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Marlene Lewis
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 session on Tuesday, November 14, 1989, at 6:00 p.m., in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

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

Absent: None.

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

16. APPEALS:

16a. APPEAL OF TIMOTHY THORNTON:

Noting that the regular City Council meeting would commence at approximately 7:00 p.m., Mayor Geissert announced that this was the time, date and place to hear the appeal of Timothy Thornton [regarding his dismissal] from employment as a Police Officer for the City of Torrance. It was noted that Dan Cassidy, Esq. represented the City and that Cecil Marr, Esq. represented the Appellant.

The disciplinary hearing conducted by the Civil Service Commission having been held in closed session, Attorney Cecil Marr at this time confirmed that it was Mr. Thornton's desire to have this appeal conducted in open session.

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Mayor Geissert advised that members of the City Council had been provided with copies of the record of the hearing before the Civil Service Commission, including all transcripts and exhibits heretofore treated as confidential. Council Marr acknowledged his understanding that this information would become public record in keeping with the request for an open hearing.

Senior Deputy City Attorney Clark agreed to these records becoming public, with the exception of City's Exhibit 3 contained in Volume I, which she identified as a crime report. Ms. Clark asked that this document not be made part of the public record. It was so ordered by Mayor Geissert.

Events leading up to this appeal were then reviewed by the Mayor, who read the following information into the record:

Following an investigation, the Police Chief recommended to the City Manager that Timothy Thornton be terminated from his employment as a Police Officer with the City.

An administrative hearing was held before the designee of the City Manager. The recommendation for discharge was upheld.

Mr. Thornton requested a hearing before the Civil Service Commission as provided for in the City Code. The Civil Service Commission held a hearing on April 10, 1989; April 12, 1989; and April 17, 1989. The City and the Employee were represented. Testimony was heard and the case was argued before the Commission.

Following the hearing, the Commission made Findings of Fact and Conclusions of Law. The Conclusions reached by the Commission were:

1. That Mr. Thornton's performance evaluations demonstrate a lack of efficiency in violation of Torrance Police Department Manual Section 3/005.10.
2. That making false and inaccurate statements during a Police Department investigation is detrimental to the Police Department and in violation of Torrance Police Department Manual Section 3/010.10.

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3. That making false and inaccurate statements during a Police Department investigation is a violation of Torrance Police Department Manual Section 3/040.
4. That making false and inaccurate statements during a Police Department investigation is misconduct in violation of Torrance Police Department Manual Section 3/805.20.
5. That on the basis of the false and inaccurate statements made by Timothy Thornton during the Police Department investigation on May 10, 1988, and on the basis of the Appellant's entire work history with the City of Torrance, just cause existed for the termination of Timothy Thornton from City employment.

Timothy Thornton filed a timely appeal of the decision of the Civil Service Commission. The City Code grants an employee the right to appeal a termination to the City Council and provides that the City Council may, by a majority vote of the entire membership of the Council, sustain, modify, or reverse such decision. Thus the Council has the following alternatives:

1. Affirm the decision of the Civil Service Commission.
2. Affirm the decision of the Civil Service Commission, but reduce the penalty.
3. Reverse in whole or in part the Commission's decision and reduce the penalty appropriately.
4. Return the matter to the Civil Service Commission if you find their decision was not supported by substantial evidence or that new evidence has been discovered that could not have been presented by the exercise of due diligence at the original hearing.

During the hearing tonight, no evidence not previously submitted and received into evidence by the Civil Service Commission may be heard by the City Council. The hearing will be held only on the record on

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appeal from the Civil Service Commission and on the arguments of the representatives of Mr. Thornton and the City.

The Mayor outlined the procedure to be followed as recommended by the City Attorney. It was confirmed that each member of the Council had read the administrative record of this matter, including the Civil Service Hearing transcript.

Mayor Geissert requested and received from the Council and representative counsels affirmation as to the acceptability of the hearing procedure outlined

Argument on Appellant's Behalf by Attorney Marr

Relating the sequence of events which led to Mr. Thornton's dismissal (as recorded in the transcript of the hearing before the Civil Service Commission) Attorney Marr explained that Mr. Thornton, was in a remedial status and was being supervised by Officer Mark Holden when he and Officers Mark Holden and Tim Pappas were involved in a shooting incident that occurred on May 9, 1988.

Counsel Marr indicated that Mr. Thornton was disoriented and confused following the shooting. It was counsel's contention that the appellant lied about the incident under pressure from his training officer (Officer Holden) and in a misguided attempt to back up a fellow officer, which resulted in charges being brought against the shooting victim.

Although he agreed that it is "a bad thing for a Police Officer to lie," Attorney Marr pointed out that the Appellant had come forward with the truth four months later and that it was only at that time that the charges against the victim were dropped.

Attorney Marr maintained that the Council should reinstate Mr. Thornton and return him to duty with a 60-day suspension, "not because Mr. Thornton was necessarily deserving," but to send a message to Torrance Police Officers to "correct the wrong, not to maintain the lie." It was his contention that this would be as much of a deterrent as dismissing all three officers. Were Mr. Thornton's discharge to be upheld, Counsel Marr suggested the legacy would be that a Police Officer in a like position would remember "that if you come forward and you correct your lie, you will be discharged."

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Argument on Behalf of the City by Attorney Cassidy

Referring to the record and the discharge letter sent to Mr. Thornton by the City, Attorney Cassidy pointed out:

- That the Appellant was not just discharged for lying.
- That the facts of the case are not in dispute.
- That Officer Holden was only one in a series of field training officers assigned to Mr. Thornton and he could not have placed the appellant's job in jeopardy.
- That there was no evidence to substantiate the claim that Mr. Holden was "intimidating" Mr. Thornton.

Counsel Cassidy pointed out that Mr. Thornton chose not to tell the truth. His decision to come forward four months later was not altruistic, Mr. Cassidy submitted, but in hopes of saving his job because he was on a performance contract and was not performing. It was this counsel's opinion that the truth would have eventually come out.

By reinstating the Appellant, Counsel Cassidy felt the message to employees would be, "If you know that there is a lie going on and you might lose your job, step forward and maybe use that to preserve your job." In his opinion, the message that should be sent is to "tell the truth initially, don't get yourself in this situation."

Response to Attorney Cassidy's Argument by Counsel Marr

Counsel Marr said the evidence showed that Mr. Thornton was in the process of revealing the truth. He submitted that there was a lot of peer pressure involved. It was further submitted by Council Marr that there was no reason to believe the investigation would have been reopened and the charges against the victim dropped if the Appellant had not come forward.

The Council was informed by Counsel Marr that it had to decide whether the officer who came forward to straighten the matter out should be treated the same as the other two. By reinstating Mr. Thornton with a 60-day suspension, Mr. Marr suggested the message sent to Torrance Police Officers would be "that lying will have serious consequences, but that the most

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serious sanction of discharge will be reserved for those officers who do not confess the lie." On the other hand, Counsel Marr suggested that a vote to sustain the discharge would encourage officers in the same position to "maintain the silence, maintain the secret, maintain the lie."

Rebuttal by Counsel Cassidy

Again referring to the record, Attorney Cassidy noted that the Appellant was disciplined in the past for writing false reports and that he has had more than one chance. It was his opinion that Police Officers know there is a high premium on telling the truth. By upholding the discharge, this speaker felt the Council would strengthen the message, "tell the truth first, don't get caught up in the lie."

Executive Session

There being no questions from Council, at this time Mayor Geissert announced that the Torrance City Council would recess to closed session, pursuant to the authority granted under Government Code Section 54957, for the purpose of conferring with the City Attorney regarding the appeal of Timothy Thornton of his disqualification for the position of Police Officer.

The City Council recessed at 6:35 p.m., returning at 7:13 p.m. to take the following action.

MOTION: Councilman Nakano moved to affirm the decision of the Civil Service Commission. The motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

Mayor Geissert announced that this decision did not in any way lessen the appreciation of Council for the fact that Officer Thornton reconsidered his initial position and came forward to cooperate in the investigation.

The regular Council order of business was conducted upon the completion of this hearing at 7:14 p.m.

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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 7:14 p.m. on Tuesday, November 14, 1989, 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 Department Representatives.

3. FLAG SALUTE/INVOCATION:

Boy Scout Troop No. 310 -- Ray Enriquez, Scoutmaster -- led in the salute to the flag.

The invocation for the meeting was provided by Reverend J. T. Greenleaf, Riviera Methodist Church.

4. APPROVAL OF MINUTES/MOTION RE FURTHER READING:

MOTION: Councilman Applegate moved to approve the City Council minutes of October 3, 1989, as written. The motion was seconded by Councilman Mock and carried by unanimous roll call vote.

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

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thereof be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

5. MOTION RE POSTING OF AGENDA:

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

6. WITHDRAWN OR DEFERRED ITEMS:

City Manager Jackson advised of the City's receipt of a request to continue the following item until December 12:

- 16b. Appeal of Airport Noise Hearing Board Decision
Regarding Harbor Christian Center (see Page 23).

7. COUNCIL COMMITTEE MEETINGS:

Ad Hoc Armed Forces Day Committee

Tuesday, November 21, 1989, 4:30 p.m.
Subject: 1990 Armed Forces Day Parade

Transportation Committee

Tuesday, December 12, 1989, 6:00 p.m.
Subject: Torrance Boulevard Study

Public Safety Committee

Wednesday, December 13, 1989, 4:30 p.m.
Subject: Acutely Hazardous Materials

As Chairman of the Public Safety Committee, it was Councilman Mock's request that City Manager Jackson inform the Chamber of Commerce and all interested parties of the December 13 meeting concerning Acutely Hazardous Materials.

* * *

At this time Mayor Geissert welcomed journalism students from El Camino College and their instructor, Jolene Combs.

* * *

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8. COMMUNITY MATTERS:

8a. PROCLAMATION RE "TORRANCE SYMPHONY MUSIC WEEK":

Mayor Geissert proclaimed November 14 through 20, 1989, as "Torrance Symphony Music Week" in the City of Torrance.

This recognition was gratefully accepted by Ms. Peggy Dowell, president of the Torrance Symphony Association, who invited everyone to attend the next performance of the Torrance Symphony Orchestra. While at the podium, Ms. Dowell introduced the following people who have been instrumental in the Orchestra's four years of success:

Owen Griffith
Bill Brugger
Jim Mullins
Hazel Mullins
Pat Mullins

8b. PROCLAMATION RE "FIRE EXTINGUISHER AWARENESS MONTH":

Mayor Geissert proclaimed the month of November 1989 as "Fire Extinguisher Awareness Month" in the City of Torrance:

Fire Chief Scott Adams accepted this proclamation with appreciation. He asked that questions concerning fire extinguishers be directed to the Fire Department's public information office.

8c. PROCLAMATION RE "NATIONAL DIABETES WEEK":

November 20 through 26, 1989 was proclaimed by the Mayor to be "National Diabetes Week" in the City of Torrance.

This proclamation was to be mailed to the recipients.

8d. RESOLUTION HONORING FATHER PAT MC POLIN:

City Clerk Bramhall read number and title to:

RESOLUTION NO. 89-258
A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TORRANCE HONORING FATHER PAT MC POLIN FOR
HIS UNTIRING SERVICE TO THE COMMUNITY

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MOTION: Councilman Nakano moved to adopt Resolution No. 89-258. Councilwoman Hardison seconded his motion and roll call vote was unanimously favorable.

It was noted by the Mayor that this resolution would be presented at a function to be held the following Sunday.

8e. PRIVATE INDUSTRY COUNCIL APPOINTMENT:

RECOMMENDATION:

The Policy Board of the Private Industry Council recommends that the City Council appoint and officially swear in the recommended member (Ted Talbot) to the Carson/Lomita/Torrance Private Industry Council.

Councilwoman Hardison noted that the recommended applicant would represent Small Business for Lomita.

MOTION: Councilman Wirth moved to concur with the appointment recommended by the Private Industry Council Policy Board. His motion was seconded by Councilman Mock and roll call vote was unanimously favorable.

Mr. Ted Talbot came forward and was duly sworn in by the City Clerk.

Taken out of sequence at this time . . .

17c. APPOINTMENTS TO THE VISITORS BUREAU BOARD OF DIRECTORS:

RECOMMENDATION:

It is recommended by the City Manager that the City Council consider the following appointments:

1. Re-appoint Michael Lynn to a one-year term on the Torrance Visitors Bureau Board of Directors with a term running from July 1, 1989 to June 30, 1990, and
2. Appoint Jim Armstrong and Don Lee to the Visitors Bureau Board of Directors with a term to end on June 30, 1990.

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MOTION: Councilman Wirth, seconded by Councilman Mock, moved to concur with the recommended appointments to the Visitors Bureau Board of Directors. Roll call vote was unanimously favorable.

Don Lee was present and was duly sworn in by the City Clerk at this time.

The Council returned to regular agenda order to hear . . .

9. LIBRARY/PARKS AND RECREATION MATTERS:

9a. DONATION FROM THE TORRANCE MOUNTED POSSE:

RECOMMENDATION:

The Parks and Recreation Commission and the Parks and Recreation Director recommend that the City Council accept this most generous donation of \$350 from the Torrance Mounted Posse, and transmit a letter of appreciation. It is also recommended that the money be appropriated for the Parks Special Events Account.

MOTION: Councilman Applegate, seconded by Councilwoman Hardison, moved to accept the donation from the Torrance Mounted Posse as recommended. Without objection, it was so ordered by Mayor Geissert, who directed that a letter of appreciation be sent.

9b. DONATION FROM THE DOG OBEDIENCE CLUB:

RECOMMENDATION:

The Parks and Recreation Commission and the Parks and Recreation Director recommend that the City Council accept this most generous donation of \$300 from the Dog Obedience Club, and transmit a letter of appreciation. It is also recommended that the money be appropriated for the Parks Special Events Account.

MOTION: Councilman Applegate moved to accept the donation from the Dog Obedience Club as recommended. There was a second to his motion by Councilwoman Hardison and it was so ordered by the Mayor without objection. Mayor Geissert directed that this organization also receive a letter of appreciation.

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9c. SISTER CITY ASSOCIATION AGREEMENT FOR 1989-90:

City Clerk Bramhall read number and title to:

RESOLUTION NO. 89-259

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THAT CERTAIN AGREEMENT BETWEEN THE CITY AND THE TORRANCE SISTER CITY ASSOCIATION FOR THE PERFORMANCE SPECIFIED SERVICES TO THE CITY FOR THE FISCAL YEAR 1989-90

MOTION: Councilman Nakano moved to adopt Resolution No. 898-259. Seconded by Councilwoman Hardison, his motion carried by unanimous roll call vote.

10. TRANSPORTATION/PUBLIC WORKS MATTERS:

10a. SOUTHWOOD AREA SCOPING SESSIONS RESULTS AND RECOMMENDATIONS

Director of Transportation Horkay advised that this item represented the culmination of scoping sessions for the Southwood area held before the Traffic Commission on September 19, 1988, March 20, 1989 and May 15, 1989. It was noted that this is the fourth such report this year and that earlier presentations included Del Amo West, Newton Street and Via Valmonte.

The staff report (of record) was presented by Traffic Manager Vance who related the following recommendations.

TRAFFIC COMMISSION RECOMMENDATION:

After receiving public and staff input at three scoping sessions, the Traffic Commission voted to recommend:

1. Restricting peak-hour turning movements from Torrance Boulevard to Ocean (6:00 to 8:00 in the morning and 4 to 6 in the afternoon recommended);
2. Installing a traversable berm at the service road median opening on Torrance 400 feet east of Anza (estimated cost \$8,000); and

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3. Closing the service road access on the north side of Carson at Ocean and opening the service road median in the vicinity of the Jefferson Adult School (estimated cost \$15,000).

TRANSPORTATION DEPARTMENT RECOMMENDATION:

The Police, Fire and Transportation Departments recommend no changes in the existing circulation system.

If Council wishes to do something, the Department of Transportation recommends the following in decreasing order:

Ocean Avenue

1. Close Ocean at Torrance
2. Peak-hour turn restrictions on Torrance at Ocean
3. Cul-de-sac Ocean at Lenore

Jefferson Adult School

1. Open the service road median on Carson.
2. Open the median and close the service road at Ocean.

Traffic Manager Vance then responded to Council inquiries. There was discussion regarding traffic counts on Ocean Avenue and it was noted that none of the counts taken on Ocean Avenue over the past two years have exceeded 2,000 cars per day versus between 7,000 and 10,000 vehicles per day on other streets, such as Newton Street and Pennsylvania Avenue.

It was Councilwoman Hardison's observation from viewing Ocean Avenue that off-peak traffic was light, but moved very fast. As a remedy, she suggested the possibility of installing a "stop sign" at Lenore and Ocean.

Members of the public were invited to speak.

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Mr. Bob Billett, 5510 Laurette Street, speaking on behalf of the Executive Board of the Southwood Homeowners Association, advised that they did not take a position regarding the recommendations because a decision to implement or not to implement changes would affect individual residents in different ways depending upon the variables involved.

Speaking on his own behalf, Mr. Billett supported Traffic Commission Recommendation Nos. 1 and 3, which he felt addressed many of the Ocean Avenue concerns and could be implemented at reasonable cost and with a minimum of inconvenience to residents and emergency vehicles. With the possible exception of the median break at Jefferson School, Mr. Billett suggested these changes could be implemented on a trial basis and eliminated at some future date if they proved to be an incorrect solution.

Regarding the closing of the service road, Mr. Billett recalled that one of the concerns expressed by a number of people involved southbound traffic cued at the "Stop" sign on Ocean interfering with westbound traffic on Carson accessing the service road.

Opposed diverting traffic and blocking off streets, Mr. Charles Deemer, 21225 Talisman (Scott and Talisman), also commented on other problems, including the speed of traffic on Scott Street between Ocean Avenue and Anza Avenue. It was this resident's opinion that a berm would serve to slow down traffic without disrupting too many people in the neighborhood.

In the event turning restrictions are implemented, Ms. Dorothy Miller, 21301 Ocean Avenue, suggested they be imposed 7 to 10 a.m. and 3 to 6 p.m.

Mayor Geissert related the recommendations of Ms. Sandi Monda, 21506 Talisman Street, (as set forth in her November 9, 1989 letter to the Council) that turning restrictions, if imposed, be enforced between 7 and 9 a.m. and 4 and 6 p.m.

The scoping sessions held were deemed "a big farce" by Ms. Pam O'Brien, 5005 Sepulveda Boulevard, who pointed out that the entire Southwood area was not considered and that some of the concerns brought up were not addressed by the Commission and staff; such as:

- Increased speeding on Sepulveda and Palos Verdes Boulevards (Ms. O'Brien said it was her understanding that these streets would come before the Traffic Commission for an increase in the speed limit.)

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- The back gate area of Bishop Montgomery

Ms. O'Brien further noted that her request regarding access across Sepulveda Boulevard at Ellinwood Drive has gone unanswered by staff and that she has been unable to obtain a copy of a Sepulveda Boulevard traffic study initiated approximately five years ago.

It was Mayor Geissert's suggestion that the Department of Transportation work in conjunction with the City Clerk's Office in an effort to recover the information desired by Ms. O'Brien.

Mr. Phil Thomas, 21321 Ocean Avenue, said he favored speed bumps or a cul-de-sac and closure of the service road as a means to curtail the amount and speed of traffic on his street. It was his opinion that people would tend to go through a "Stop" sign at Lenore and Ocean.

Ms. Andrea Reilly-Reynoso, 21505 Talisman Street (corner of Lenore and Talisman), favored limited-access turning signals during afternoon and early morning hours and "Stop" signs at Scott and at Lenore. Given the amount of traffic on Carson Street and new trees and shrubbery blocking visibility, Ms. Reilly-Reynoso suggested another opening in the service road might result in more accidents.

The Mayor invited comments from the Council.

Councilman Applegate deemed it "a must" to close the service road at Ocean Avenue. He observed that southbound vehicles on Ocean, cued to go east or west on Carson Street, block ingress to the service road to westbound traffic on Carson Street and cause a "bottleneck."

Agreeing with the observation of Ms. Reilly-Reynoso, that shrubbery would restrict visibility through any newly created street opening at that location, Councilman Applegate suggested the need for another acceptable solution. (It was later clarified by Traffic Manager Vance that any design of an opening in the median would include the removal of landscaping for visibility purposes.)

Although he recognized the desirability of somehow prohibiting left-hand turns from northbound Ocean Avenue onto westbound Torrance Boulevard, Mr. Applegate felt that turning restrictions would likely be ignored without police enforcement.

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The installation of a "Stop" sign at Ocean and Lenore to reduce the speed of traffic was favored by Councilman Wirth. He did not agree with the suggestion for a "Stop" sign at Ocean and Scott because of the "short block" at that location.

Favoring, "at the very least," the implementation of peak-hour controls at Torrance Boulevard and Ocean on a trial basis, Mayor Geissert also supported a three-way stop at Lenore and Ocean, closure of the service road at Ocean and Carson and the creation of a new entrance -- the design of which would be at the discretion of the Department of Transportation.

The Mayor read an excerpt from Sandi Monda's letter of November 9 (of record) regarding the gate situation between the Sports Connection and Fire Station No. 6, which precludes the removal of temporary parking restriction signs along the southern portion of Ocean Avenue as recommended by the Traffic Commission.

Ms. Dorothy Miller, 21301 Ocean Avenue, returned to the podium to provide a complete history of the parking situation on Ocean Avenue and to clarify the status of the fence and gate separating Ocean from the athletic club and commercial area.

The rationale for restricting access to Ocean from "restaurant row" and the need for access to the back of these properties to maintain equipment and buildings was addressed by Councilman Applegate, who suggested the City Manager look into this matter.

In lieu of closing the service road, Councilman Applegate suggested that staff return with possible alternatives for some type of barrier which would prohibit westbound traffic on Carson from entering the service road, force it to come down to some alternate access to the Jefferson Adult School, and at the same time allow some free movement for residents.

Noting increased traffic and speeding in the area, Nick Devey, 20105 Talisman Street, recommended enforcement of the speed limit.

Councilwoman Hardison observed that it may not be necessary to close the service road if better access to the Jefferson Adult School parking lot can be achieved. This Councilmember favored a "Stop" sign at Ocean and Lenore as a means to slow traffic movement, but was unsure of the need for turning restrictions at this time with the (light) amount of traffic she recently observed on Ocean.

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MOTION: Councilwoman Hardison moved to install a stop sign at Lenore and Ocean and bring back an item regarding access from Ocean to the Jefferson adult school with design options. Commissioner Walker seconded the motion, which ultimately carried (see below).

Councilman Applegate said he would have included in the motion restrictions for turns from Torrance Boulevard eastbound to Ocean southbound and from Ocean northbound to Torrance westbound (the latter to address Earl Street traffic), temporarily designating the peak hours of 7 to 9 a.m. and 4 to 6 p.m.

Having read the minutes for the scoping sessions, Councilwoman Hardison observed that many people from the neighborhood were concerned about turning restrictions. Therefore, it was her preference that the matter be held for separate consideration.

Ms. Pam O'Brien, 5005 Sepulveda Boulevard, returned to the podium to suggest berming on the west side of the Jefferson School driveway to provide a "safe zone" for exiting.

Roll call vote on the motion (for the installation of a stop sign at Lenore and Ocean and preparation of a future agenda item regarding access from Ocean to the Jefferson adult school, including design options) was unanimously favorable.

Councilman Wirth stated that he was not ready to try turning restrictions. He noted the opposition of some residents and cited problems arising as a result of previous Council action (Del Amo Boulevard at Earl and Talisman).

It was Councilman Wirth's request that there be another notification when the question of access to the Jefferson School site is returned to Council, at least to those residents on Talisman whose access would be impacted.

Councilman Walker said he did not favor turning restrictions from Torrance Boulevard. He attributed the problem on Ocean to the speed of traffic and it was his opinion a "Stop" sign would address this issue.

Given the size, location and number of problems in the area in question, Mayor Geissert suggested the Department of Transportation consider this an open study and accumulate ideas and suggestions as they come forward.

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15. HEARINGS:

15a. PP 89-25, DENISE DAFNOS:

Mayor Geissert announced that this was the time and place for City Council consideration of an appeal by a neighbor of a Planning Commission approval of a new two-story residence in the R-1 zone (Hillside Overlay District) at 26013 Calmhill Drive, PP 89-25: DENISE DAFNOS.

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

Background to this case, including slides depicting a silhouette of the proposal as seen from the homes of opponents (26010, 26013 and 26022 Calmhill Drive), was presented by Senior Principal Planner Gibson. During his presentation, Mr. Gibson advised of the Planning Department's recommendation for denial of the project for reasons of view obstruction.

For the benefit of Councilman Nakano, Senior Principal Planner Gibson explained that staff recommended approval of a similar request (PP 89-21, McAteer) because objecting parties lived outside the Hillside Overlay District whereas in this matter the opponents live within the Hillside District.

The proponent was invited to speak.

Ms. Denise Dafnos, 3017 Oakwood Lane, explained her family's rationale for selecting the property in question and their reason for believing that a two-story house would be appropriate on a street where there were existing two-story homes. She explained that the house was planned with few side windows taking into consideration the neighbors' views and privacy. The proponent expressed her willingness to change the pitch of the roof and to remove a tree in the front yard as compromise measures.

Ms. Dafnos observed that the opponents are on the non-view side of the street and added onto their homes before the Hillside Ordinance went into effect. Denial of her request to exercise the same right would be unfair, in her opinion.

A petition signed by supporters of the project (of record) was presented by Mr. Demo Dafnos, 3017 Oakwood Lane, who described design features implemented in consideration of neighbors.

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Opponent Jeff Katz, 26022 Calmhill Drive, noted that other two-story homes in the area are not as large as the structure proposed and do not block views. Mr. Katz explained that the second story of their home was added on before they acquired the property and that it was their understanding the Hillside Ordinance protected that view. This speaker urged denial of the project for reasons of view impact and depreciation of property value.

Jo-Ann Katz (same address), submitted a petition (of record) signed by residents with single-story homes within the notification area and the Hillside Overlay District in protest to the project. Also presented by this speaker were photographs of trees adjacent to the project site taken before vegetation was allowed to become overgrown.

Appearing in succession, Mary and J. C. Vallery, 26010 Calmhill Drive, opposed the two-story structure proposed for reasons of view impact, depreciation of property value and precedent-setting factors. Mr. Vallery explained that surrounding neighbors signed approval at the time they added a second story to their home to obtain a view.

Mr. Frank McAteer (PP 89-21, McAteer), 26230 Delos Drive, encouraged the Council to approve the proposal, believing the project would enhance the neighborhood.

The neighbor next door to the project on the east, Mr. John Miller, 26009 Calmhill Drive, expressed his strong support of the project. Having had the choice between his property and the house now owned by the Katzes, Mr. Miller said he deliberately purchased property on the side of the street where he knew he would always have a view and did not take the Hillside Ordinance into consideration. It was his opinion that no one's property value would depreciate as a result of the improvements proposed and he stressed the need for fairness.

Although it would impact the light on one side of her house, Ms. Lynn Holister, 26017 Calmhill Drive (to the west of the project site), had no objection to the proposal. She felt the right to expand should be extended equally.

MOTION: Councilman Applegate moved to close the public hearing. Seconded by Councilman Mock, his motion carried by unanimous roll call vote.

Seeing no difference between this case and the one approved on Delos Drive (PP 89-21, McAteer), Councilman Walker supported the project and deemed it a fallacy to think that where views

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were obtained simply because of second-story additions on the non-view side of the street, people on opposite side of the street would be prohibited from developing their property with second stories.

Councilwoman Hardison felt that buildable lot size and original view priority needed to be considered. She did not feel there was sufficient "buildable" lot to extend the first floor without extensive work and was against denying the Dafnos the opportunity of having a home with a second story.

MOTION: Councilman Wirth moved to deny the appeal and grant the project in the matter of PP 89-25, Denise Dafnos. His motion was seconded by Councilman Walker.

Noting the option exercised by Mr. Miller to buy on the side of the street where there would always be a view, Mayor Geissert said she would support the motion in this case. In making this decision, the Mayor noted that homes built in the 1950s are ready for changes and that the house proposed, although somewhat large for the lot, is not massive.

Roll call vote on the motion was unanimously favorable.

City Clerk Bramhall read number and title to:

RESOLUTION NO. 89-260

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 NEW TWO-STORY RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 26013 CALMHILL DRIVE
PP 89-25: DENISE DAFNOS

MOTION: Councilman Nakano moved to adopt Resolution No. 89-260. His motion, seconded by Councilwoman Hardison, carried by unanimous roll call vote.

15b. PP 89-22, MR. AND MRS. HENRY HESS:

Mayor Geissert announced that this was the time and the place for continued Council consideration of a Councilmember appeal of a Planning Commission approval of a Precise Plan of

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Development to allow construction of a new two-story residence on property located in the Hillside Overlay District in the R-1 Zone at 4817 Bindewald Road, PP 89-22, MR. AND MRS. HENRY HESS.

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

The staff presentation was provided by Senior Principal Planner Gibson, who explained that this matter was considered at the September 19, 1989 City Council meeting and was continued to allow the proponent an opportunity to consider alternatives for additional backyard space and to address Council concerns regarding the bulk of the proposed house. It was noted that the proponent investigated the possibility of a 5-foot retaining wall system on the sloping area of the property to add 7 feet 6 inches for a minimum level rear yard 15 feet 6 inches deep across the width of the lot. No other changes were proposed.

Having viewed the geotechnical report, Mr. Gibson said the Planning and Building and Safety Departments were concerned that the construction process for the retaining wall might impact the stability of the existing slope. It was therefore their recommendation that the project be approved as originally presented on September 19, 1989.

Members of staff then responded to Commission inquiries.

To assuage staff concerns regarding slope stability during the construction process, Mary Ann Hess, 4817 Bindewald Road, suggested the use of a backhoe and a caisson system.

Favoring a caisson system, Building Regulations Administrator Isomoto explained the type of construction proposed by Ms. Hess, which would not disturb the slope, indicating that he would be willing to change his recommendation and work with the proponent in this regard.

Requesting a decision at this time, Mr. and Mrs. Hess took turns at the podium to describe design changes implemented in an effort to address the concerns of all parties.

Opponent Jackie Decker, 4824 Reese Road, received clarification regarding the proposed use of caissons. Her dialogue reflected concern about any work done on the hillside, preference for larger side yards, and opposition to a precedent for large houses without adequate side yards.

For the benefit of Councilman Wirth, proponent Henry Hess confirmed that there would be no habitable attic space.

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MOTION: Councilman Applegate, seconded by Councilman Walker, moved to close the public hearing. Roll call vote was unanimously favorable.

Councilman Walker supported the project believing the modification proposed adequately addressed the rear yard situation and that this area could support homes of this size.

MOTION: Councilman Applegate moved to deny the appeal and concur with the recommendations of the Planning Commission and the Planning Department (approval of the project). Councilman Walker seconded the motion.

In making this motion, Mr. Applegate cited the proponents' continued attempts to mitigate concerns and the support of a large number of neighbors at the September 19 meeting.

It was Senior Principal Planner Gibson's request that Recommended Condition of Approval No. 5 be modified to state:

5. That a retaining wall system with a retaining wall no higher than 5 feet shall be constructed on the slope in the rear yard, to the satisfaction of the Departments of Building and Safety and Planning.

AMENDED MOTION: Councilman Applegate moved to amend his motion, with Councilman Walker's approval, to include the above noted modification. (This motion ultimately carried; see below.)

Her concern about bulk and her recommendation for larger side yards having not been addressed by the proponents, Councilwoman Hardison said she would not support the motion.

Although she still had some reservations about bulk, Mayor Geissert indicated she would support the motion.

Recognizing the proponents' efforts to address other issues, Councilman Nakano said he did not want to delay the project even though he was disappointed nothing was done to address his concern about bulk.

Referencing PP 89-25, Denise Dafnos (Item 15A heard earlier; see pages 18-20) as well as this case, Mr. Nakano said he foresaw the need to review R-1 requirements relative to buildable lot size, floor area ratio and bulk.

Councilman Wirth indicated he would not support the project due to his concerns related to bulk.

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The amended motion, to deny the appeal and approve the project as modified, carried by majority roll call vote as follows:

AYES: Councilmembers Applegate, Nakano, Walker and Mayor Geissert.

NOES: Councilmembers Hardison, Mock and Wirth.

City Clerk Bramhall read number and title to:

RESOLUTION NO. 89-261

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 CONSTRUCTION OF A NEW TWO-STORY SINGLE-FAMILY RESIDENCE AFTER REMOVING THE EXISTING ONE-STORY RESIDENCE IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 4817 BINDEWALD ROAD, PP 89-22: HENRY HESS

MOTION: Councilman Nakano moved to adopt Resolution No. 89-261, as amended (Condition No. 5 to require a retaining wall system, the retaining wall to be no higher than 5 feet). His motion, seconded by Councilman Walker, carried by majority roll call vote, with Councilmembers Hardison, Mock and Wirth dissenting.

Mayor Geissert recommended the proponents work with neighbors regarding landscaping the slope.

16. APPEALS:

16a. APPEAL OF TIMOTHY THORNTON

Considered earlier in the evening; see pages 1-7.

16b. APPEAL OF AIRPORT NOISE HEARING BOARD DECISION -- HARBOR CHRISTIAN CENTER (OWNER), MR. ED VON DELDEN: PILOT), AIRCRAFT N5376A:

The proponent having requested a continuance to December 12 (see Page 8), the following motion was offered by Councilman Applegate at this time.

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MOTION: Councilman Applegate moved that the matter of the administrative hearing concerning the Harbor Christian Center (Item 16b) be continued to December 12, 1989 at 7:00 p.m. His motion was seconded by Councilman Wirth and carried by unanimous roll call vote.

17. ADMINISTRATIVE MATTERS:

17a. APPOINTMENT OF VOTING DELEGATE AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES 1989 ANNUAL CONFERENCE, DECEMBER 17-19:

Mayor Geissert noted the Council's past policy of designating a voting delegate/alternate according to seniority. Following a brief discussion, she designated Councilman Walker, the senior-most member of Council attending the conference (the indication being that the next in seniority would serve as alternate). There was no objection.

17b. PIPEFITTER CERTIFICATION PROGRAM:

At the Mayor's request, Senior Management Assistant to the City Manager Keane reviewed the recommendation of the City Manager, per the staff report on this matter (of record), and explained the certification program. During her presentation, Ms. Keane related that:

- In most cities contacted, the program was implemented to certify plumbers.
- The City's interest has to do with refinery safety and the safety of other users of acutely hazardous materials, which involves pipefitters rather than plumbers.
- Plumbing is regulated pursuant to the Uniform Plumbing Codes; the City has no set standards for piping/pipefitters.
- Before such a program could be enacted, regulations and code requirements would have to be developed for this purpose.
- There is concern as to the liability aspect of the City certifying journey level workers.

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RECOMMENDATION:

1. The City Manager recommends that no action be taken with regard to the initiation of a Pipefitter Program at this time.
2. However, if Council so directs, the City Manager has recommended the steps to be taken for implementation of a Pipefitter Certification Program.
3. It is also recommended that attempts be made to request enactment of statewide legislation on the matter of Certification of Pipefitters.

In conclusion, Ms. Keane noted that the Pipefitters' Union and City staff agree that a State program would be the most practical.

The City Manager and Building Regulations Administrator Isomoto joined Ms. Keane in responding to Council inquiries throughout the discussion that ensued.

Deeming the City's lack of piping regulations and codes a matter of great importance, Councilman Wirth recommended review by the Public Safety Committee.

Building Regulations Administrator Isomoto noted that the lack of uniform standards/codes regulating this function and the complexities involved make such regulation an "overwhelming" task.

In the past, City Manager Jackson observed that the City has hired a consultant, at Mobil's expense, to check out complex operations within the refinery. As an extension of their discussions, he suggested the Public Safety Committee might explore the possibility of utilizing a consultant to verify that standards appropriate to the industry are being met when there is a major piping installation.

Councilman Mock felt the City should move toward regulation on a State-wide basis.

Although in support of a certification program, Councilman Applegate felt the function of a regulatory agency was beyond the City's capacity and should be done on a State level. Along those lines, he suggested the Public Safety Committee should limit its

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involvement in this matter at this point in time. Mr. Applegate was supportive of asking elected officials representing the City to delve into this matter.

MOTION: Councilman Applegate moved that attempts be made to request the enactment of State-wide legislation in the matter of certification of pipefitters. The motion was seconded by Councilman Mock.

While acknowledging the need for certification and in favor of State contact, Councilman Walker felt the City should begin a procedure to develop such standards rather than waiting for the State to take action.

Councilman Wirth suggested that if a hearing by the select assembly committee is held in Torrance, this could be an opportunity to address this whole range of issues. He supported efforts on both State and local levels.

Members of the audience were invited to speak.

Mr. Richard Slauson, 4634 Deelane Street, Business Representative for Pipefitters Local 250, who was present with Mr. Gary Hendrickson, Executive Director of the Plumbing Industry Progress and Education Fund (P.I.P.E.), provided a brief history of the certification program and addressed concerns.

It was explained by Mr. Slauson that he introduced the matter of certification of pipefitters in Torrance primarily because of problems at Mobil and his interest as a resident of the City and former pipefitter at the Mobil Refinery.

Regarding California codes, Mr. Slauson explained that there are State codes, such as the Uniform Mechanical Code and State Petroleum Safety Orders, that could be applicable in conjunction with a certification program for pipefitters.

As proposed, Mr. Slauson explained that pipefitter certification would consist of a test for minimum qualifications.

Addressing the concern about liability, the union representative advised that there has not been a problem in those cities with a certification program for plumbers. He cited a recent publication which indicated that certification insurance is unnecessary because there is little risk of legal liability.

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Mr. Slauson explained that other cities have adopted a certification program, without added staff and without the need for a board of examiners, with P.I.P.E handling all paperwork other than the distribution of test applications -- a task he maintained is easily accommodated by the City Clerk's Office.

It was pointed out by Mr. Slauson that plumbers do install gas station piping and jet fuel lines at airports which carry hazardous material. He maintained that there are areas where the certification for a plumber would carry the same liability as the certification for a pipefitter, given that such liability exists.

In conclusion, Mr. Slauson commented favorably on the staff report.

Councilman Walker proposed a substitute motion to the main motion for State-wide legislation.

SUBSTITUTE MOTION: Councilman Walker moved to initiate a pipefitter certification program at this time and to recommended that the matter be submitted to the Public Safety Committee for recommendations on the five points outlined by the City Manager on Page 7 of this agenda item (Steps to be Taken if the Certification of Pipefitter Program is to be Initiated in the City of Torrance). Mr. Walker subsequently WITHDREW this substitute motion to allow a vote on the main motion.

It was Councilman Wirth's desire to both seek State legislation and have staff continue to research this matter as time allows. He suggested a motion to direct staff to monitor this situation; review and keep Council apprised of codes that might pertain to the piping industry; and send the matter to the Public Safety Committee.

Roll call was now taken on the main motion to seek State regulation, which carried by unanimous roll call vote.

MOTION: Councilman Wirth moved to request staff exploration of methodology regulating the piping systems within refineries in the City of Torrance. His motion was seconded by Councilman Mock.

Stating his understanding of the intent of Councilman Wirth's motion at Councilman Walker's request, City Manager Jackson said staff would explore what State and Federal regulations currently exist that address the pipe system within the (Mobil) refinery and explore whether there are ways of developing a City regulatory system for that piping.

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Mayor Geissert deemed this an extension of the research already performed by staff and not something that requires a formal motion.

City Manager Jackson agreed to follow up on Councilman Wirth's request.

Indicating WITHDRAWAL of his original motion, Councilman Wirth offered another motion, stressing his desire to obtain more information on this matter for Council consideration and to encourage action in this area.

MOTION: Councilman Wirth moved that staff take the next step in a certification program for pipefitters. This motion DIED for lack of a second.

MOTION: Councilman Walker moved to initiate a pipefitters certification program at this time; and, as recommended by the City Manager under Recommendation No. 2, to begin the steps outlined on Page 7 of this agenda item, "Steps to be taken if Certification of Pipefitter Program is to be enacted in the City of Torrance":

1. A determination has to be made to develop a piping code or regulation and a consultant should be hired to do this.
2. The scope of the program has to be defined.
3. A determination must be made as to who will do the testing.
4. An enforcement strategy should be developed.
5. Overall staffing requirements and associated program costs need to be analyzed.

The motion was seconded by Councilman Wirth.

Separate from the motion, Mr. Walker recommended these items be referred to the Public Safety Committee.

Clarifying his intent, Councilman Walker explained that he would not be opposed to working through elected officials to do something on a State level, but at the same time he felt this would be a long and arduous process and that the City had the ability to develop a program of its own and create additional information to its benefit.

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Although not opposed to the motion, Councilwoman Hardison was not willing to go forward without first reviewing cost figures, information the City Manager could not provide without knowing the scope of the program proposed.

To clarify the intent of his vote, Councilman Wirth stated his opinion that the City needs to seek all alternatives, State and local, and approach this matter in many different ways. Regarding scope, in keeping with his concern about hazardous chemicals, Mr. Wirth said he was thinking in terms of certification of pipefitters. As he read the recommendation, Mr. Wirth said it was his understanding that if the Council were to go forward on the motion, it would be to do more research on details and bring information back to Council.

Mayor Geissert felt the question of financial capacity was a very important issue for a municipality and that the City needed to know that the money put into this program would be effective in addressing problems identified. The Mayor indicated she would not vote for the motion.

Councilman Mock suggested more information should be provided by the City Manager in terms of existing regulations and options before a certification program is entertained.

Believing cost and liability factors needed to be researched, Councilman Nakano said he was not ready to go forward at a local level at this point.

Councilman Walker upheld his position, maintaining that a lot of questions might be answered with this course of action.

THE MOTION to initiate a pipefitters certification program and begin the steps outlined on Page 7 of the agenda item FAILED TO CARRY as reflected by roll call vote:

AYES: Councilmen Walker and Wirth.

NOES: Councilmembers Applegate, Hardison, Mock, Nakano and Mayor Geissert.

Again clarifying his vote, Councilman Wirth said he did not see much difference between formally directing the City Manager to follow the steps indicated and informally asking for information.

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17c. APPOINTMENT TO TORRANCE VISITORS BUREAU BOARD OF DIRECTORS:

Considered earlier; see Page 10.

20. CONSENT CALENDAR:

20a. AWARD OF CONTRACT for the purchase of one (1) integrated breathing air station for the Torrance Fire Department

Reference: Bid No. B89-68

Expenditure: \$45,409.02, including sales tax.

RECOMMENDATION:

The Purchasing Division and the Fire Department recommend the City Council award a contract to the lowest responsible bidder, Bauer Compressors, Inc., Hayward, California, for the purchase of one (1) Bauer Unicus 35 Integrated Breathing Air Station, in the amount of \$45,409.02.

20b. ACCEPTANCE OF WORK - CONSTRUCTION OF STREET, STORM DRAIN AND TRAFFIC IMPROVEMENTS IN VAN NESS AVENUE FROM TORRANCE BOULEVARD TO NORTH OF CRAVENS AVENUE (B89-5):

RECOMMENDATION:

The Engineering Department recommends that the City Council:

1. Accept the work; and
2. File a Notice of Completion for the construction of street, storm drain, and traffic improvements in Van Ness from Torrance Boulevard to north of Cravens Avenue (B89-5).

MOTION: Councilman Applegate moved to approve Consent Calendar Items 20a and 20b as recommended. Councilwoman Hardison seconded his motion and roll call vote reflected unanimous approval.

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* * *

At 11:30 p.m., the City Council recessed and reconvened as the Redevelopment Agency of the City of Torrance. The Redevelopment Agency meeting was adjourned at 11:31 p.m., at which time the regular City Council order of business was resumed.

* * *

22. ORAL COMMUNICATIONS:

22a. Interested in the students' perception of this meeting, Councilman Applegate expressed a desire to see the reports forthcoming from the visiting El Camino College journalism class.

22b. Commenting on the establishment of the Jared Sydney Torrance Award, Mayor Geissert asked the City Manager to initiate recognition of Vernon Coil, J. Walker Owens and Ken Miller, three individuals she considers as having made a significant difference in the City of Torrance.

22c. Mr. Jeff Katz, 26022 Calmhill Drive, expressed his personal dissatisfaction with the Council's decision in the matter of PP 89-25, Denise Dafnos. (Item 15a on the agenda for this meeting), which was not in keeping with his understanding of the Hillside Ordinance. Clarification was provided by various Councilmembers and City Attorney Nelson.

23. EXECUTIVE SESSION

Mayor Geissert announced that the Council would 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;

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- Pending litigation entitled Donald Acosta, et al., vs. City of Torrance, United States District Court Case No. SWC 63493.
- Pending litigation entitled Steve Timpler vs. City of Torrance, United States District Court Case No. CV 87 04855 Kn.
- Lease amendment negotiations regarding Madison Park Ground Lease.
- Negotiations for lease/purchase of Columbia School site with Torrance Board of Education.
- Pending litigation entitled California Aviation Council, et al. vs. Torrance City Council, et al., Los Angeles Superior Court Case No. C 743003.

It was noted by the Mayor that the 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 11:45 p.m., the Council took a brief recess to be followed immediately by a closed executive session for the purposes noted above.

Councilmembers Applegate, Mock and Walker were not present when the balance of the City Council returned at 12:30 a.m. (November 15, 1989) to take the following action.

MOTION: Councilman Nakano moved to concur with the recommendation of the City Attorney in the matter of Donald Acosta, et al., vs. City of Torrance, Los Angeles Superior Court Case No. SWC 63493. Councilwoman Hardison seconded the motion and approval was unanimous (absent Councilmembers Applegate, Mock and Walker).

24. ADJOURNMENT:

The Tuesday, November 14, 1989 City Council meeting was duly adjourned at 12:31 a.m. (Wednesday, November 15) to November 21, 1989 at 5:30 p.m.

* * *

Marlene Lewis
Minute Secretary

City Council
November 14, 1989

Daty Messitt
Mayor of the City of Torrance

John A. Brantell
Clerk of the City of Torrance

Marlene Lewis
Minute Secretary

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