

I N D E X

Torrance City Council - January 24, 1989

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<u>January 31, 1989</u>	

#

Marlene Lewis
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 session at 7:05 p.m. on Tuesday, January 24, 1989, in the Council Chambers at Torrance City Hall, 3031 Torrance Boulevard.

2. ROLL CALL:

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

Absent: None.

Also Present: City Manager Jackson,
City Attorney Nelson,
City Clerk Bramhall, and
Department Representatives.

3. FLAG SALUTE/INVOCATION:

The Flag Salute was led by Cub Pack #785 (Don Harrison, Cubmaster).

Father Paul Doyle of St. Matthew's Orthodox Church provided the invocation for this meeting.

4. APPROVAL OF MINUTES/MOTION TO WAIVE FURTHER READING:

MOTION: Councilman Applegate moved to approve the City Council minutes of December 20, 1988, as recorded. His motion, seconded by Councilman Mock, carried by unanimous roll call vote.

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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 the agenda for this meeting, the further reading thereof be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. His motion was seconded by Councilman Mock, and roll call vote was unanimously favorable.

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. The motion was seconded by Councilman Mock and carried by unanimous roll call vote.

6. WITHDRAWN OR DEFERRED ITEMS:

None submitted.

7. COUNCIL COMMITTEE MEETINGS:

Transportation Committee

Met this date regarding Senior Transit Services;
report forthcoming in two weeks.

Ad Hoc Armed Forces Day Parade Committee

Met this date to discuss the 1989 Armed Forces Day Parade.
Subsequent meeting scheduled:

Date: February 7, 1989
Subject: 1989 Armed Forces Day Parade

Employee Relations/Department Organization Committee

Date: January 25, 1989, 4:30 p.m.
Subject: Transfer of Communications, Richter Report Review

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Finance and Governmental Operations Committee

Meetings scheduled:

Date: January 31, 1989, 4:30 p.m.
Subject: Participation in Miss Torrance Pageant

Date: February 21, 1989
Subject: Midyear Review and Capital Budget

8. COMMUNITY MATTERS:

8a. PROCLAMATION RE "NATIONAL HISTORY MONTH":

The month of February, 1989, was proclaimed by Mayor Geissert as "National History Month" in the City of Torrance in honor of two famous and honored Presidents, George Washington and Abraham Lincoln, whose birthdays are celebrated in February (February 22, 1932 and February 23, 1809, respectively).

Present to accept this proclamation with expressed gratitude was Ms. Martha McAvoy of the Daughters of the American Revolution (D.A.R.), who discussed scheduled activities in honor of Presidents Washington and Lincoln.

10. TRANSPORTATION/PUBLIC WORKS MATTERS:

10a. GRANT OF EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY ON CITY PROPERTY IN PARCEL 1 OF PARCEL MAP NO. 958 (AN EASEMENT TO PROVIDE OVERHEAD ELECTRICAL SERVICE TO 4512 VISTA LARGO):

Upon request by the Mayor, City Clerk Bramhall assigned a number and read title to:

RESOLUTION NO. 89-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AUTHORIZING THE EXECUTION OF AN EASEMENT DEED TO SOUTHERN CALIFORNIA EDISON COMPANY FOR OVERHEAD ELECTRICAL SYSTEMS AND APPURTENANCES

MOTION: Councilman Nakano moved to adopt Resolution No. 89-17. His motion was seconded by Councilman Mock.

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Following desired clarification by City Engineer Burtt, roll call vote on Mr. Nakano's motion to adopt Resolution No. 89-17 was unanimously favorable.

11. POLICE AND FIRE MATTERS:

11a. COUNCIL APPROVAL OF NECESSARY WORK PERFORMED TO ABATE A HAZARDOUS FUEL TANK SITE CONDITION AT FIRE STATION NO. 2 AND APPROVAL OF PAYMENT THEREFORE:

Expenditure : \$10,720.00

Recommendation:

The General Services, Fire, and Fleet Services Departments request that Council approve the necessary work which was performed by the Hekimian and Associates, Inc. company and authorize payment for the work in the total amount of \$10,720.00, including applicable taxes.

MOTION: Councilman Wirth, seconded by Councilman Mock, moved to concur with the staff recommendation on Agenda Item No. 11a. The motion passed by unanimous roll call vote.

12. PLANNING AND ZONING MATTERS:

12a. CONTRACT WITH WILLDAN ASSOCIATES TO PREPARE AN ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED RIVIERA DEL MAR PROJECT (PD 88-2, CUP 88-62, ZC 88-4, GPA 88-4, AND TT 46300): WATT INDUSTRIES, INC.

City Clerk Bramhall assigned a number and read title to:

RESOLUTION NO. 89-18

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

MOTION: Councilman Nakano moved to adopt Resolution No. 89-18. His motion was seconded by Councilwoman Hardison. (This motion ultimately carried; see page 6.)

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Mayor Geissert asked if anyone wanted to be heard on this matter.

Ms. Pam O'Brien, 5005 Sepulveda Boulevard, cited traffic as the principal concern of the Southwood Homeowners. Clarification and information was requested by this speaker regarding a separate traffic report as mentioned in the agenda item (of record). It was of expressed importance to Ms. O'Brien that homeowners be given an opportunity to provide input regarding their traffic concerns.

In addition to the traffic element to be prepared by Willdan Associates as part of the Environmental Impact Report (EIR), Planning Director Ferren explained that there would also be a separate, supplemental transportation study, which would be prepared simultaneously.

This information was confirmed by Director of Transportation Horkay, who added that this document, approximately the sixth such study executed in the City, would go forward as an attachment to the EIR, would be available to the public, and would be included in the hearing process on the EIR.

Planning Director Ferren assured Ms. O'Brien of the City's intent to invite the general public, everyone within a three-hundred-foot radius of the project and interested parties, to an advertised scoping session at which time they would have the opportunity to provide input regarding the information to be included in the EIR. This meeting, he anticipated, would be scheduled within the next few weeks.

Noting the many projects built by this developer in the City of Torrance (New Horizons, Plaza del Amo, etc.), and it being his understanding that Watt Industries, Inc. had now purchased "the last available piece of land for development in the City," Mr. Larry Gitschier, 1303 Acacia Avenue, felt it would be appropriate as a "last donation to the City" for this developer to build 75 units of senior housing similar to Coleman Court on City-owned property located in the Madrona Marsh area.

Mayor Geissert clarified the matter at hand (the approval of a contract with a consulting firm for the preparation of an EIR) and suggested Mr. Gitschier address his idea to representatives of Watt Industries, Inc. who were present in the audience.

In response to concerns voiced by Councilwoman Hardison, Planning Director Ferren confirmed that the scoping session would be held in the evening. Ms. Hardison entertained the idea of a

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nighttime meeting of the Environmental Review Board to review the Environmental Impact Report, a decision the Planning Director indicated would depend upon the amount of controversy involved.

Roll call vote on the motion to adopt the resolution (authorizing a contract with Willdan Associates for preparation of an EIR for the proposed Riviera del Mar project) was unanimously favorable.

13. ENVIRONMENTAL/BUILDING AND SAFETY MATTERS:

13a. RECOMMENDED CHANGES -- ANIMAL CONTROL REGULATIONS:

Recommendation:

The Director of the Building and Safety Department recommends the ordinance be adopted.

Mayor Geissert verified, per staff, that this ordinance encompasses the points agreed upon by the Council when this matter was last before them.

MOTION: Councilman Applegate moved to concur with the recommendation of the Building and Safety Director. A second to his motion was offered by Councilman Walker. (The ordinance was ultimately adopted; see formal action on page 7.)

For the benefit of Councilwoman Hardison, Environmental Quality Administrator McElroy explained that approximately one dozen existing third dogs previously denied registration would be grandfathered in without a fee under the new ordinance.

The Environmental Quality Administrator also confirmed, at the request of Councilman Wirth, that this ordinance would provide a means whereby someone moving into the City with three legally-licensed animals in their possession could request, without charge, special permission to keep the third animal.

Assuaging concerns expressed by the Mayor, Ms. McElroy observed that dogs would be the main animal at issue and she felt there would be sufficient information with licenses and rabies certificates to make a determination regarding possession. Therefore Ms. McElroy did not anticipate that this process would involve a great deal of staff time for enforcement purposes.

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Mr. Ed Dembowski (identified in the October 11, 1988, City Council minutes, page 19, as a new resident in the City and the owner of three dachshunds), 21314 Marjorie, took this opportunity to thank the Mayor, Council and staff for their efforts.

At the Mayor's request, City Clerk Bramhall assigned a number and read title to:

ORDINANCE NO. 3252

AN ORDINANCE OF THE CITY COUNCIL OF TORRANCE THAT:

1. REPEALS SECTIONS 92.25.1, 92.25.2, 92.25.3, 92.25.4, 41.1.1, 41.1.2, 41.1.3, AND 41.1.6 OF THE TORRANCE MUNICIPAL CODE AND ADDS NEW SECTIONS 41.1.1, 41.1.2, 41.1.3, 41.1.6, 41.1.8 AND 41.1.9;
2. AMENDS SECTION 41.1.5;
3. AMENDS SECTIONS 41.8.1, 41.8.2, AND 41.8.3;
4. REPEALS SECTION 45.6.26 AND ADDS NEW SECTION 41.10.1; AND
5. ADDS NEW SECTION 41.11.1 TO THE MUNICIPAL CODE...

ALL OF THE ABOVE PERTAINING TO THE SUBJECT OF
ANIMAL CONTROL

MOTION: Councilman Nakano moved to approve Ordinance No. 3252 at its first reading. Councilman Walker seconded the motion, which carried by majority roll call vote with Councilman Mock dissenting.

15. HEARINGS:

15a. WAIVER 88-29, TONY TRAVIGLIA:

Mayor Geissert announced that this was the time and the place for City Council consideration of an applicant appeal of a Planning Commission denial of a Waiver to allow construction of a swimming pool with less than the Code required rear yard setback in the R-1 zone at 2367 West 232nd Street, W 88-29, Tony Traviglia.

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Proof of publication, as provided by the City Clerk, was received and filed without comment.

Background information and visual aids were provided by Principal Planner Gibson, who related the Planning Department's recommendation for denial of W 88-29 based upon their opinion that the hardship criteria for a Waiver had not been substantiated.

In response to Councilman Nakano's question, City Attorney Nelson stated his opinion, as set forth during the Planning Commission hearing on this matter, that the City would not necessarily be exposed to liability if this request were to be granted.

At Councilwoman Hardison's request, Director of Building and Safety Grippo compared previous Waiver cases, 1983 to date, with the request at hand. Councilwoman Hardison was assured by Mr. Grippo that staff would not recommend waiving the entire rear setback to allow a pool to be placed directly against the wall as this would not meet staff's objective of providing access around the pool for the purpose of emergency rescue. The Department's concern, Mr. Grippo explained, involved adequate space for "access and life safety." Relative to this proposal, it was his opinion the required clearance could be achieved by rearranging the pool and spa and that the current configuration was for the convenience of the property owner.

During discussion, staff expressed some confusion as to whether the 3-foot setback, if allowed, would represent the distance from the pool to an existing wall or from the pool to the property line. The property owner, Mr. Jack Stephan, 2367 West 232nd Street, confirmed that he measured a distance of 21 feet between the house and the wall, which would allow for a 13-foot pool with a setback of 5 feet between the house and the pool and 3 feet between the pool and the wall.

As a parent, Mr. Stephan was of the opinion that a swimming pool 11 feet in width, which would be allowed by Code, would represent an unsafe situation with respect to children diving off the side.

Proponent Stephan was opposed to moving the pool to the west side of the house, as suggested by Building and Safety Director Grippo, because this configuration would not allow:

1. Yard convenience and patio placement.

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2. Adequate distance between the pool and the back door of the house.
3. Space for a fence around the pool to separate it from the rest of the yard.

However, Proponent Stephan said he would not object to moving the pool closer to the house for a more equitable clearance along the rear property line (a suggestion by Councilman Applegate, which Building and Safety Director conceded would be more in line with staff's objectives) or moving the pool directly against the wall (an arrangement the Building and Safety Director had earlier assured Councilwoman Hardison would not be allowed; see page 8).

For the benefit of Councilman Wirth, Mr. Stephan clarified that, as proposed, there would be a distance of 3 feet between the edge of the water and the wall along the rear of the property. Stating his reasons for believing the block wall in question is, in fact, located on his property, Mr. Stephan suggested the discrepancy regarding this measurement arose because he was not aware there was another six inches from the wall to the property line.

Based upon his personal experience as a college lifeguard and his subsequent association with industries involved with the building of pools, Councilman Walker commented on the importance of the 5-foot setback. This speaker was of the opinion that diving should not be a consideration because such activity should be prohibited in a pool of the width and depth proposed.

Describing the steps followed in rescuing a person from a swimming pool, Mr. Walker said his safety concern involved the need for sufficient space between the pool and the fence for rescue operations. During a rescue, Mr. Walker maintained that the person would not be thinking about taking the victim to the side of the pool where the deck may be wider. A width of 2-1/2 to 3 feet was not adequate to be safe, in Mr. Walker's opinion, and he therefore said he would not be voting in favor of the appeal.

Back at the podium, Mr. Stephan argued that there are many cities, such as in Orange County, where no setback is required on the rear yard. Further, the proponent pointed out that many people in the City have installed planters in the 5-foot setback. (Councilman Walker felt this latter allegation should be investigated.)

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Speaking as one who was granted a Waiver, Mr. Tony Goorchenko, 4525 Cathann, stated his observation that 5-foot rear setback areas are usually cluttered with furniture and barbecues whereas he felt a 3-foot setback would remain unobstructed. Anyone swimming, this speaker maintained, would remain on the side of the pool with the 5-foot depth. The Waiver was justified in Mr. Goorchenko's opinion.

The public hearing was closed with a motion by Councilman Applegate, seconded by Councilman Mock, and approved by unanimous roll call vote.

Having received confirmation from staff that the Code requires a 5-foot setback from the property line but does not stipulate that this must remain open space, Councilwoman Hardison observed that a person could foreseeably use one foot of the setback to build a block wall and build a swimming pool 4 feet in from that wall within Code requirements. This was verified by staff.

Although he was of the opinion there would not be a lot of diving in a pool only 6-1/2 feet deep, Councilman Applegate agreed with the proponent that a pool that is too narrow could be a safety problem: It was his opinion the situation could be resolved in one of three ways:

1. By moving the pool one foot closer to the house;
2. By placing the pool equal distance between the house and the fence; or
3. By placing a condition on the Waiver requiring that the 3-foot setback area remain a clear zone.

Because of a planter situation that existed when he purchased his property, Councilman Applegate said he doubted that he has a clear 5-foot setback between his pool and the rear property line. Councilman Applegate agreed with Mr. Goorchenko's observation that most people have no more than 3-feet of setback from a practical point of view given the presence of planters, furniture, etc.

Councilman Walker clarified that his concern involved the need for adequate space in an emergency situation and he offered the following motion.

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MOTION: Councilman Walker moved to deny the appeal and deny the Waiver. His motion was seconded by Councilman Wirth. (A substitute motion to grant the Appeal and the Waiver was later offered by Councilman Applegate, seconded by Councilwoman Hardison, and passed by majority vote with dissenting votes by Councilmen Walker and Mock; see below and page 12 for final action.)

Discussion continued.

A compromise was favored by Mayor Geissert. She felt safety could be maintained if the pool were to be moved closer to the house by at least one foot and it was her desire that this be worked out with staff.

Councilwoman Hardison said she was bothered by the wording of the Code in that a person with a wall in the setback could have less clearance and still be legal by definition. She felt the Code should be reworded.

It was Councilwoman Hardison's opinion that a 3-foot setback would be too small; however, she was receptive to the idea of a 4-foot setback and favored Councilman Applegate's suggestion (moving the pool closer to the house by one foot to allow for a four foot rear setback) provided the measurement of 21 feet between the house and the property line was correct.

SUBSTITUTE MOTION: Councilwoman Hardison moved to hold Item 15a and allow the applicant to work with staff and bring the item back to Council. The motion failed for lack of a second.

SUBSTITUTE MOTION: Councilman Applegate moved to grant the appeal with the stipulation that the setback off the rear yard be 4 feet to the water line and the setback off the house be four feet to the water line (a distance of exactly 21 feet with a 13 foot pool). The motion was seconded by Councilwoman Hardison.

For the benefit of Building and Safety Director Grippo and Councilwoman Hardison, Councilman Applegate clarified that it was his intent in making his motion that the setback off the rear yard be measured from the property line to the water's edge and include the fence if it falls within that distance. Mr. Applegate said he took the applicant's word that he measured 21 feet from his house to the inside wall. The alternative, he felt, would be to require the proponent to have his property surveyed.

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Mayor Geissert asked if a survey is normally required when a wall or fence is built and was informed by Director of Building and Safety Grippo that an applicant is not normally required to have his property surveyed unless there is a dispute or misunderstanding regarding the location of the property line.

Relative to the matter at hand, Mr. Grippo indicated the distance would be measured before a permit is issued; and, if the distance is short, the proponent might have to compromise by taking a few inches out of the width of the pool. Councilman Applegate was agreeable to this approach.

Upon receiving assurance from Councilman Applegate that his motion indicated there would be four feet from the house to the pool and four feet from the pool to the back surface of the wall, Councilwoman Hardison upheld her second to the motion. The motion to grant the appeal with stipulations then carried by majority vote as indicated below:

AYES: Councilmembers Applegate, Hardison, Nakano, Wirth and Mayor Geissert.

NOES: Councilmen Mock and Walker.

Asked by the Mayor to relate his understanding of the motion for the benefit of the proponent, Building and Safety Director Grippo advised that an approval of the appeal was granted with stipulations to require four feet clear from the house to the water's edge and four feet from the water's edge to the back surface of the block wall, the latter of which should be coincident with the property line.

17. ADMINISTRATIVE MATTERS:

17a. DESTRUCTION OF UNNEEDED CITY RECORDS:

At the request of Mayor Geissert, City Clerk Bramhall read number and title to:

RESOLUTION NO. 89-19

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

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MOTION: Councilman Nakano, seconded by Councilman Wirth, moved to adopt Resolution No. 89-19. Roll call vote was unanimously favorable.

17b. "COOPERATIVE" PURCHASE PROGRAM:

Upon request by the Mayor, City Clerk Bramhall assigned a number and read title to:

RESOLUTION NO. 89-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE FOR THE PURPOSE OF THE CITY OF TORRANCE PARTICIPATING WITH THE DEPARTMENT OF GENERAL SERVICES OF THE STATE OF CALIFORNIA FOR THE "COOPERATIVE" PURCHASE OF NECESSARY ITEMS

MOTION: Councilman Nakano moved to adopt Resolution No. 89-20. Councilwoman Hardison seconded his motion and roll call vote was unanimously favorable.

Considered out of order . . .

23. EXECUTIVE SESSION:

23a. EXECUTIVE SESSION MATTERS:

The following announcement was made by Mayor Geissert at this time:

The City Council will now recess to closed session to confer with the City Manager and/or the City Attorney on the following subject:

- Potential litigation with Mobil Oil Corporation concerning the Torrance Refinery.

The Mayor mentioned that other executive session items would be considered later in the evening (see page 25).

At 8:07 p.m. the Council recessed and went immediately into executive session for the purpose noted. The Council reconvened at 9:00 p.m., at which time Mayor Geissert requested that Items 17c and 17d be considered concurrently.

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Considered simultaneously

17c. REPORT OF FORMER CITY ATTORNEY REMELMEYER ON MOBIL OIL REFINERY SAFETY PROBLEM AND CITY ATTORNEY'S RECOMMENDATION FOR ACTION; AND

17d. APPROPRIATION OF \$500,000 FOR PROJECTED COSTS RE MOBIL OIL:

Recommendation:

It is the recommendation of the City Manager that Your Honorable Body appropriate \$500,000 from the 1987-88 carry-over to be utilized for Mobil Oil legal and consulting costs. Expenses will be authorized by the City Manager and City Attorney.

This being the first public meeting since former City Attorney Remelmeyer's report on the Mobil Oil refinery safety problem was made public, City Attorney Nelson noted the need to study this document before making any recommendations other than to advise the Council to receive the report. The City Attorney explained that this item was placed on the agenda for discussion purposes, only, at this time.

MOTION: Councilman Applegate moved to concur with the recommendations of the City Manager and City Attorney regarding Items 17c and 17d. His motion was seconded by Councilwoman Hardison.

Believing it to be most important that the City obtain needed additional information from consultants, Councilwoman Hardison indicated she would support 17d. However she expressed her dismay relative to the use of public money to determine the safety of a business in the City when these funds could be better placed elsewhere, in her opinion.

Councilman Walker maintained that this issue is very important to the people of the City and it was his opinion the money would be well spent: "You can't spend money on something better than the health and safety and the protection of the people of the City."

Several members of Council then addressed the partial listing of the upcoming costs associated with the safety concerns regarding Mobil Oil as set forth in the agenda item. That listing is reflected below.

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Consultant Study	HF vs. Sulfuric Acid	\$80-100,000
Special Election	Initiative re HF Usage*	\$100,000
Consultant Review	RMPP of HF done by Mobil	\$80-100,000
Attorney Fees	Liability/Investigation	\$100,000
Gage-Babcock	Revised Safety Audit	\$40- 60,000

* Proposed ordinance prohibiting the possession or storage in the City . . . of more than 250 gallons of hydrofluoric acid)

Councilman Walker expressed his hope that the consultant's study of hydrofluoric acid (HF) versus sulfuric acid would also encompass any other technology available and not just those two chemicals.

The City Manager clarified that this agenda item represented the appropriation of funds to develop a program budget for upcoming costs. He explained that each of the individual items would be brought to the Council for specific action. Relative to Mr. Walker's suggestion, City Manager Jackson indicated staff would look into the possibility of including other technology before returning with a consultant recommendation.

Regarding the consultant's review of the Risk Management Prevention Program of HF done by Mobil Oil, Councilman Walker mentioned his understanding that changing legislation would impact the content of that report and he requested clarification from Fire Chief Adams.

Under current legislation, Fire Chief Adams explained that the most likely occurrence of a HF release would have to be identified pursuant to certain guidelines and the off-site consequence analysis would then have to be based on that information. It was Chief Adams' opinion that this report would still contain significant information and that the City would still need to have a good technical review of this information to say whether or not the analysis is adequate for the City.

Councilman Walker felt the Council should be aware that this report would not contain the information they originally thought it would contain.

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Relative to the expenditure labeled "Gage/Babcock, Revised Safety Audit," Councilman Applegate requested that this category be retitled "Other Consultant Fees" because he did not want it implied, pending the determination of other factors, that the City would be expending additional funds for their services. His request was so noted by staff.

Referring to the Council's discussion at the previous meeting regarding unsatisfactory areas of the Gage-Babcock Safety Audit, Mayor Geissert asked Chief Adams if under the Uniform Fire Code, Mobil Oil has the responsibility to fund the revisions necessary to make this study acceptable to the City.

City Manager Jackson indicated the options mentioned could be studied before staff returns to Council with a specific recommendation for a consultant or the price involved in doing those additional investigations.

The Mayor stated her understanding that the consultant study on HF versus Sulfuric Acid cannot go forward until the results of the latest Frenchman Flat test on HF dispersion are available. This was confirmed by Fire Chief Adams, who reported that these test results will be available in the Spring according to current indications. It was the Mayor's opinion that it would be important to have the results of the Frenchman Flat test verified by an impartial expert.

Additionally, the Mayor expressed her desire to see further analysis of the approach taken by the cities in Santa Clara County and the ordinance they adopted to regulate the use of extremely hazardous substances, taking into consideration that this ordinance is geared toward the semiconductor industry.

Referring to the legal report ("Report of Former City Attorney Remelmeyer on Mobil Oil Refinery Safety Problem"), top of page 3, Chapter XI, Mayor Geissert read the following suggestion:

. . . the City Council at this time could refer the proposed initiative ordinance to the City Manager and/or City Attorney to determine its fiscal impact, general plan consistency and any other matters that the Council desires to be included in the report, such as technical studies to determine whether the initiative measure could achieve its desired result -- improve the safety of persons who may be exposed to HF. Alternatively, the Council could wait until the petitions were submitted to the City Clerk before requesting the report.

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Given that a portion of this agenda item dealt with the possibility of a special election in the event the initiative re HF usage goes to a vote of the people, it seemed to the Mayor that the Council needed to know such information as soon as possible.

The Council's attention was directed by the Mayor to information contained in the former City Attorney's report (Chapter XI, Subsection B.6, page 2, relative to Section 4009.5 of the Elections Code wherein it provides that city councils may request reports on the effect of the adoption of a proposed initiative. She suggested the Council might want to direct staff to return the following week with an agenda item asking for a fiscal impact report on the effect of the initiative,

Councilwoman Hardison stated her desire to have further information regarding the types of things that can be included in the report (No. 3 as set forth in the former City Manager's report, Chapter XI, page 2, B[6]).

City Manager Jackson indicated that staff could return with a formal agenda item and provide the Council with alternatives to review and discuss.

Responding to a round of inquiries posed by the Mayor, City Attorney Nelson estimated a two-year time frame in the event the initiative in question goes into effect and is challenged in the courts by Mobil Oil. The City Manager also explained that the provisions of the initiative could likely not be enforced during litigation if a stay order is obtained by Mobil Oil.

Although she observed that the initiative would undoubtedly provide an assurance of safety that does not now exist were it to go into effect, Mayor expressed concern about the cumulative costs to the City and passage of legislation that is so fraught with difficulties as far as challenges and problems of enforcement are concerned and where so many legal questions have been raised.

That consideration be given to alternate sources for legal counsel was suggested by Councilman Applegate. He entertained the idea of utilizing county counsel or the State Attorney General by looking at something that would be broader in scope but at the same time would attenuate the concerns in the City of Torrance.

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It was also Councilman Applegate's suggestion that consideration be given to contacting cities in similar straits, specifically those that have refineries with the same type of manufacturing process as Mobil Oil, and asking them if they would be willing to join together in an effort to provide a resolution similar to that of Santa Clara County.

Councilman Applegate said he had no objection to instructing the City Manager to proceed with an agenda item in line with Section 4009.5 of the Elections Code asking for a fiscal impact report on the effect of the initiative, but felt certain alternatives should also be considered.

In concurrence with the Mayor's statement that the initiative would give assurances of safety that do not now exist, Councilman Walker identified this as the purpose of the initiative. Relative to legal costs, Mr. Walker submitted that the final decision of the court would void the liability of the City, but would not void the legal costs involved in arriving at a decision and he agreed the Council should find out what those costs would be.

With regard to the difficulties in the initiative and the challenges, Councilman Walker quoted from Chapter XI, page 6, next to the last paragraph of the "Report of Former City Attorney Remelmeyer on Mobil Oil Refinery Safety Problem":

. . . . it is likely that the ordinance would be declared valid by the courts. . . .

It was Councilman Walker's opinion that the initiative and the report of the former City Attorney, which he commended, sets the foundation to look at many problems at the Mobil Oil refinery and to question if this refinery is something the community wants, needs, or finds appropriate now and in the future, and many other questions.

Councilman Walker said he concurred with the City Manager's recommendation.

The Mayor called for a response on Councilman Applegate's motion (to concur with the recommendations of the City Manager and City Attorney regarding Items 17c and 17d) and roll call vote was unanimously favorable.

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17e. PRE-BUDGET WORKSHOP:

I. Introduction:

Comments on the purpose and procedures of the Pre-budget Workshop and an overview of the impacts and consequences of actions taken (information contained in agenda material, of record) were provided by City Manager Jackson with the aid of transparencies. Subjects covered by the City Manager included the City's financial picture, budget strategy for the 1989-90 and 1990-91 budgets, and budget procedure.

Finance Director Mary Giordano was invited by the City Manager to report on the current financial status of the City through the month of November (per supplementary agenda material on Item 17e, of record).

During her presentation, Ms. Giordano noted that the budget strategy for the current year was to take some of the carry-over and use it to further enhance reserves towards the end of the budget year. She explained that the City is moving away from the concept of balancing the budget with carry-over and toward having operating revenues meet current operating expenses.

II. Questions and Discussions by the Council:

Individual Councilmembers then responded to the questions outlined by staff (agenda material of record). Needed clarification was provided by cognitive staff members throughout the discussion.

A. Program Service

1. Is the current level of City Services adequate?

In addition to the annual large item pick up, Commissioner Applegate expressed a desire to also have an annual toxic waste day, a day when citizens would be able to bring in their paints, oils, etc. This, he felt, would act as a deterrent to illegal dumping.

2. Are there needs for additional services?

Referring to Green Sheet Priority No. 1 (the addition of staff and equipment for park maintenance) Councilwoman Hardison commented that this item has been the No. 1 priority for some time and she stressed the need for this enhancement.

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Also in conjunction with Green Sheet Priority No. 1, it was the Mayor's observation that it did not make sense to double and triple park land and expect it to be serviced by the same number of employees.

It being her understanding this activity would pay for itself, Mayor Geissert expressed her hope that the City would be able to move forward on the child care program at Greenwood School.

3. Should any programs be enhanced or reduced?

In conjunction with both Questions 2 and 3, Councilman Applegate felt the graffiti removal program was a major step in the right direction. Additionally, Mr. Applegate expressed his concern regarding evidence of gang activities in the City and stated his opinion that the presence and visibility of the Police Department to interact with the schools in dealing with gang related problems is absolutely paramount. Enhancements for this purpose, this Councilman felt, would be "money well spent" and it was his expressed desire to look closely at that issue.

It was Councilman Wirth's expressed hope that if there are personnel enhancements that come forward during negotiations this year, funds would be available to meet those needs.

Noting his continuing interest in capital projects, Councilman Wirth expressed his hope that the City would continue to pursue the completion of the Library Basement and other such projects.

It was the Mayor's expressed desire that current information regarding the disposition of hazardous waste be made available to the public by way of water bills and/or other means.

B. Revenues

1. Should the Transient Occupancy Tax be tightened?

Councilman Applegate agreed the Transient Occupancy Tax should be tightened and that everybody should be "playing by the same rules."

Councilwoman Hardison also concurred with the idea of adjusting and tightening up the Transient Occupancy Tax.

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Although she agreed the Transient Occupancy Tax should be adjusted to restrict certain exemptions, Mayor Geissert expressed concern that the local hotels, the Holiday Inn, specifically, not be placed at a disadvantage with similar hotels in neighboring cities where the same strategy had not been adopted. (City Manager Jackson indicated that discussion papers would be forthcoming in this regard.)

2. Should Utility Users Tax be applied to long distance phone carriers?

At this juncture, Councilman Applegate indicated he would not be in favor of applying a Utility Users Tax to long distance phone carriers unless there were clearly defined needs in the City for that money.

Because of the changes in telecommunications, it was Councilman Wirth's opinion that the City is losing Utility Users Tax. He therefore felt the City should look at the possibility of applying this tax to long distance phone carriers in order to bring this revenue back to where it was before.

Additional information as to what the typical increase in a utility bill might be with the implementation of this tax was requested by Councilwoman Hardison.

Mayor Geissert favored applying the Utility Users Tax to long-distance carriers.

3. Should other new revenue sources be explored?

Councilman Applegate said he did not feel it would be the right thing to do to adopt budget strategy No. 1 ("status quo"; see page 3 of agenda item), which includes the \$1.2 million anticipated from finalization of the User Fee Study, when the Council had agreed to bring the User Fee Study back to consider the different fees. Presuming the Council would not be looking at increasing 100 percent of all the users fees to this extent, Councilman Applegate suggested the dollar amount should be dropped down to another number, such as two-third's of that amount.

Noting that she had some difficulties in this regard, Councilwoman Hardison agreed the User Fee Study should be returned to Council.

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Likewise, Mayor Geissert stated her understanding that the User Fee Study would be returned to Council to address concerns expressed by various members regarding the level of fee increases in certain areas.

As to whether the City should take a "status quo" budget strategy or "go further" Councilman Wirth was of the opinion the Council did need to look at enhancing revenues in order to do "a little more," if possible, but in a reasonable way.

C. Is there a confirmation of the two-year budget process?

1. Should the green sheet priorities not funded in 1987-88 be rolled forward to 1989-90?

Observing that there have been changes in the City that may influence the alignment of priorities, Councilman Applegate stated his desire to see the Budget Review Team redefine the Green Sheet priorities not funded in 1987-88.

Councilwoman Hardison agreed with Councilman Applegate that the 1987-88 Green Sheet items should be reviewed as to current priorities.

2. What should be the priorities for 1990-91?

None of the comments were specifically directed to this topic.

D. Budget Workshop Procedures

1. Is the public and community involvement adequate?

Noting the constant incoming communications from citizens, Councilman Applegate stated his opinion that the public is given adequate opportunity for involvement with the current number of budget workshops and budget hearings, which are broadcast, and the constant incoming communications. Opposed to the phone-in aspect of the budget process as set forth by the City Manager (agenda item of record, paragraph 3, page 4, "Budget Procedure") this Councilman anticipated that callers would not have the proper material in front of them and that this might be taken as an opportunity to express dissent or other desires.

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Believing this would give citizens more opportunity to participate and become interested and may even encourage them to come to a Council meeting, Councilman Wirth said he liked the idea of a phone-in program.

Mayor Geissert expressed some concerns regarding the prospect of a call-in program. It was the Mayor's observation that those people who go to the trouble of attending the Town Hall Meeting do "homework" and have a concept of the problems and limitations involved in the budget process. The phone-in program, she feared, would not draw such informed individuals.

2. What changes should be made to improve the workshop process?

The Mayor stated her opinion that the City Council was generally satisfied with the process that has taken place in the past.

Observing that departments know best how to serve the needs of the community, Councilman Wirth mentioned that he likes to see not only the green sheet items the Budget Review Team recommends, but also recommendations and requests from departments that are not recommended by the Budget Review Team but that still need to be addressed in the future.

E. General Comments

Regarding Budget Strategy No. 1 (a "status quo" current level of service budget with no enhancements and reasonable adjustments for materials, supplies and wages; see page 3 of agenda item), Councilwoman Hardison requested additional information as to the meaning of "reasonable adjustments." At this point in time, Ms. Hardison said she would basically "lean toward" Budget Strategy No. 1, although portions of Budget strategy No. 2 (a budget that would include program enhancements as outlined in the 1987-88 priorities; see page 3 of agenda item) may prove desirable.

Councilman Applegate expressed his appreciation to staff for expediting the budget process. Councilwoman Hardison likewise commended the Budget Review Team and the strategy of staff in providing more information earlier to allow more time to analyze how the budget will be funded.

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Upon the conclusion of the Pre-Budget Workshop at 10:05 p.m., Councilman Applegate moved to adjourn as the City Council and convened as the Redevelopment Agency of the City of Torrance. The motion was seconded by Councilman Mock and carried by unanimous roll call vote.

At 10:06 p.m., the City Council adjourned as the Redevelopment Agency and convened as the Cable Television Public Access Foundation of the City of Torrance. The Cable Television Public Access Foundation meeting was duly adjourned at 10:07 p.m., at which time the regular City Council agenda order was resumed.

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22. ORAL COMMUNICATIONS:

22a. In response to a direct inquiry by Councilwoman Hardison, Planning Director Ferren indicated that requested information regarding the possible zoning of Columbia School and SCROC would be forthcoming by way of Council boxes.

22b. Councilman Wirth requested an annual recap of changes in the Transportation Department. His request was acknowledged by Director of Transportation Horkay.

22c. Regarding a current debate in Congress as to whether or not there should be a federal gas tax increase to offset the federal budget deficit, Councilman Wirth felt that such action would likely hurt cities, such as Torrance, dependent upon this tax resource. It was his request that staff return with an agenda item opposing this proposal.

22d. Mr. Frank Babic, 17104 Haas, related his ongoing problems with Paragon Cable in conjunction with service and program changes. This citizen was asked to relate his problems to the Paragon Cable representative who was present in the audience.

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23. EXECUTIVE SESSION:

23a. EXECUTIVE SESSION MATTERS (CONTINUED):

See page 13 for information relative to an earlier executive session regarding potential litigation with Mobil Oil Corporation concerning the Torrance Refinery.

Mayor Geissert made the following announcement at this time:

The City Council will now recess to closed session to confer with the City Manager and/or the City Attorney on the following subjects:

- Salaries, salary schedules and compensation for certain unrepresented employees and represented employee groups as well as certain other personnel matters.
- Current litigation entitled Jeannette B. Haynes vs. City of Torrance, SWC 876598.

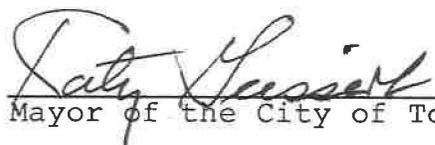
Authority to hold an executive session for these purposes is contained in Government Code Sections 54957 and 54957.6(a); 5495.9(b)(1) and 54956.9(c); and 54956.9(a).

At 10:22 p.m., the Council recessed and immediately went into closed session to consider the matters noted above. The Council reconvened at 10:48 p.m. for adjournment.

24. ADJOURNMENT:

The meeting was duly adjourned at 10:48 p.m. to January 31, 1989, at 5:30 p.m.

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Mayor of the City of Torrance


Clerk of the City of Torrance

Marlene Lewis
Minute Secretary

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