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Torrance City Council - November 7, 1989

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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, November 7, 1989, at 5:38 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 Nelson, City Clerk Bramhall, and Staff representatives.

3. FLAG SALUTE/INVOCATION:

Ms. Sandi Monda led in the salute to the flag.

The invocation for the meeting was provided by Fire Chief Scott Adams.

4. APPROVAL OF MINUTES/MOTION RE FURTHER READING:

MOTION: Councilman Applegate moved to approve the minutes of the City Council meeting of September 26, 1989, as recorded. His motion was seconded by Councilman Mock 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 the agenda for this meeting, the further reading thereof be waived, reserving and guaranteeing to each Councilmem-

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ber 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. This motion, seconded by Councilman Mock, carried unanimously by roll call vote.

6. WITHDRAWN OR DEFERRED ITEMS:

City Manager Jackson announced the following requests for deferment of agenda items...

17b. re Chemical Board -- request of Chamber of Commerce for deferment [see Page 11].

17d. re Visitors Bureau appointment -- request of staff to hold for one week [see Page 13].

7. COUNCIL COMMITTEE MEETINGS:

Finance Committee

Met this date - report forthcoming.

Ad Hoc Armed Forces Day Committee

November 21, 1989, 4:30 p.m.

Subject: 1990 Armed Forces Day Parade.

Transportation Committee

December 12, 1989, 6:00 p.m.

Subject: Torrance Boulevard Study.

8. COMMUNITY MATTERS:

8a. PRESENTATION BY SOUTH BAY QUILTERS GUILD;

Ms. Betty Lopez, 1910 Graham Avenue, Redondo Beach, together with other members of the South Bay Quilters Guild, presented to Mayor Geissert a gift in the form of a quilt commemorating the City of Torrance.

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This work of art was accepted with sincere appreciation by the Mayor on behalf of the City Council and the people of the City of Torrance.

- 8b. PROCLAMATION designating November 1989 as "Telephone Pioneers of America" month.

SO PROCLAIMED by Mayor Geissert.

9. LIBRARY/PARKS AND RECREATION MATTERS:

- 9a. DONATION FOR MINIATURE TRAIN AREA DEVELOPMENT:

RECOMMENDATION:

The City Manager recommends that the City Council accept the donation of \$1062.50 from the Honorable Judge Roy Brown for use in further developing the miniature train area of Wilson Park.

MOTION: Councilman Wirth moved to concur with the recommendation of the City Manager on Agenda Item 9a. His motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

10. TRANSPORTATION/PUBLIC WORKS MATTERS:

- 10a. APPOINTMENT TO POLICY STEERING COMMITTEE OF MAX COMMUTER TRANSIT SERVICE:

RECOMMENDATION:

It is the recommendation of the City Manager that the City Council appoint Councilwoman Dee Hardison as the City's alternate representative on the Policy Steering Committee of the Municipal Area Express commuter transit service.

MOTION: Councilman Nakano moved to concur with the above recommendation on Agenda Item 10a. His motion, seconded by Councilman Wirth, was unanimously approved by roll call vote.

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15. HEARINGS:

15a. PP 89-35 NEIL, PERNILLE, BETTY AND RICHARD SCHROEDER:

Mayor Geissert announced that this was the time and place for City Council consideration of an appeal of a Planning Commission denial of a Precise Plan of Development to allow the construction of a first- and second-story addition to an existing one-story single-family residence in the Hillside Overlay District in the R-1 Zone at 4809 Vanderhill Road. PP 89-35; NEIL, PERNILLE, BETTY AND RICHARD SCHROEDER.

Proof of publication, provided by the City Clerk, was filed without objection.

Staff presentation was provided by Sr. Principal Planner Gibson and it was noted that the Planning Commission and the Planning Department recommend denial of the appeal and denial of the project.

Ms. Betty Schroeder, 4809 Vanderhill Road, described their apparently unsuccessful attempts to effectuate a compromise design which would mitigate concerns regarding view loss voiced by their neighbors, the Smith's. The needs of their family for the additional room were noted and approval of the project as submitted was requested.

Identifying himself as the neighbor directly to the east of the Schroeder's, Mr. Al Minturn, 4805 Vanderhill Road, offered his opinion that efforts to compromise have been put forth by the proponents and he urged approval of their proposal.

Ms. Evelyn Burkhalter, 4814 Bindewald Road, advised that, while the addition under consideration would not affect her view, any similar construction on the house immediately behind hers would impact her view.

Mr. and Mrs. David Smith, 4810 Bindewald Road, described the view loss from their first story as illustrated by the silhouette on the Schroeder property and advised of their desire to work toward bringing about a mutually acceptable compromise. This speaker suggested that view loss and privacy impact might be mitigated by the Schroeder's moving the first story forward and constructing a partial second story.

Next to speak was Mr. Neil Schroeder, 4809 Vanderhill Road, who related their desire to accommodate three generations of family in their home, thus the need for the size of addition proposed. This speaker then addressed Mr. Smith's suggestion as to redesign and conceded that they could move the second story

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forward, but in order to attain the needed space it would also be necessary to move the first story back, which he did not anticipate as being favorably received by the Smith's.

There being no one else who wished to speak on this issue, Councilman Applegate moved to close the hearing. His motion was seconded by Councilman Walker and roll call vote was unanimously favorable.

Council discussion ensued.

Councilman Wirth stated his opinion that the view impact from the first floor of the Smith residence should be dealt with, and noted his concerns regarding the layout, size of some of the rooms, etc. Mr. Wirth further voiced a concern that the current design appears to be one which could easily be utilized as a second unit. A continuation was suggested by this Councilmember in order that parties involved might consider further modifications.

It was the opinion of Councilman Nakano that a partial second story with an extension of the first floor might resolve the situation.

Councilwoman Hardison suggested that the addition might be reoriented in a manner so there would be less second story to the Bindewald side of the parcel and an extension to the front with additional room on the first floor and less on the second floor.

Efforts heretofore put forth by the Schroeder's were recognized by Councilman Walker, who pointed out that the Smith's have retained a view from their second story and he would, under no circumstances, look for a significant loss of second floor square footage for the Schroeder's -- a "balance of fairness" was called for. Mr. Walker did, however, indicate that he would support a continuation of the item in order that different design configurations might be proposed.

MOTION: Councilman Mock moved to continue PP 89-35, Neil, Pernille, Betty and Richard Schroeder to December 5, 1989, 5:30 p.m. His motion was seconded by Councilman Wirth.

Mayor Geissert expressed her opinion that any second story addition on the Schroeder dwelling will impact the Smith's and she supported the Schroeder's in their need to accommodate their family with sufficient space, privacy, etc. The Mayor also observed that the subject design has been lowered as much as possible [a statement supported by Sr. Principal Planner Gibson],

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and she requested that Mr. Gibson facilitate a meeting between the families and the architect and provide positive suggestions from staff.

Sr. Principal Planner Gibson noted that there would be no further notification regarding the continuance of this matter.

Roll call vote on the motion on the floor was unanimously favorable.

15b. PP 89-19 RONDA DOBENS:

Mayor Geissert announced that this was the time and place for continued City Council consideration of an appeal of a Planning Commission approval of a Precise Plan of Development to allow construction of a first- and second-story addition to an existing one-story residence in the Hillside Overlay District in the R-1 Zone located at 5622 Andrus Avenue. PP 89-19: RONDA DOBENS.

Proof of publication, provided by the City Clerk, was filed without objection.

Sr. Principal Planner Gibson provided the staff presentation on this item, describing the redesign presently under consideration. Mr. Gibson noted that the Planning Department continues to recommend approval of the project as conditioned in the staff report, it being staff's opinion that the redesign would reduce the bulk of the residence and increase the privacy of neighbors.

The proponents, Mike and Ronda Dobens, 5622 Andrus Avenue, advised that following the September 5 City Council consideration of their case, they had met with concerned neighbors and presented the modified design for consideration. Mr. Dobens stated that at the conclusion of that meeting they were advised that they would be contacted "in a couple of days" -- they heard nothing further regarding the matter and subsequently proceeded with the plans presented at that meeting.

In response to a question by Councilwoman Hardison regarding the height of the first-story addition, Mr. Dobens advised that the ten-foot ceiling "is not an absolute" and by dropping it to nine feet, the peak of the roof would then be lowered to 14 feet.

Mr. Lawrence Kirby, 5625 Andrus Avenue, spoke in favor of the proposed addition, deeming the Dobens' to be an asset to the neighborhood.

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Present to represent the appellant, Ms. Virginia McCarthy, was Attorney Ken Gaugh, 23125 Samuel Street. Mr. Gaugh advised that he was in attendance during the earlier referenced meeting between the Dobens, Tierneys and McCarthys and acknowledged that, although they had stated they would "get back to" the Dobens', at no time during that meeting did they indicate approval of the plans.

Continuing, Mr. Gaugh suggested that moving the addition to the eastern portion of the site would be the best alternative for all parties concerned and he recommended that the case be continued again and a meeting be arranged which would include the Dobens' architect and the Sofers [neighbors to the east of the Dobens'] in order that this proposal might be considered. During his presentation Mr. Gaugh maintained that the proponents have not met legal criteria required for approval in that they have not demonstrated a hardship in connection with their request.

Councilman Walker indicated displeasure that Mr. Gaugh had not followed through in contacting the Dobens after the above-referenced meeting and was at this time requesting yet another delay.

Next to speak from the audience was Mr. Jan Van Leeuwen, 5633 Andrus Avenue. Mr. Van Leeuwen described a construction approach utilizing excavation and lowering of the garage which he maintained would result in an overall cost savings and would still provide the space desired by the Dobens. This speaker advised that a sketch of this plan was submitted to the proponents.

Ms. Bettie Tierney, 5628 Andrus Avenue, described the impact on her view represented by a retaining wall and fence constructed by the Dobens and expressed serious concerns as to the effect of the proposed construction on her view and property value. Substantiating photographs were submitted, for the record, by this speaker.

Indicating his concurrence with Attorney Gaugh's comments, Mr. Brian McCarthy, 5531 Emerald Street [immediately behind the subject parcel] urged that the matter be continued in order to allow a further meeting as requested.

Mr. and Mrs. Dobens returned to the podium. Mrs. Dobens addressed the suggestion that the addition be moved to the easterly portion of the property and noted that this would create a major impact on the neighbors to the east [the Sofers] whose property is at a lower grade than the subject site.

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Addressing the design referenced earlier by Mr. Van Leeuwen, Mr. Dobens noted that his contractor had advised that the excavation, shoring, engineering, etc. represented by this design would be very costly.

Ms. Frances Priest, 5610 Andrus Avenue, expressed concerns regarding the domino effect inherent in second-story additions and the loss of privacy involved, particularly in this neighborhood of terraced lots.

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

Councilman Applegate expressed his opinion that impacts on light, air and view have been mitigated in this case and he offered the following...

MOTION: Councilman Applegate moved to concur with the Planning Commission and Planning Staff and to deny the appeal and approve the project on PP 89-19, RONDA DOBENS. His motion was seconded by Councilman Walker.

Prior to roll call vote, Councilwoman Hardison noted that her earlier concerns regarding the bulky two-story effect, etc. for the residents on Emerald have been addressed in the redesign. She suggested that further modification might be considered in lowering the first-story roof line by one foot for the benefit of Ms. Tierney.

Councilman Nakano stated that his concern regarding privacy for the McCarthys has been addressed by moving the second-story back per the current design. Mr. Nakano also pointed out that the only second-floor windows facing the McCarthy residence are from a closet and a stairwell, thus his support of the motion.

Roll call vote on the above motion was unanimously favorable.

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RESOLUTION NO. 89-256

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 6, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A FIRST- AND SECOND-STORY ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE
AT 5622 ANDRUS AVENUE
PP 89-19: RONDA DOBENS

MOTION: Councilman Nakano moved to adopt Resolution No. 89-256. His motion was seconded by Councilman Walker and roll call vote was unanimously favorable.

17. ADMINISTRATIVE MATTERS:

17a. BALLOT MEASURE/AIRPORT FUND:

At the invitation of Mayor Geissert, City Attorney Nelson reported that, at the request of Council, this agenda item was prepared to allow for a measure to be placed on the March 6 ballot to repeal the Airport Revenue Fund. Mr. Nelson advised that the fund would continue in existence as is dictated by good accounting practices; however, it would no longer be mandated by the City Charter.

The Mayor then requested details of certain accounting practices and procedures which were provided by Finance Director Giordano, following which audience input was invited.

Mr. Ted Stinnis, Torrance Area Pilots Association, 4018 Via Lado, inquired if the past practice of utilizing Airport monies for retirement of bonds, maintenance of the Airport, and transferring excess monies to the General Fund would still be followed. City Manager Jackson explained that this procedure is by policy of the Council and not a mandate of the Charter.

Mr. Scott Rafael, representing the California Aviation Council, voiced strong opposition to the proposal being placed on the ballot, maintaining that such action is unnecessary and unjustified. This speaker submitted, for the official record, a copy of his statement in its entirety.

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The following members of the Southwood Riviera Homeowners Association spoke in favor of the proposal to place the measure on the March 1990 ballot...

- Mr. Joe Arciuch, 23521 Kathryn Avenue [written statement submitted for the record];
- Mr. Frank Rizzardi, 23544 Carlow Road, speaking as President of the Homeowners Association;
- Mr. Jim McEntyre, 3910 West 234th Place.

Support was also indicated by Mr. Paul Jacobsen, 22937 Audrey Avenue, who deemed this a logical and fiscally responsible step.

Concerns regarding the propriety of the contemplated action were expressed by Mr. Barry Jay, 2514 Brian Avenue, who suggested that a ruling "outside of the opinions of attorneys" would be desirable.

Mr. John LeResche, 3634 West 228th Street, spoke in support of this agenda item and suggested that, should a law suit materialize, one method of funding the City's legal fees would be to levy a temporary surcharge on month-to-month tiedown and hangar rentals.

MOTION: Councilman Wirth moved to concur with the staff recommendation and place on the March 6, 1990 General Election Ballot a measure to repeal Article 15, Airport Fund, from the Torrance City Charter. His measure was seconded by Councilman Mock and roll call vote was unanimously favorable.

RESOLUTION NO. 89-257

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 6, 1990 FOR THE PURPOSE OF SUBMITTING TO THE VOTERS A QUESTION RELATING TO THE REPEAL OF ARTICLE 15 OF THE CHARTER OF THE CITY OF TORRANCE RELATING TO THE AIRPORT FUND

MOTION: Councilman Nakano moved to adopt Resolution No. 89-257. His motion, seconded by Councilman Walker, carried by unanimous roll call vote.

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17b. MODIFICATIONS TO CHEMICAL BOARD AND LICENSING PROCESS
DEALING WITH ACUTELY HAZARDOUS MATERIALS [AHMs]:

The staff report on this agenda item was provided by Management Assistant Sunshine, who set forth the following...

RECOMMENDATION

The City Manager recommends the City Council concur with the following:

1. Direct the City Attorney to draft amendments to Article 12 Section 13.12.1. of the Torrance Municipal Code changing the membership of the Chemical Review Board as outlined and to include the directive to the Chemical Board to establish the following criteria;

a. Establish an acceptable quantity limit cutoff for requiring an AHM review.

b. Direct the Chemical Review Board to establish the criteria that will serve as the review process for new and existing AHM users that will take into consideration each AHM user and the offsite consequences of a release into the community.

c. Expand the duties of the Chemical Review Board to include the authority to serve as the review body that will determine whether the continued or new use, storage and handling of AHMs is acceptable to the City of Torrance.

2. Concur in a modification to the Business License and Building Permit forms to include the determination of the use, storage or handling of AHMs. Those that do not conform to the Board established quantity thresholds are to be reviewed by the Chemical Review Board.

3. Authorize the City Manager to generate a request for proposal for a chemical consultant. Actual authorization to hire the consultant as well as an appropriation to cover the costs of developing the review process will come before the City Council at a later date.

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4. Add a standard condition to the C.U.P. process restricting the use, storage and handling of AHMs. Those sites requiring the use of AHMs are to be reviewed by the Chemical Review Board and must pass the Board established criteria.

5. Develop a user fee schedule to cover the costs associated with the AHM review and permit process.

Further clarification and expansion as to the intent of the proposal were provided by Fire Chief Adams and specific inquiries from individual members of the Council were addressed.

An extensive discussion followed with added input and clarification as needed from City Manager Jackson and City Attorney Nelson.

It was the ultimate consensus of the Council that certain aspects of this agenda item should be assigned to committee [Public Safety Committee of the Council] for thorough study and interface with experts/consultants in the field. It was specifically requested by Councilwoman Hardison that the various segments be sequentially returned to the Council in order that the complexities of the issues may be properly dealt with.

From the audience Ms. Barbara Glennie, Acting Vice-President/General Manager of the Torrance Area Chamber of Commerce, 3400 Torrance Boulevard, expressed concurrence with the concept of continuing the matter in order that the business community might be able to provide assistance and input to the process.

MOTION: Councilman Wirth moved to concur with staff recommendation #3, which is to begin the process of considering a proposal for a chemical consultant, and also to concur with the recommendation for the change in membership of the Chemical Review Board -- the balance of the recommendations are to be referred to the Council's Public Safety Committee.

The motion, seconded by Councilwoman Hardison, carried by unanimous roll call vote.

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17c. UNIFORM OCCUPANCY TAX:

RECOMMENDATION:

It is recommended that your Honorable Body adopt the ordinance delaying the 1/2% increase in the Uniform Occupancy Tax from January 1, 1990 until January 1, 1991.

MOTION: Councilman Applegate moved to concur with the above stated recommendation. His motion was seconded by Councilman Walker and roll call vote was unanimously favorable [Councilman Nakano ABSTAINED].

ORDINANCE NO. 3288

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF TORRANCE AMENDING SECTION 222.2.1
OF THE TORRANCE MUNICIPAL CODE RELATING
TO THE COLLECTION OF THE UNIFORM OCCUPANCY
TAX

MOTION: Councilman Wirth moved to approve Ordinance No. 3288 at its first reading. His motion, seconded by Councilwoman Hardison, carried by unanimous roll call vote [Councilman Nakano ABSTAINED].

17d. VISITORS BUREAU BOARD OF DIRECTORS APPOINTMENT:

Held for one week - see Page 2.

20. CONSENT CALENDAR:

20a. APPROPRIATION FOR INSTALLATION OF RAISED PAVEMENT MARKERS:

RECOMMENDATION:

That the City Council approve an appropriation of \$52,000 from Gas Tax funds for the installation of raised reflectorized pavement markers on Torrance Boulevard, Crenshaw Boulevard, 190th Street and Prairie/Madrona Avenue.

MOTION: Councilman Applegate moved to concur with the above stated staff recommendation on Agenda Item 20a. His motion, seconded by Councilwoman Hardison, carried unanimously by roll call vote.

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* * *

At 8:43 p.m., the City Council recessed and reconvened as the Redevelopment Agency of the City of Torrance. The meeting of the Redevelopment Agency was adjourned at 8:45 p.m., at which time a meeting of the Torrance Cable Television Public Access Foundation was convened. The meeting of the Public Access Foundation was adjourned at 8:47 p.m., and the City Council meeting was reconvened.

* * *

22. ORAL COMMUNICATIONS:

22a. General Services Director White provided the Council with an update on the City's graffiti hot line program.

22b. Theatre Manager Stewart announced that ground breaking for the City's Theatre Arts Center will take place in late January, 1990.

22c. Councilman Nakano requested appropriate recognition to the Torrance Division II, All Star AYSO Soccer Team, for their winning of the sectional championship.

22d. Councilman Nakano noted problems in locating specific addresses within gated communities and requested that the posting of maps at community entrances be considered. City Manager Jackson indicated that his department will follow through.

22e. Councilman Nakano addressed the importance of a wide notification for the November 14 Council consideration of the Southwood traffic scoping session. Expanded notification, as is proposed [per Director of Transportation Horkay] was also preferred by Councilwoman Hardison and deemed very important by Councilman Wirth.

During Mr. Nakano's Oral Communication, Ms. Sandi Monda was called upon to comment. Ms. Monda, 21506 Talisman, noted her opinion that the proposed November 8 mailing for this item will be adequate.

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22f. Councilman Wirth requested that the Council be provided with details relative to the Los Angeles County Transportation Commission's proposal to place on the ballot a measure to increase sales tax. Mr. Wirth also requested information relative to the State Gas Tax proposal.

22g. Mr. Joe Arciuch, 23521 Kathryn Avenue, expressed displeasure regarding Paragon Cable's fee increases and read aloud from an August 10 Wall Street Journal article which he submitted for Council's information.

22h. Mr. Barry Jay, 2914 Brian Avenue, President of Torrance Airport Boosters Association, commented on the need of the community for the Torrance Airport, particularly in the event of an earthquake disaster. Mr. Jay submitted a copy of his statement along with supportive articles for the official record.

23. EXECUTIVE SESSION:

23a. EXECUTIVE SESSION MATTERS:

Mayor Geissert read the following statement into the record.

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;
- Pending litigation entitled John Rastello, et al., vs. Rollo Green, et al., Los Angeles Superior Court Case No. SWC 74882;
- Pending litigation entitled People of the State of California vs. Mobil Oil Corporation, et al., Los Angeles Superior Court Case No. C 719953;
- Pending litigation entitled Paul Gardner Corporation v. City of Torrance, et al., South Bay Municipal Court Case No. SB 89C 04613.
- Lease negotiations with non-profit corporation regarding Greenwood School site and;

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- Pending litigation entitled California Aviation Council, et al., vs. Torrance City Council, et al. Los Angeles Superior Court.

Authority to hold an executive session for these purposes is contained in Government Code Sections 54957.6 (a); 54956.8 and 54956.9 (a).

At 9:10 p.m. the City Council recessed to executive session, returning at 9:54 p.m.

City Attorney Nelson recommended that the City Council concur in the recommendations of the City Attorney in the case of Paul Gardner Corporation v. City of Torrance, et al., South Bay Municipal Court Case No. SB 89C 04613.

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

24. ADJOURNMENT:

At 9:56 p.m., this meeting of the City Council was formally adjourned to Tuesday, November 14, 1989, 6:00 p.m. for purposes of hearing an appeal of a Civil Service Commission decision.

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Mayor of the City of Torrance



Clerk of the City of Torrance

Peggy Laverty
Minute Secretary

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