS:

- 15a. CUP 87-36, SERGIO NAVARRO AND LINDA BOUGNEIT:

In accordance with the applicant's request, Councilman Wirth MOVED to continue Agenda Item 15a, Sergio Navarro and Linda Bougneit, to the City Council meeting of October 20, 1987, 5:30 p.m. His motion was seconded by Councilwoman Hardison and, there being no objection, it was so ordered.

- 15b. CUP 86-1 (MOD), CARVER DEVELOPMENT/RALPH MORGAN:

Mayor Geissert announced that this was the time and place for continued Council consideration of an appeal of a Planning Commission denial of a request for Modification of a previously approved Conditional Use Permit to delete a condition requiring that a cross access easement be granted in the M-1 Zone at 2015 West 190th Street; CUP 86-1 (MOD), CARVER DEVELOPMENT/RALPH MORGAN.

Proof of publication was provided by City Clerk Wilson and it was filed without objection.

City Attorney Remelmeyer advised that an agreement has been reached with Carver Development Corporation and the company has agreed to withdraw their appeal (formal withdrawal on file).

There being no one in the audience who wished to speak on this matter, Councilman Applegate moved to close the hearing. His motion, seconded by Councilman Wirth, was unanimously approved by roll call vote.

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MOTION: Councilman Applegate moved that the City Council accept the withdrawal of the appeal from Carver Development Corporation and that Council accept the Staff and the City Attorney's recommendation and approve the form of cross-access easement offered by Carver Development Corporation, and further, that upon completion of the construction work and the satisfaction of all other conditions, that the Certificate of Occupancy on the Carver Development Corporation project be issued, provided a properly executed cross-access easement has been delivered to the City in substantially the form presented tonight.

This motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

17. ADMINISTRATIVE MATTERS:

17a. ACCEPTANCE OF WORK BRINGING UNDERGROUND TANKS INTO COMPLIANCE:

RESOLUTION NO. 87-237

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TORRANCE AUTHORIZING ACCEPTANCE
OF WORK PERFORMED BY AND APPROPRIATION
OF \$13,625 FOR FINAL PAYMENT TO HEKIMIAN
AND ASSOCIATES, INC.

MOTION: Councilman Nakano moved to adopt Resolution No. 87-237. This motion, seconded by Councilwoman Hardison, carried unanimously by roll call vote.

17b. PLACEMENT OF REMOTE CAMERAS IN CITY COUNCIL CHAMBERS:

RECOMMENDATION:

It is the recommendation of the Cable Television Administrator that the City Council:

1. Approve the placement of the three CCD cameras in the locations recommended by staff (Locations 1, 2, and 3 on layout presented with agenda packet);
2. Approve the placement of the fourth camera in the location recommended by staff (Location "A" on layout presented).

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If your Honorable Body should approve the location of the fourth camera, staff will return in two weeks with funding options for your consideration.

City Manager Jackson pointed out that his personal recommendation for the placement of the fourth camera is Location "C", per layout of record.

Cable Television Administrator Carter graphically illustrated the various camera placement options presented and related the pros and cons of each (per backup material on this item).

From the audience, Ms. Shirley Turner, 23216 Juniper Avenue, requested and received clarification regarding problems associated with a centralized placement of Camera 4.

Council discussion ultimately resulted in the following motion.

MOTION: Councilman Mock moved to concur with staff's recommendation regarding placement of the three CCD cameras, and to approve Option "A" for Camera 4. His motion was seconded by Councilman Wirth.

Councilman Applegate was of the opinion that Option "C" would be more appropriate in that, although showing more of a side view of the speaker than Location "A", it would include certain staff members in the background rather than members of the audience. (It had earlier been confirmed by Cable Television Administrator Carter that it will not be possible to place the background "out of focus".)

Councilman Applegate then offered a SUBSTITUTE MOTION to concur with the Cable Television Administrator's recommendation as to the placement of the three CCD cameras, and to approve Option "C" for the fourth camera. This motion was seconded by Councilman Nakano, but FAILED TO CARRY by way of the following roll call vote.

AYES: COUNCILMEMBERS: Applegate, Nakano and Walker.

NOES: COUNCILMEMBERS: Hardison, Mock, Wirth and Mayor Geissert.

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The MAIN MOTION carried as is indicated below.

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

NOES: COUNCILMEMBERS: Applegate, Nakano and
Walker.

17c. COUNCIL AWARD OF CONTRACT FOR RELOCATION OF HISTORIC
WESTON HOUSE
(Anticipated Expenditure: \$18,950.00 plus
\$150.00/month for a temporary foundation).

RECOMMENDATION:

The City Manager recommends that the Wesco offer of the Weston House be accepted, an appropriation in the amount of \$20,000.00 from the Parks and Recreation Facilities Fund be approved, and that a contract be awarded to Bell House Movers, Inc. to relocate the house to Wilson Park for a fee of \$18,950.00 plus a monthly fee of \$150.00 per month for the temporary foundation.

MOTION: Councilman Nakano moved to concur with the above recommendation of the City Manager. His motion was seconded by Councilwoman Hardison.

From the audience Mr. Ken Gough, 18206 Taylor Court, reaffirmed the interest of the Friends of Madrona Marsh in relocating the Weston Ranch House upon Marsh property for use as an interpretive building. Mr. Gough requested that every effort be expended to keep the house free from vandalism while temporarily located at Wilson Park, and that it be relocated permanently as soon as possible to Marsh property.

City Attorney Remelmeyer advised that it will be necessary to obtain the consent of TIC prior to relocating the building on Marsh property.

Parks and Recreation Director Barnett stated his understanding that it is the wish of the Friends to locate this building temporarily on Marsh property until a permanent building can be designed and constructed. The need for further investigation of such a proposal was suggested by Mr. Barnett.

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It was indicated by City Manager Jackson that staff will return to the Council with alternatives for consideration in this regard -- the need to move quickly to find a permanent site was stressed by Councilman Walker, who suggested the possibility of placement on a vest pocket park somewhere in the City.

Roll call vote on the above motion to concur with the City Manager's recommendation was unanimously favorable.

17d. PUBLIC EMPLOYEES' RETIREMENT SYSTEM CONTRACT AMENDMENT:

RECOMMENDATION:

It is the recommendation of the City Manager that:

1. The City Council adopt the Amendment to Contract between the Board of Administration of the Public Employees' Retirement System and the City Council of the City of Torrance.
2. The City Clerk be directed to complete the Certification of Final action of the Governing Body.

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

17e. AGREEMENT WITH TORRANCE AREA CHAMBER OF COMMERCE FOR FISCAL YEAR 1987-88:

RESOLUTION NO. 87-238

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THAT CERTAIN AGREEMENT BETWEEN THE CITY AND THE TORRANCE AREA CHAMBER OF COMMERCE FOR THE PERFORMANCE OF SPECIFIED PROFESSIONAL SERVICES TO THE CITY FOR THE 1987-88 FISCAL YEAR

MOTION: Councilman Nakano moved to adopt Resolution No. 87-238. His motion was seconded by Councilwoman Hardison.

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Prior to roll call vote, Mr. Dan McClain approached the podium and expressed appreciation to the City for the positive relationship maintained with the Torrance Area Chamber of Commerce.

Councilman Mock, in turn, voiced appreciation to Mr. McClain for his outstanding efforts on behalf of the Chamber.

Councilwoman Hardison suggested consideration be given to further breakdown in certain areas of the Chamber's Report. Mr. McClain concurred.

Roll call vote on the motion to adopt Resolution No. 87-238 was unanimously favorable.

17f. REPAIR OF SLOPE FAILURE BETWEEN VIA CORONA AND VISTA LARGO:

RECOMMENDATION:

It is the recommendation of the City Manager and the Finance Director that \$125,000 be appropriated from the Self-Insurance Catastrophe Reserve for the continued repair of the slope between Vista Largo and Via Corona and that a contract be awarded to Lindy Engineering for the 1987-88 winterization.

A brief staff overview of this matter was provided by Management Programs Administrator Tilden (per agenda material provided).

MOTION: Councilman Wirth moved to concur with the above stated recommendation of the City Manager, including the appropriation as indicated. His motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

17g. EXECUTIVE SESSION:

See Pages 30 and 31.

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17h. EMPLOYEE RELATIONS COMMITTEE REPORT REGARDING
COMMISSION TRAVEL POLICY:

RECOMMENDATION:

The Employee Relations Committee of the City Council recommends:

Council adopt modifications to Commission Travel Policy as noted:

- Two Commissioners may attend a local conference. (If no overnight accommodations or air transportation is required.)
- Addition of an administrative appeal for in State conferences only.
- Staff return to the Employee Relations Committee with recommendations regarding PIC travel policy and travel budgets for the various Commissions.

Desired expansion and clarification of the above Committee recommendation was provided by Councilwoman Hardison.

It was the request of Councilman Wirth that meetings such as the California Library Trustees Association which meets quarterly and wherein a Commissioner is participating as a Board Member, be specifically and clearly excluded from consideration as a conference under the Commission Travel Policy. City Manager Jackson confirmed that such meetings are not considered conferences under the broad guidelines of the policy.

MOTION: Councilman Walker moved to concur with the recommendation of the Council's Employee Relations Committee as stated. His motion was seconded by Councilman Mock and roll call vote was unanimously favorable.

17i. CABLE TELEVISION ADVISORY BOARD OPERATING BUDGET
1987-88:

RECOMMENDATION:

It is the recommendation of the Cable Television Administrator and the Cable Television Advisory Board that the City Council approve the 1987-88 operating

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budget for the Cable Television Advisory Board as presented by staff, and to appropriate \$145,676.00 from the Cable Television Community Communications Foundation Funds.

MOTION: Councilman Applegate moved to concur with the above stated recommendation of the Cable Television Administrator. His motion was seconded by Councilman Mock.

Prior to roll call vote Councilwoman Hardison requested and received clarification from the Cable Television Administrator regarding access staffing and various other budgetary considerations.

In response to Mayor Geissert, Mr. Carter stated that a Cable Television Advisory Board subcommittee is examining the adequacy of staff at the Communicast Center - a report will be forthcoming to the Council within 30 days.

Roll call vote on Councilman Applegate's above motion proved unanimously favorable.

18. SECOND READING ORDINANCES:

18a. ORDINANCE NO. 3208:

ORDINANCE NO. 3208

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF TORRANCE AND THE BOARD OF ADMINISTRATORS OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

MOTION: Councilman Nakano moved to adopt Ordinance No. 3208 at its second and final reading. His motion, seconded by Councilwoman Hardison, carried unanimously by roll call vote.

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18b. ORDINANCE NO. 3209:

ORDINANCE NO. 3209

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF TORRANCE ADDING ARTICLE 9 TO
CHAPTER 1 OF DIVISION 4 OF THE TORRANCE
MUNICIPAL CODE REGULATING DANGEROUS
DOGS AND OTHER ANIMALS; AND AMENDING
SECTION 41.1.4
OF THE TORRANCE MUNICIPAL CODE
RELATING TO WILD ANIMALS

MOTION: Councilman Nakano moved to adopt Ordinance No. 3209 at its second and final reading. His motion was seconded by Councilman Walker, and roll call vote was unanimously favorable.

20. CONSENT CALENDAR:

20a. COUNCIL AUTHORIZATION for the purchase of One (1) new budgeted-replacement Bruning Model 748 Engineering Blueprint Machine

Re: GSA Contract GS-00F 85004

Expenditure: \$5,886.02, including tax.

RECOMMENDATION:

The Purchasing Division is recommending that Council approve the purchase of one (1) budgeted-replacement blueprint machine, Bruning Model No. 748, direct from the manufacturer, AM Bruning Company of Anaheim, California, with pricing based on GSA Contract No. GSA-00F 85004, in the total amount, including tax and freight, of \$5,886.02.

20b. COUNCIL AWARD OF CONTRACT: For the purchase of two (2) Toro Groundsmaster #62 Lawnmowers with Cutter Deck and Collection System for the Park and Recreation Department.

Ref: Bid B87-66

Expenditure: \$16,449.99, including tax.

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RECOMMENDATION:

The Purchasing Division recommends that your Honorable Body award a contract for the purchase of two (2) Toro Groundsmaster Lawnmowers to Pacific Equipment and Irrigation, Inc. of Commerce, California in the amount of \$16,449.99, including tax.

20c. Considered separately - see Page 28.

20d. COUNCIL AWARD OF CONTRACT: To purchase a Rescue Body for the City of Torrance Fire Department.
Ref: Bid B87-67
Expenditure: \$7,396.43, including tax.

RECOMMENDATION:

The Purchasing Division recommends that your Honorable Body award a contract for the purchase of a Rescue Body to Royal Truck Body of Paramount, California in the total amount of \$7,396.43, including tax.

20e. COUNCIL AWARD OF CONTRACT: For the Sole Source Purchase of One (1) New Tractor Spreader Bar Attachment.
Ref: Bid B87-68
Expenditure: \$11,715.00, including tax.

RECOMMENDATION:

The Purchasing Division recommends that your Honorable Body award a contract for the purchase of one (1) New Tractor Spreader Bar Attachment to the sole source manufacturer, Tricon Industries of Santa Monica, California in the total amount of \$11,715.00, including tax.

20f. COUNCIL AWARD OF CONTRACT: To demolish and remove the mess hall and guard shack buildings at the former Nike Site located at the Torrance Airport.
Ref: Bid B87-69
Anticipated Expenditure: \$9,800.00.

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RECOMMENDATION:

The Purchasing Division recommends that your Honorable Body authorize the award of contract to demolish and remove the mess hall and guard shack buildings at the former Nike Site located at the Torrance Airport to the low responsible bidder, Pomona Valley Equipment Rentals Inc. of Huntington Beach, California in the amount of \$9,800.00 with the understanding that additional costs may be incurred for removal of hazardous materials or other unanticipated problems. Should these additional costs exceed \$5,000.00, work will not proceed without the further authorization of the City Council.

MOTION: Councilman Applegate moved to concur with staff's recommendations on Agenda Items 20a, 20b, 20d, 20e, and 20f. His motion, seconded by Councilman Wirth, carried unanimously by roll call vote.

The Council now returned to --

- 20c. COUNCIL AWARD OF CONTRACT to furnish the City's annual requirements of various lubricating oils.
Ref: Bid Number B87-72
Anticipated Expenditure: \$38,873.57 (including sales tax).

RECOMMENDATION:

It is recommended (by the Purchasing Division) that Council award an annual contract for the City's Lubricating Oil requirements to the low bidder, UNION OIL COMPANY of Los Angeles, California in the total amount of \$38,873.57 including tax.

MOTION: Councilman Applegate moved to concur with staff's recommendation on Agenda Item 20c. His motion was seconded by Councilman Wirth, and roll call vote proved unanimously favorable (Mayor Geissert ABSTAINED).

22. ORAL COMMUNICATIONS:

- 22a. See Page 2.
22b. See Page 3.

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22c. City Manager Jackson highly commended Equipment Superintendent Ralph Ishmael and his staff for their efforts in dealing with the City's underground tanks and meeting State requirements therefor, (Agenda Item 17a, Page 19).

22d. Councilwoman Hardison commended all involved with the Special Olympics held recently at Wilson Park, noting this to be an outstandingly memorable event.

22e. Councilman Nakano joined in commendations to staff regarding the Special Olympics event.

22f. Councilman Nakano requested that Transportation staff investigate possible alternate routes (such as Grand) for the northbound Hill Street Torrance Transit run. Director of Transportation Horkay advised that this matter is being investigated and a report will be forthcoming in the near future.

22g. Councilman Wirth requested that feedback be provided regarding consideration of toy guns which appear real. Police Chief Nash advised that the City Attorney is preparing an ordinance in this regard for presentation to Council.

22h. Councilman Wirth requested consideration of a "gridlock law" in the City of Torrance. City Attorney Remelmeyer advised that this matter will be investigated as it relates to the State law.

22i. Mayor Geissert congratulated all connected with the recent Special Olympics, with special commendation to Lael Walz of the Parks and Recreation Department.

22j. Mayor Geissert commented on the special efforts of volunteers and members of the Parks and Recreation Department which contribute greatly to the success of Torrance's Farmers' Market.

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22k. Mayor Geissert requested, with Council concurrence, that City Manager Jackson schedule an exploratory meeting with the School District Superintendent, the Superintendent of SCROC and the City Manager regarding the issue of the closure of Vine Street.

Councilwoman Hardison SO MOVED. Her motion, seconded by Councilman Wirth, was unanimously approved by roll call vote.

The Council now returned to --

17g. EXECUTIVE SESSION:

The City Council/Redevelopment Agency having remained in joint session (see Page 17), Mayor/Chairwoman Geissert read the following statement into the record pertaining to City Council matters.

The City Council will now recess to closed session to confer with the City Manager regarding salaries, salary schedules and compensation for certain represented employee groups. Authority for holding an executive session for this purpose is contained in the provisions of Government Code Section 54957.6 (a).

The Council will also receive advice from the City Attorney regarding problems arising from the architectural contracts with H. Wendell Mounce for the Theatre Arts Complex and the General Aviation Center. Authority for holding an executive session for this potential litigation purpose is contained in Government Code Section 54956.9 (b).

Authority for holding an executive session for the purpose of conferring with our legal counsel regarding current litigation is contained in the provisions of Government Code Section 54956.9 (a). Under this provision we will confer regarding the following City litigation matter:

Gerel G. Santiago v. City of Torrance, Los Angeles Superior Court Case No. SWC 68549; and

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At 11:26 p.m., the City Council/Redevelopment Agency of the City of Torrance recessed to a joint executive session, returning at 12:35 a.m. (Wednesday, October 14, 1987).

No action was required as a result of the executive session and, following a brief discussion regarding the possibility of scheduling the next meeting to an earlier hour, the City Council/Redevelopment Agency (at 12:37 a.m.) formally adjourned to Tuesday, October 20, 1987, at 5:30 p.m. (regular meeting time for that date).

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Mayor of the City of Torrance


Clerk of the City of Torrance

Peggy Laverty
Minute Secretary

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