

I N D E X

Torrance City Council - December 22, 1987

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Adjournment was at 9:26 p.m. to December 30, 1987,
6:00 p.m.

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Peggy Laverty
Minute Secretary

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MINUTES OF AN ADJOURNED
REGULAR MEETING OF THE
TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in an adjourned regular meeting at 6:00 p.m., on Tuesday, December 22, 1987, in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

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

Councilmembers Applegate, Nakano and Walker were assembled in the meeting room awaiting the executive session.

Absent: None.

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

* * *

Mayor Geissert announced that the 6:00 p.m. meeting time was for purposes of an executive session as noted below.

* * *

17. ADMINISTRATIVE MATTERS:

17f. EXECUTIVE SESSION:

Mayor Geissert read the following statement into the record.

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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 and unrepresented employees as well as certain personnel matters. Authority for holding an executive session for this purpose is contained in the provisions of Government Code Section 54957.6(a) and 54957.

Mayor Geissert further noted that there are other matters that will be discussed in executive session -- information in this regard will be announced later in the meeting. (See Page 4, Item 17f, and Page 12, Item 22b.)

At 6:02 p.m., the City Council recessed to an executive session as above noted, returning at 7:13 p.m., to conduct the regular City Council meeting for this date (see the subsequent pages of these minutes).

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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 regular session at 7:13 p.m., on Tuesday, December 22, 1987, in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

Formal roll call was conducted at the commencement of the 6:00 adjourned regular portion of tonight's meeting (see Page 1 of these minutes).

All Councilmembers were present.

3. FLAG SALUTE/INVOCATION:

Mr. Kevin Peterson led in the salute to the flag.

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

4. APPROVAL OF MINUTES/MOTION RE FURTHER READING:

MOTION: Councilman Applegate moved to approve the City Council minutes of November 24, 1987, as recorded. His motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

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 Councilwoman Hardison, carried unanimously by roll call vote.

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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 Councilman Mock, and roll call vote was unanimously favorable.

6. WITHDRAWN OR DEFERRED ITEMS:

None.

7. COUNCIL COMMITTEE MEETINGS:

EMPLOYEE RELATIONS & DEPARTMENT ORGANIZATION
Met this date -- report to be submitted to
Council in the near future.

The Council returned briefly to --

17f. EXECUTIVE SESSION:

Mayor Geissert made the following announcement at this time.

Referencing the statement read prior to executive session (Page 1), Mayor Geissert noted that the reason for the executive session was to discuss the means of searching for and filling the position of the City Attorney in anticipation of Mr. Remelmeyer's retirement in November of 1988.

The discussion in executive session, the Mayor continued, involved personnel and specific firms, thus the discussion was permissible under the provisions of the Brown Act.

The Mayor advised that the Council arrived at an agreement on the following points --

1. An open recruitment process will be initiated to fill the City Attorney's position -- this would include consideration of internal, as well as external, candidates for the position.
2. Staff is directed to proceed to conduct a comprehensive salary survey of comparable positions throughout the State of California,

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said survey to include conditions of employment such as benefits and provisions of contracts existing with City Attorneys in other cities.

3. Staff is requested to return to the Council in three weeks with suggested procedures to present to the Council for the selection of a consultant who would assist with the search and selection process for this position.

MOTION: Councilman Applegate moved to concur with the above explanation as offered by Mayor Geissert, requesting staff to conduct the appropriate salary survey with the other conditions such as benefits, contracts and other matters, and further requesting staff to return on January 12, 1988, with a procedure for the selection process for an outside consultant to assist the Council in the selection process for the City Attorney.

The above motion was seconded by Councilman Walker.

Prior to roll call vote, Councilman Wirth indicated his personal opposition to the hiring of a consultant for the selection process -- Mr. Wirth would prefer that the matter be handled in-house.

Councilman Applegate's above motion carried by way of the following roll call vote.

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

NOES: COUNCILMEMBERS: Wirth.

Considered next out of order --

20b. FINAL TRACT MAP NO. 45010
Subdivider: Oxford Properties
Location: Southeast Corner Torrance Boulevard
and Hawthorne Boulevard
No. of Lots: 3.

RECOMMENDATION:

The Engineering Department recommends that Final Tract Map 45010 be approved.

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

The regular Council agenda order was resumed.

10. TRANSPORTATION/PUBLIC WORKS MATTERS:

10a. AWARD OF AGREEMENT FOR DESIGN SURVEYING SERVICES FOR CARSON STREET FROM CRENSHAW BOULEVARD TO MADRONA AVENUE:

RESOLUTION NO. 87-280

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 KUGLER SURVEYING AND MAPPING CO. FOR ENGINEERING FIELD SURVEY OF CARSON STREET FROM CRENSHAW BOULEVARD TO MADRONA AVENUE

MOTION: Councilman Nakano moved to adopt Resolution No. 87-280. His motion, seconded by Councilwoman Hardison, carried unanimously by roll call vote.

10b. SUBSTITUTION OF SUBDIVIDER - PARK DEL AMO PROJECT TRACTS 43319 AND 43326:

RECOMMENDATION:

It is recommended that your Honorable Body authorize the substitution of subdivider for Tracts 43319 and 43326 and approve the agreement acknowledging the assumption of all terms and conditions of the original subdivision agreement.

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

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* * *

At 7:24 p.m., the City Council convened in joint session with the Redevelopment Agency. During that joint session, the following City Council agenda matters were considered.

Companion City Council Item

12a. REDEVELOPMENT AGENCY ANNUAL REPORT:

MOTION: Councilman Applegate moved to receive and file the 1986-87 Annual Report of the Redevelopment Agency. His motion, seconded by Councilman Wirth, was unanimously approved by roll call vote.

Companion City Council Item

18a. ORDINANCE NO. 3216:

ORDINANCE NO. 3216

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AMENDING DIVISION 2, CHAPTER 20, OF THE MUNICIPAL CODE TO ADD SECTION 220.3.18 PROVIDING FOR A CREDIT AGAINST THE PAYMENT OF TAXES IN THE AMOUNT OF SALES OR USE TAXES DUE TO THE REDEVELOPMENT AGENCY OF THE CITY OF TORRANCE

MOTION: Councilman Nakano moved to adopt Ordinance No. 3216 at its second and final reading. This motion was seconded by Councilman Mock, and roll call vote was unanimously favorable.

* * *

At 7:26 p.m., the regular City Council agenda order was resumed, the Agency/Council remaining in joint session for purposes of a joint executive session to be held later in the meeting (see Pages 13 - 15).

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12. PLANNING AND ZONING MATTERS:

12a. See Page 7.

12b. CONTRACT WITH WILLDAN ASSOCIATES RE EIR FOR VAL-CO ENTERPRISES MEADOWPARK SCHOOL SITE PROJECT (EA 87-26, CUP 87-49, ZC 87-6, TT 49463, GPA 87-10, PD 87-3): VAL-CO ENTERPRISES.

RESOLUTION NO. 87-281

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE THAT CERTAIN AGREEMENT BETWEEN THE CITY AND WILLDAN ASSOCIATES FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

MOTION: Councilman Nakano moved to adopt Resolution No. 87-281. His motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

17. ADMINISTRATIVE MATTERS:

17a. PROPOSED CHANGE IN GAS TAX EXEMPTION REGULATIONS:

RESOLUTION NO. 87-282

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DECLARING ITS OPPOSITION TO THE PENDING ACTIONS OF THE INTERNAL REVENUE SERVICE TO REVISE CERTAIN TAX REGULATIONS TO REMOVE THE LONG STANDING EXEMPTION OF CITIES FROM PAYING FEDERAL FUEL EXCISE TAXES AND REQUIRE CITIES TO PAY THESE TAXES ON MOTOR FUELS AND LATER FILE FOR REFUND OF THESE TAXES PAID FROM THE TREASURY TO BE RETURNED WITHOUT INTEREST AS A METHOD FOR THE TREASURY TO MAKE INVESTMENT INCOME ON THESE FUNDS

MOTION: Councilman Nakano moved to adopt Resolution No. 87-282. His motion, seconded by Councilman Walker, was unanimously approved by roll call vote.

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17b. DESTRUCTION OF UNNEEDED CITY RECORDS:

RESOLUTION NO. 87-283

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE CITY CLERK TO DESTROY CERTAIN UNNEEDED CITY RECORDS AND DOCUMENTS WITHOUT MAKING COPIES THEREOF

MOTION: Councilman Nakano moved to adopt Resolution No. 87-283. This motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

17c. MEMORANDUM OF LEASE/FRANCIS TORINO AND ROBERT COHEN FOR MADISON PARK:

RESOLUTION NO. 87-284

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A MEMORANDUM OF LEASE BETWEEN THE CITY OF TORRANCE AND FRANCIS P. TORINO AND ROBERT COHEN, AS INDIVIDUALS, FOR MADISON PARK ON PACIFIC COAST HIGHWAY

MOTION: Councilman Nakano moved to adopt Resolution No. 87-284. His motion, seconded by Councilman Walker, carried unanimously by roll call vote, Councilman Applegate ABSTAINED.

17d. SURPLUS EQUIPMENT FROM GRACE WRIGHT SCHOOL:

RECOMMENDATION:

Because of the relatively high cost, as compared to new replacement cost, for removal of these furnishings and the fact that the City has no immediate need for these furnishings, the City Manager recommends that the City Council decline the offer.

Staff presentation regarding the offer of Karl Fechner Enterprises, Inc. to furnish surplus equipment from the Grace Wright School facility to the City of Torrance was provided by Management Programs Administrator Tilden. Additional information, as requested, was provided by General Services Director White.

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Observing that the City regrettably has no immediate use for the equipment, Mayor Geissert suggested that as a possible alternative to accepting Mr. Fechner's generous offer, the City pursue the possibility of acting as a facilitator for possible disbursement of the equipment to private non-profit organizations in the Torrance area.

It was the recommendation of Councilman Applegate that the Council authorize the City Manager and City Attorney to enter into discussion with Mr. Fechner prior to the end of the calendar year (a concern of Mr. Fechner's because of tax considerations) and, if deemed appropriate, to formulate a tentative agreement which would be returned to the Council for formalization.

Councilman Applegate SO MOVED. His motion was seconded by Councilman Walker.

Discussion continued, and Mr. Applegate's above motion ultimately FAILED TO CARRY as is shown by the following roll call vote.

AYES: COUNCILMEMBERS: Applegate, Mock and Walker.

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

Mayor Geissert expressed her opinion that, for the reasons outlined in staff material of official record, a more appropriate course of action would be to reject the offer at this time and then obtain permission from Mr. Fechner prior to the end of the year to serve as a facilitator, contact the local non-profit organizations, arrange for a tour, etc.

MOTION: Councilman Applegate moved to concur with the recommendation of the City Manager as stated, expressing the City's genuine appreciation for Mr. Fechner's kind offer, but declining to accept same. This motion, seconded by Councilman Wirth, carried without objection.

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- 17e. APPROVAL TO PURCHASE LEASEHOLD INTEREST IN CITY PROPERTY LOCATED AT 3215 PACIFIC COAST HIGHWAY (EL RANCHO MOTEL):

RESOLUTION NO. 87-285

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING THE PURCHASE OF THE LEASEHOLD INTEREST OF EL RANCHO MOTEL ON PACIFIC COAST HIGHWAY AND THE APPROPRIATION OF MONIES FROM THE AIRPORT FUND AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE LEGAL DOCUMENTS TO COMPLETE THE PURCHASE OF SAID LEASEHOLD INTEREST

MOTION: Councilman Nakano moved to adopt Resolution No. 87-285. His motion, seconded by Councilwoman Hardison, carried unanimously by roll call vote.

- 17f. EXECUTIVE SESSION:

See Pages 1 and 2; 4 and 5; 13-15.

18. SECOND READING ORDINANCES:

- 18a. ORDINANCE NO. 3216:

See Page 7.

20. CONSENT CALENDAR:

- 20a. COUNCIL AWARD OF CONTRACT: To furnish annual requirements of Crushed Aggregate Base (per Standard Specifications for Public Works Construction).
Ref. Bid No. B87-85
Anticipated Expenditure: \$172,061.40 (including tax).

RECOMMENDATION:

The Purchasing Division is recommending that Council award a contract to the low bidder, BLUE DIAMOND MATERIALS of Long Beach, CA for the City's annual requirements of Crushed Aggregate Base, in the anticipated amount of \$172,061.40, including tax.

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

20b. See Pages 5 and 6.

22. ORAL COMMUNICATIONS:

22a. City Manager Jackson bid a regretful farewell to Management Assistant Rick Pickering and wished him well in his new position with the City of Costa Mesa.

Councilmembers, in turn, added their sentiments of appreciation and best wishes to Mr. Pickering.

22b. City Attorney Remelmeyer announced that the following matter should be added to the list of items the Council will discuss in executive session this date (see Page 13).

The City Council will give instruction to the City Manager regarding the renegotiation of the lease of City-owned property to Paragon Cable Company, and instructions regarding the dispute that has existed between Paragon and the City over franchise fees and other aspects of the franchise.

22c. Councilman Applegate extended BEST WISHES FOR A HAPPY HOLIDAY SEASON to all.

Mr. Applegate was joined by his fellow Councilmembers in this expression of the season.

22d. Councilman Mock noted that Police personnel will be intensifying their efforts in discouraging thefts, drunk driving, etc. during the holidays.

22e. Councilman Nakano noted that he was "very impressed" with his recent visit to Fire Station 5, where he observed the Hazardous Materials Team in action.

22f. Councilman Wirth expressed appreciation for staff's update on Mobil Oil recently received by Councilmembers.

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22g. Mayor Geissert displayed a framed replica of the City's official flower, the delphinium, which was created and presented to the City by the family of Library Commissioner Gudrun Kimmel. The Mayor requested that this item be appropriately displayed.

22h. City Manager Jackson introduced Mr. Brian Sunshine as the new Management Assistant in the City Manager's office.

The Council now returned to --

17f. EXECUTIVE SESSION:

The City Council/Redevelopment Agency having remained in joint session (see Page 7), Mayor/Chairwoman Geissert read the following statement into the record.

The City Council will receive advice from the City Attorney regarding litigation with Thelma Dorrough, et al, v. City of Torrance, Los Angeles Superior Court Case No. SOC 81858. Authority for holding an executive session for this purpose is contained in the provisions of Government Code Section 54956.9 (b).

The City Council, acting as the Redevelopment Agency, will confer with the Agency Counsel regarding eminent domain litigation entitled Redevelopment Agency of the City of Torrance v. Donna Leasing, et al, Los Angeles Superior Court Case No. C544901. Authority for holding an executive session for this purpose is contained in the provisions of Government Code Section 54956.9 (b).

The City Council will also consider the negotiation matter with Paragon Cable (see Page 12, Item 22b). Authority for holding an executive session for this purpose is contained in the provisions of Government Code Sections 54956.5 (regarding potential litigation) and 54956.8 (regarding renegotiation of the lease).

* * *

At 8:07 p.m., a brief recess was called by Mayor Geissert, followed immediately by a joint executive session.

At 9:21 p.m., the Council/Agency returned to the Chambers, and the following Council-related action was taken.

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City Attorney Remelmeyer requested that the City Council concur with the recommendation of the City Attorney with regard to the settlement of the case of Thelma Dorrough, et al, v. City of Torrance, Los Angeles Superior Court Case No. SOC 81858.

Councilman Applegate SO MOVED. His motion was seconded by Councilwoman Hardison, and roll call vote was unanimously favorable.

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City Attorney Remelmeyer then offered the following information.

As stated prior to the above joint executive session, (see Page 12, Item 22b) the matter of modifications to the contract with Paragon Cable was not placed on the agenda 72 hours in advance as required by the Brown Act.

However, the Brown Act contains an exception which states in Section 54954.2 that on the unanimous vote of the members present if the need to take action arose subsequent to the agenda being posted, then the Council may take action.

The City has been in negotiation for some time with Paragon Cable on this subject; however, the City was informed yesterday and again today that Paragon, as a condition precedent to this settlement, requires that action be taken prior to the end of the year. There is no regular meeting of the City Council scheduled before the end of the year, and, therefore, it was necessary to take some action tonight in order to bring this to pass.

Before action can be taken on the subject matter, it will be necessary to have the unanimous vote of the members present that the need to take action arose subsequent to the agenda being posted.

MOTION: Councilman Applegate moved to find that the need for action regarding Paragon Cable has arisen since the posting of the agenda. His motion, seconded by Councilwoman Hardison, carried unanimously by roll call vote.

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Continuing, City Attorney Remelmeyer stated essentially as follows.

There is the need for a vote with a concurrence in the recommendation of the City Manager, City Attorney and Cable Administrator with reference to the settlement of this matter. The City Manager has provided the Council with a run-down with the proposed terms of the settlement and it is necessary that this evening the Council concur with the concept and intent of his recommendations and those of the City Attorney and Cable Administrator so that the approval of the concept may be communicated to Paragon and commence the work of preparing an agreement.

The City will prepare the agreement based on the City Council's approval and return at a Council meeting to be held next week at which time final action may be taken on the matter prior to the end of the year. The City, in effect, will give Paragon an oral statement communicating to them the Council's approval of the recommendation -- negotiations will then be entered into immediately to prepare the necessary documents.

Those documents will be returned to the Council at a meeting to be held next week; they will be placed on the agenda 72 hours in advance of the meeting so that the public would have a chance to review and comment on them before adoption by the Council.

MOTION: Councilman Applegate moved to concur with the recommendations of the City Manager, City Attorney and Cable Television Administrator in reference to the proposed settlement with Paragon Cable. This motion, seconded by Councilman Walker, carried unanimously by roll call vote.

23. ADJOURNMENT:

23a. At 9:26 p.m., Councilman/Agency Member Applegate MOVED to adjourn this meeting of the Torrance City Council to Wednesday, December 30, 1987, at 6:00 p.m., and to adjourn the Redevelopment Agency of the City of Torrance to Tuesday, January 5, 1988, at 5:30 p.m. His motion was seconded by Councilman/Agency Member Wirth, and there being no objection it was so ordered.

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Peggy Laverty
Minute Secretary

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Katy Geeser
Mayor of the City of Torrance

Ronald E. Nelson
Clerk of the City of Torrance

Peggy Lavery
Minute Secretary

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