

I N D E X

TORRANCE CITY COUNCIL MEETING - DECEMBER 5, 1989

<u>SUBJECT:</u>	<u>PAGE:</u>
<u>OPENING CEREMONIES:</u>	
1. Call to Order	1
2. Roll Call	1
3. Flag Salute/Invocation	2
4. Approval of Minutes/Motion re Further Reading	2
5. Motion re Posting of Agenda	2
6. Withdrawn or Deferred Items	2
7. Council Committee Meetings	2- 3
<u>8. COMMUNITY MATTERS:</u>	
8a. Presentation to Police Officer Rick Glass	3
8b. Resolution Honoring Children's Librarian Johanna Alving	3- 4
8c. Resolution Commending Lyle Whited	4
8d. Proclamation re "National Drunk and Drugged Driving Awareness Week"	4
<u>10. TRANSPORTATION/PUBLIC WORKS MATTERS:</u>	
10a. Award of Contract -- MAX Commuter Bus Service	5
<u>14. PERSONNEL MATTERS:</u>	
14a. Revised Class Specification and Supplemental MOU - Water Quality Inspector.	5- 6
<u>15. HEARINGS:</u>	
15a. PP 89-35: Neil, Pernille, Betty and Richard Schroeder (Continued from November 7, 1989)	6- 7
15b. CUP 89-33, D 89-32: Patty and Bob Bak	7- 9
15c. ZC 88-4, PD 88-2, CUP 88-62, GPA 88-4, TT 46300, Watt Industries	9-16
<u>16. APPEALS:</u>	
16a. Appeal of License Review Board Denial - Irene Hatate	16-20
<u>17. ADMINISTRATIVE MATTERS:</u>	
17a. Renewal of Contract - Consulting Services	20
17b. Ballot Measure re Hydrofluoric Acid	20-21
17c. Companion Ballot Measure re Funding	21-23
17d. Appeal of Irene Hatate (Heard as 16a)	16-20
<u>20. CONSENT CALENDAR:</u>	
20a. Contract Renewal - Removal of City Trees/Stumps	25, 26
20b. Award of Contract - Playground Equipment	25-26
<u>21. ADDENDUM MATTERS:</u>	
21a. Arguments on Ballot Measures	23-24
<u>22. ORAL COMMUNICATIONS:</u>	
22a. City Manager Jackson re passing of Wendall Mounce	26
22b. City Manager Jackson/Parks & Recreation Director Barnett re recognition received	26
22c. City Clerk Bramhall re election filing information	26

City Council
December 5, 1989

<u>SUBJECT:</u>	<u>PAGE:</u>
<u>22. ORAL COMMUNICATIONS (CONTINUED):</u>	
22d. City Clerk Bramhall re "Toys for Tots"	26
22e. City Manager Jackson re Cantree	27
22f. Councilwoman Hardison re recognition of Lyle Whited	27
22g. Councilwoman Hardison re passing of Dr. Paul Mackey	27
22h. Councilwoman Hardison re visitor parking in R-2 developments	27
22i. Councilman Mock re recognition of academic decathlon award recipients	27
22j. Councilman Walker re correspondence received	27
22k. Councilman Wirth re passing of Dr. Paul Mackey	27
22l. Councilman Wirth re Del Amo transit station	27
22m. Councilman Wirth re letter in the Daily Breeze	27
22n. Mayor Geissert re Airport related matters	27-28
22o. Mayor Geissert re TV appearance of Joe Quinones and son	28
22p. Mayor Geissert re displaying Olympic torch	28
22q. Mayor Geissert re removal of Building 4	28
22r. Mayor Geissert re Parkway School	28
<u>23. EXECUTIVE SESSION:</u>	
23a. Executive Session Matters	28-29
<u>24. ADJOURNMENT:</u>	
12:28 a.m. (December 6) to December 12, 1989	29

* * *

Marlene Lewis
Minute Secretary

City Council
December 5, 1989

December 5, 1989

MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL

1. CALL TO ORDER:

The Torrance City Council convened in a regular session at 5:35 p.m. on Tuesday, December 5, 1989, in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

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

Absent: Councilman Applegate.

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

* * *

Mayor Geissert noted with sadness the passing of two people whom she recognized as having made a significant difference in the education of the children of the City:

Dr. Howard Wood

School physician for 50 years --
long-time member and first president
of Torrance Unified School District Board

Dr. Paul Mackey

Assistant Superintendent of Schools (Special Projects)

It was the Mayor's request that this meeting be adjourned in memory of these two individuals.

City Council
December 5, 1989

3. FLAG SALUTE/INVOCATION:

Boy Scout Troop No. 211 of Southeast Torrance (John Hainey, Scoutmaster) led in the salute to the Flag.

Father Patrick McHugh, Nativity Catholic Church, provided the invocation for this meeting.

4. APPROVAL OF MINUTES/MOTION RE FURTHER READING:

MOTION: Councilman Wirth moved to approve the City Council minutes of October 17 and October 31, 1989, as written. His motion was seconded by Councilman Mock and carried by unanimous roll call vote (absent Councilman Applegate).

MOTION: Councilman Wirth 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. The motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable (absent Councilman Applegate).

5. MOTION RE POSTING OF AGENDA:

MOTION: Councilman Wirth moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. His motion was seconded by Councilman Mock and carried by unanimous roll call vote (absent Councilman Applegate).

6. WITHDRAWN OR DEFERRED ITEMS/ANNOUNCEMENTS:

City Manager Jackson announced that Item 17d (Appeal of License Review Board Denial -- Irene Hatate) should have been listed under "Appeals" as Item 16a on the agenda (see Page 16).

7. COUNCIL COMMITTEE MEETINGS:

Ad Hoc Legislative Committee

Met Monday, December 4, 1989

Subject: City-Sponsored Ballot Measures

Committee Report: Included in agenda material

City Council
December 5, 1989

Transportation Committee

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

Public Safety Committee

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

* * *

At this time, the Torrance Police Officers Association, with the support and cooperation of the Torrance Police Department, presented "Santa Claus." Santa distributed candy canes, with the aid of his helpers, and wished everyone a "MERRY CHRISTMAS."

* * *

8. COMMUNITY MATTERS:

8a. PRESENTATION TO OFFICER RICK GLASS:

Captain Jim Weyant of the Torrance Police Department provided background on this item and introduced John McCaffrey, supervising agent for the Drug Enforcement Agency.

Agent McCaffrey presented Police Officer Rick Glass with a plaque from the United States Department of Justice, Drug Enforcement Administration, Miami Field Division and Los Angeles Field Division, in recognition of his contribution to the success of "the largest single nation-wide narcotics investigation in the history of this Country."

Speaking on behalf of the entire City Council, Mayor Geissert expressed the City's pride in the achievements of Officer Glass and his fellow Torrance Police Officers.

8b. RESOLUTION HONORING CHILDREN'S LIBRARIAN JOHANNA ALVING

The following resolution was read allowed by Mayor Geissert and presented to Children's Librarian Johanna Alving, who accepted this honor with expressed appreciation.

City Council
December 5, 1989

RESOLUTION NO. 89-265

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF TORRANCE HONORING
CHILDREN'S LIBRARIAN JOHANNA ALVING
FOR HER DEDICATION, PROFESSIONALISM
AND CONTRIBUTIONS TO THE CITY OF
TORRANCE THROUGHOUT HER TWENTY-ONE
YEARS OF SERVICE

MOTION: Councilman Nakano moved to adopt Resolution No. 89-265. Seconded by Councilwoman Hardison, the motion carried by unanimous roll call vote (absent Councilman Applegate).

8c. RESOLUTION COMMENDING LYLE WHITED:

City Clerk Bramhall read number and title to:

RESOLUTION NO. 89-266

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF TORRANCE COMMENDING
LYLE WHITED
FOR HIS DEDICATION TO SCOUTING

MOTION: Councilman Nakano, seconded by Councilwoman Hardison, moved to adopt Resolution No. 89-266. Roll call vote was unanimously favorable (absent Councilman Applegate).

Mr. Whited jointed the Mayor at the podium to receive this honor with noted appreciation.

8d. PROCLAMATION RE "NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK":

Mayor Geissert proclaimed December 10 through 16, 1989 as "National Drunk and Drugged Driving Awareness Week" in the the City of Torrance.

This proclamation was accepted by Deputy Police Chief Popp, who acknowledged the efforts of dedicated Mothers Against Drunk Driving (MADD).

City Council
December 5, 1989

10. TRANSPORTATION/PUBLIC WORKS MATTERS:

10a. AWARD OF CONTRACT -- OPERATION OF MAX COMMUTER BUS SERVICE:

City Clerk Bramhall read number and title to:

RESOLUTION NO. 89-267

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING EXECUTION OF A THREE-YEAR AGREEMENT WITH DAVE SYSTEMS, INC. FOR OPERATION OF THE MAX COMMUTER BUS SERVICE

MOTION: Councilman Nakano moved to adopt Resolution No. 89-267. His motion, seconded by Councilman Walker, carried by unanimous roll call vote (absent Councilman Applegate).

14. PERSONNEL MATTERS:

14a. REVISED CLASS SPECIFICATION AND SUPPLEMENTAL MOU FOR WATER QUALITY INSPECTOR:

RECOMMENDATION:

The Personnel Department and the Civil Service Commission recommend approval of the revised class specification for Water Quality Inspector. The Personnel Department recommends adoption of the Supplemental Memorandum of Understanding modifying the salary range. Torrance Municipal Employees (TME - AFSCME, Local 1117) concur in these recommendations.

MOTION: Councilwoman Hardison moved to concur with the recommendation of the Personnel Department and Civil Service Commission regarding Item 14a. Councilman Walker seconded the motion, which carried by unanimous roll call vote (absent Councilman Applegate).

City Clerk Bramhall read number and title to:

RESOLUTION 89-268

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH WAGES, HOURS AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE MUNICIPAL EMPLOYEES AMENDING RESOLUTION 89-187

City Council
December 5, 1989

MOTION: Councilman Nakano moved to adopt Resolution No. 89-268. Councilman Walker seconded the motion and roll call vote was unanimously favorable (absent Councilman Applegate).

15. HEARINGS:

15a. PP 89-35: NEIL, PERNILLE, BETTY AND RICHARD SCHROEDER (CONTINUED FROM NOVEMBER 7, 1989):

Mayor Geissert announced that this was the time and the place for continued 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 was provided at the November 7, 1989 meeting where it was announced that this matter would not be readvertised.

Senior Principal Planner Gibson reported that staff arranged a meeting between opposing parties, which took place on November 13, 1989, resulting in a compromise agreement as reflected in the revised plans before Council at this time. Staff drew attention to supplementary agenda material (of record), consisting of a letter (dated December 5, 1989) from the Smiths (opponents in this matter) concurring with the modifications agreed upon at that meeting.

With the modifications proposed, Mr. Gibson said the Planning Department staff felt comfortable in changing their recommendation from denial to approval of the project.

There was no response to the Mayor's invitation for public input.

MOTION: Councilman Wirth moved that the public hearing be closed. His motion was seconded by Councilwoman Hardison and carried by unanimous roll call vote (absent Councilman Applegate).

MOTION: Councilman Wirth moved to grant the appeal and approve the modified proposal in the matter of PP 89-35, Neil, Pernille, Betty and Richard Schroeder. The motion, seconded by Councilwoman Hardison, carried by unanimous roll call vote (absent Councilman Applegate).

City Council
December 5, 1989

City Clerk Bramhall read number and title to:

RESOLUTION NO. 89-269

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 R-1 ZONE AT 4809 VANDERHILL ROAD IN THE HILLSIDE OVERLAY DISTRICT, PP 89-35: NEIL, PERNILLE, BETTY AND RICHARD SCHROEDER

MOTION: Councilman Nakano moved to adopt Resolution No. 89-269. Councilman Walker seconded the motion, which carried by unanimous roll call vote (absent Councilman Applegate).

Councilwoman Hardison expressed her appreciation to the parties for facilitating a compromise.

Mrs. Betty Schroeder, 4809 Vanderhill Road, thanked everyone for their assistance in bringing this matter to a positive conclusion, particularly recognizing the efforts of Senior Principal Planner Gibson and Planning Associate Messinger, and the support of neighbors, Mary Jo and Al Minturn.

15b. CUP 89-33, D 89-32: PATTY AND BOB BAK:

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 Conditional Use Permit to allow the construction of two detached condominium units and a Division of Lot to allow a one-lot subdivision for Condominium Purposes on property located in the R-2 zone at 18403 Mansel Avenue, CUP 89-33, D 89-32: PATTY AND BOB BAK.

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

The staff presentation was provided by Senior Principal Planner Gibson, who related that the Planning Commission recommended denial of the appeal and denial of the project; the Planning Department considered this request to be in keeping with the trend to recycle properties and recommended approval of the project as conditioned.

City Council
December 5, 1989

Staff responded to Council inquiries.

Representing the proponents, Mr. Ailen Sayre-Smith, Sayre-Smith & Nesbitt, Architectural Firm, 3855 Pacific Coast Highway, Suite 15, addressed the issues of parking, maneuverability and bulk. Mr. Sayre-Smith indicated his willingness to reduce the first floor of the front unit to widen the driveway from 10 feet to 12 feet and to reduce the size of the rear structure to 1,800 square feet to allow more space between units and reduce bulk.

In favor of the request, Ms. Norma Josey, 18331 Mansel, spoke of the need to upgrade this older neighborhood and expressed interest in developing her property to two units in the future.

MOTION: Councilman Wirth moved to close the public hearing. His motion was seconded by Councilman Walker and carried by unanimous roll call vote (absent Councilman Applegate).

Councilman Walker said he would support the proposal with a 12-foot wide driveway. Councilwoman Hardison indicated she would also require that the bulk be reduced to 3,600 square feet total living space, .6 FAR, in keeping with the 40-foot lot size.

MOTION: Councilwoman Hardison moved to approve CUP 89-33, D 89-32, with two added conditions:

11. That the driveway be increased to 12 feet in width;
12. That the total living space be 3,600 square feet.

Councilman Mock seconded the motion and roll call vote reflected unanimous approval (absent Councilman Applegate).

AMENDED

RESOLUTION NO. 89-270

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF TWO DETACHED CONDOMINIUM UNITS ON PROPERTY LOCATED IN THE R-2 ZONE AT 18403 MANSEL AVENUE, CUP 89-33, PATTY AND BOB BAK

City Council
December 5, 1989

MOTION: Councilman Nakano, seconded by Councilman Mock, moved to adopt Resolution No. 89-270, as amended. Roll Call vote was unanimously favorable (absent Councilman Applegate).

15c. ZC 88-4, PD 88-2, CUP 88-62, GPA 88-4, TT 46300.
WATT INDUSTRIES:

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 request for approval of a Zone Change from CR (C3-PP) [Restricted Commercial District with a solely Commercial District Precise Plan of Development overlay] and R-1(CR) [Single-Family Residential District with a Restricted Commercial District overlay] to PD [Planned Development District]; a General Plan Amendment from Low-Density Residential and Commercial Office to Low-Medium Residential; a Planned Development and a Conditional Use Permit to allow the construction of 97 detached condominium units; and a Tentative Tract to allow the subdivision of three lots into five lots to create five one-lot subdivisions for condominium purposes on property located at 5501 Torrance Boulevard, ZC 88-4, PD 88-2, CUP 88-62, GPA 88-4, TT 46300, (EA 88-21) WATT INDUSTRIES, INC.

The proof of publication provided by the City Clerk's Office was received and filed without comment.

As a resident of the notification area, City Attorney Nelson announced that he would abstain from consideration in this matter and he exited the meeting room at this time. Assistant City Attorney Quale provided legal counsel during his absence.

Background information was provided by Senior Principal Planner Gibson, who advised that the applicant met with staff subsequent to the Planning Commission's denial of the project and agreed to certain changes requested by staff. Mr. Gibson advised, however, that staff still recommended denial of the project, having reservations about the land use proposed in relationship to the existing land-use pattern around the site, particularly to the rear of the property, and the one driveway access and its location on Torrance Boulevard.

Supplemental information (of record) containing modified and added conditions of approval was noted by staff.

During a question and answer period, Senior Principal Planner Gibson clarified staff's position that the zero lot-line construction proposed might not blend well with adjacent residential uses.

City Council
December 5, 1989

Fire Chief Adams related the Fire Department's acceptance of the proposal to install a residential sprinkler system as a mitigation to concerns regarding fire access.

City Manager Jackson advised Councilman Wirth that staff would develop a background paper regarding residential sprinkler systems and shake roofs.

Mr. Ray Keslake, Watt Industries, 2716 Ocean Park Boulevard, Santa Monica, present with Barry Gates, president of the local Watt Homes entity, and other design team members, provided a brief overview of the project and noted additional concessions proposed (as set forth in correspondence of record and below).

The proponent explained their proposal to eliminate one lot, reducing the total number of units from 97 to 96, to ensure a 4,000 square foot lot size on the perimeter of the site in the vicinity of the northwest boundary.

During his presentation, Mr. Keslake indicated his willingness to contribute to the cost of a traffic signal at the entrance to the private community and to provide replacement trees, as necessary.

As set forth in correspondence to staff (of record) Mr. Keslake outlined their proposal to: allow for wider streets with parking on both sides; recognize the City's intent to implement a waste recycling program; add a tot lot to the open area; and ensure that the infrastructure is built and maintained to normal City standards.

Additionally, Mr. Keslake said they would no longer oppose Planning Department Conditions 42 (prohibition of construction in the 5 foot side-yard maintenance easement) and 43 (provide fire sprinklers within the residences).

Regarding Engineering Department requirements, Mr. Keslake said they were now willing to remove their objection to No. 16.f.ii and to work with staff to determine their contribution toward correcting the existing storm drain deficiency from Annrita Avenue to the Henrietta sump. They would also remove their objection regarding the scope of proposed sanitary sewer studies (No. 17.b.).

City Council
December 5, 1989

In response to Council inquiries, Mr. Keslake advised Councilwoman Hardison that if the area designated for recreational use were to be incorporated in parcels, lot size would be increased by approximately 500 square feet. In order to maintain the loop configuration, he explained that this additional space would be added to the width of the lots.

* * *

The Council took a recess at 7:38 p.m., returning at 8:04 p.m.

* * *

Members of the audience were invited to speak.

Ms. Theresa Westcott, 20722 Wendy Drive, felt R-1 requirements should be imposed on the subject site and that parking in adjacent areas should be a consideration. She expressed concerns regarding drainage, grading, parking, traffic, residential sprinkler system requirements and specifications, infrastructure considerations, open space, and the appeal process.

Representing Watt Industries, Mr. David Johnson, 2716 Ocean Park Boulevard, Santa Monica, addressed Ms. Westcott's concerns, verifying that it was not their intent to alter the existing grade by more than "a half foot or so" for drainage purposes and that plans do not call for importing soil.

Opposed to the project as "over building," Larry Gitschier, 1503 Acacia, supported the Planning Commission's recommendation for denial of this proposal.

As a member of the Senior Council, Mr. Gitschier asked the City Council to pursue 100 units of senior housing in connection with a pending Park Del Amo proposal.

Stating that he would basically support the project if his concerns regarding trees, setback and the perimeter fence are met, Mr. Raul Matute, 20933 Tomlee Avenue, addressed the issue of elevation and expressed concern that he may be "boxed in" by the structures adjacent to his property.

The Watt representative, Mr. Johnson, returned to the podium to provide clarification for the benefit of Mr. Matute.

City Council
December 5, 1989

Mr. Sumner Power, 21014 Annrita Avenue, expressed his concerns about drainage (noting an almost steady stream of water on the west side of Henrietta for the past several years) and traffic generated by the project. This speaker said he had no objection to the architecture proposed or to the planned community concept, but expressed preference for a public park. He supported the concept of reduced density without a reduction in lot size.

Mr. Daniel Banner, 2800 Plaza Del Amo (Summerwind), stated his opinion that the City should provide housing for a variety of lifestyles to accommodate as many people as possible.

Mr. Dick Johnson, 23059(A) Nadine Circle, a member of the Senior Council, requested Council consideration regarding the possibility of providing senior housing on this site, noting there would be less traffic.

Speaking in support of the project, Ms. Debby Flynn, 2300 Maple, noted the features of a planned community (security, maintenance, management by a homeowners association, etc.). It was this speaker's concern that a reduction in the number of units would result in a price increase.

Ms. Pam O'Brien, 5005 Sepulveda Boulevard, addressed the density of the project as it relates to the volume of refuse generated; questioned if there was criteria for adding onto these homes in the future; asked if large trucks and vans would block interior streets; and challenged the need for a gated community for security purposes in the City of Torrance.

At the Mayor's request, Senior Principal Planner Gibson advised of specific conditions of approval intended to address the issue of future additions. Relative to large vehicles blocking interior streets, Mr. Gibson pointed out that this problem occasionally occurs throughout the City.

Mr. Ralph Losorelli, 20856 Christine, received verification from staff that a second access to the project from Tomlee was not being considered at this time.

In favor of the project, Mr. Steve Rosich, 2300 Maple, discussed the advantages and disadvantages of a condo-type community. As a resident of the Watt development, Chatelaine, Mr. Rosich observed that traffic has not presented a problem. He was one of several speakers who expressed a personal interest in living in the new development and concern that a reduction in the number of units would impact affordability.

City Council
December 5, 1989

Mr. Don Thrane, 21009 Annrita Avenue, opposed the project, deeming it an "eyesore to the City."

Stating that she was not opposed to the patio-home concept, Ms. Connie Church, 21001 Annrita Avenue, said her concerns involved perimeter density, the proximity of structures to adjacent residential uses, elevation, and the proposal to add another traffic signal. Less density, particularly on the perimeter of the project, was favored by this speaker.

Ms. Church informed Councilman Walker that she would have no objection to an increase in interior density with only one unit backing each residential property on the perimeter.

Ms. Mary Bonham, 2800 Plaza Del Amo (Summerwind), noted the positive aspects of condominium living and supported the number of units proposed to address the demand for more housing. Her comments were echoed by Ms. Frances Jackson, 2800 Plaza Del Amo (Summerwind).

Eleanor Thrane, 21009 Annrita, cited existing traffic concerns and recommended the installation of red curb on Henrietta and Lorna to address visibility problems caused by parked cars. This speaker said her main concerns involved the high density proposed around the perimeter of the project, grade differential, and the proximity of proposed structures to her home.

Favoring the project, Dr. William Yang, 102 Ashport Lane, Harbor City, spoke of the virtues of Watt developments in general and the desirability of having available housing in the subject area.

Mr. Merle Wilder, 2300 Maple Avenue, (Chatelaine), also spoke in favor of the project, noting the 5.5 parking spaces per unit proposed.

In favor of the project, Mr. Bob Pliese, 2015 Plaza Del Amo, opposed reducing the density because it would increase the cost of units.

Describing her short-cut route (Edgemere Drive to Prospect at Emerald) to avoid traffic on Torrance Boulevard, Ms. Dorothy Singleton, 20702 Wood Avenue, stated her opinion that increased density would result in more cut-through traffic.

Ms. Grace Mansen, 20619 Wood Avenue, echoed Ms. Singleton's comments and viewed the Planned Community designation as a means to allow R-2 development standards in the R-1 zone.

City Council
December 5, 1989

Mr. Bruce Lambert, 2800 Plaza Del Amo (Summerwind), observed that Torrance Boulevard is already "crowded" and that no traffic problems have been experienced as a result of the number of units in the Park del Amo area.

Ms. Shelly Lambert, 2800 Plaza Del Amo (Summerwind) spoke in favor of condominium-type living and supported this type of development as "part of the solution, not part of the problem."

MOTION: Councilman Wirth moved to close the public hearing. His motion was seconded by Councilman Mock and carried by unanimous roll call vote.

Council discussion ensued.

Relative to residents of Park Del Amo who spoke, Councilwoman Hardison pointed out that Chatelaine, Summerwind and other developments in that area are multiple-family housing and different from the type of Planned Development proposed.

Members of staff responded to Council inquiries throughout discussion.

Councilman Walker observed that the project takes on some of the benefits of condominium living, but still presents a single-family face. He felt that it could be designed to address concerns, including more landscaping and full-sized trees. Although he indicated that he could accept the plan as presented, were the matter to be continued for modifications, he said he would look to the design element to address the concern of abutting residents (perimeter density). This Councilmember suggested a "unit-per-unit basis" on the perimeter, stating his opinion that some of the density could be reoriented to the interior of the development.

Regarding a traffic light at the entrance to the private community, Councilman Walker said he favored installation of a signal upon completion of this project as a necessity for safety purposes due to the downslope, curve, and other factors.

Councilman Wirth called attention to the Department of Transportation's concern about the installation of an additional traffic signal at the subject location, approximately 100 feet away from a signalized intersection.

Clarification in this regard was provided by Director of Transportation Horkay, who stated the department's finding that the development as proposed does not warrant installation of a

City Council
December 5, 1989

signal. A signal at that location, in staff's opinion, would downgrade the operation of Torrance Boulevard and be more of a detriment than a benefit.

Councilman Wirth said he would consider a signal at the project entrance only if it were synchronized with the light at Henrietta. It was also his concern that the project would only have one entrance and exit.

In response to a direct inquiry by Councilwoman Hardison, Planning Director Ferren noted that policy decisions regarding requirements for "private communities" would be forthcoming from staff and that this proposal essentially meets that criteria, except the requirement for a pedestrian plan and sidewalks on both sides of the street.

Opposed to the plan as presented, Councilwoman Hardison said if the proposal were to be modified, she would look for the emergency access to be relocated further west, away from the main entrance, and a perimeter design compatible with the abutting R-1 use with larger-sized lots and homes. Favoring a reduction in density, Ms. Hardison said she would not look for the units to be transferred from the perimeter to the interior of the project. This speaker said she was not opposed to the concept of a private community at this location or to the recreational area proposed. Ms. Hardison said she would not favor the installation of a traffic signal until she can see the need.

Echoing the thoughts expressed by her colleagues, Mayor Geissert favored a "meaningful" decrease in density and a reduction in perimeter units to address the transition from R-1 uses to the higher density private community. She supported a continuance for redesign purposes. The Mayor said she had no objection to the concept of a gated entrance, but was concerned that there would only be one access. The feasibility of acquiring an easement across commercial property on the Redondo Beach side to provide emergency access was entertained by the Mayor, and she favored bonding or some other type of commitment for a signal at the entrance.

Of the same opinion, especially with respect to perimeter density, Councilman Mock offered the following motion.

MOTION: Councilman Mock moved to continue the matter to January 9. His motion was seconded by Councilman Wirth.

As a resident of a high-density, gated community (Windemere) Councilman Nakano related parking problems encountered and stated that he was glad to see an increase in the

City Council
December 5, 1989

amount of parking proposed in this development. Mr. Nakano said he did not anticipate traffic problems or the necessity for a traffic signal as a result of this project. He favored a continuance to allow the proponent to redesign the plan to reduce the number of perimeter units.

Planning Director Ferren noted there would be no additional advertising for a continued hearing. Mayor Geissert asked that notification be sent to those people who spoke at this meeting.

It was Councilman Walker's desire to have a full Council present, with the exception of abstaining members. Councilman Nakano related that he would be absent on January 9 and 16, but would be present on the 23rd.

AMENDED MOTION: With the acceptance of Councilman Wirth who seconded the original motion, Councilman Mock amended his motion to continue the matter (ZC 88-4, PD 88-2, CUP 88-62, GPA 88-4, TT 46300 [EA 88-21], Watt Industries, Inc.) to January 23, 1989. Roll call vote was unanimously favorable (absent Councilman Applegate).

* * *

Mayor Geissert called for a recess at 9:54 p.m. At 10:12 p.m. the Council reconvened and continued in regular agenda order. City Attorney Nelson returned to the meeting room at this time.

* * *

16. APPEALS:

16a. APPEAL OF LICENSE REVIEW BOARD DENIAL - IRENE HATATE:

Mayor Geissert announced that this was the time and place to hear Irene Hatate's appeal of the decision of the License Review Board to uphold the Finance Department's determination that the application of permanent make-up by inserting pigment under the skin constitutes tattooing in violation of Torrance Municipal Code Section 45.6.2. The Mayor related the License Review Board's recommendation that the City Council direct the appropriate staff to study the matter.

City Council
December 5, 1989

Mayor Geissert advised the Council of its options:

1. Affirm the decision of the License Review Board.
2. Reverse the decision of the License Review Board.
3. Return the matter to the License Review Board if new evidence is discovered which could not have been presented by the exercise of due diligence at the original hearing.
4. Affirm the decision of the License Review Board and direct staff to amend Torrance Municipal Code, Section 45.6.2 to permit the application of permanent makeup.

It was noted by the Mayor that members of the Council had been provided with copies of the record of the hearing before the License Review Board and that only this information and the arguments of the representatives would be considered -- no evidence not previously submitted and received into evidence by the Board would be heard.

The hearing procedure recommended by the City Attorney was then outlined by Mayor Geissert, allowing both parties 15 minutes for arguments, five minutes for the appellant's response to the City's argument, and five minutes for the City's rebuttal.

Members of Council indicated they had read the materials, including the record before the License Review Board, and agreed to the procedure set forth by the Mayor. Both representatives likewise agreed to the procedure outlined.

Responding to Councilman Walker's query, City Attorney Nelson indicated that, with the applicant's approval, this matter could be returned to staff for investigation of ways to allow the use while at the same time protecting public safety. He mentioned that it may be necessary to include a provision that would permit the appellant to continue her practice.

It was Councilman Walker's recommendation that this hearing be continued and that staff be directed accordingly.

City Council
December 5, 1989

The applicant's attorney, Annette Lenneman, business address 417 South Hill Street, Los Angeles, stated that she would agree to a continuance with the condition that Ms. Hatate be allowed to work in the interim. At this time Ms. Lenneman advised that she had drafted a proposed amendment to the Torrance Municipal Code and indicated her willingness to work with City staff to resolve this matter.

MOTION: Councilman Walker moved that this matter be referred back to staff to investigate ways of allowing this procedure to take place while at the same time setting regulations to protect public safety, and that the applicant be given the right to continue her practice pending return of the matter to Council. His motion died for lack of a second.

Although he favored further study, Councilman Wirth questioned staff's position relative to allowing this use on an interim basis.

City Attorney Nelson indicated it would be within the Council's purview to grant permission for such use; however, City Manager Jackson advised that staff was not prepared to monitor this practice and had no guidelines for regulation at a local level. It was therefore staff's preference that the practice not be allowed until a decision has been made to allow this procedure.

It was Ms. Lenneman's request that everyone in the City now practicing the procedure in question be asked to "cease and desist," including medical doctors.

Ms. Lenneman asked the City Council to consider amending the ordinance to allow this use, arguing that Ms. Hatate provides services that help people in need. She upheld the use of permanent makeup as an adjunct to reconstructive surgery. Describing the procedure involved, Ms. Lenneman noted that Ms. Hatate's background and training in cosmetology, electrolysis, permanent makeup, cosmetic reconstruction, and art, qualify her for this work.

The City was represented by Revenue Administrator Ben Murdoch, who reviewed background to this case as set forth in the staff report (of record). During his presentation, Mr. Murdoch related the License Review Board's recommendation.

City Council
December 5, 1989

RECOMMENDATION:

The License Review Board recommends that Council deny the appeal and direct appropriate staff to study the matter and report back within four weeks.

It was Ms. Lenneman's request that the City not wait for the enactment of regulation to take action to allow this use. She reiterated her request that Code enforcement be enacted "straight across the board."

Ms. Lenneman read aloud a proposed amendment to the City Code (prepared by her) that would allow the application of permanent makeup and cosmetic reconstruction by certain qualified individuals. A copy of this document was submitted for the record.

In rebuttal to Ms. Lenneman's request for "across the board" enforcement of the Code regarding this practice, Revenue Administrator Murdoch stated his understanding that the State, which licenses medical doctors, would have pre-emptive jurisdiction in regulating their practices within the City.

It being his understanding that this use is in violation of City Code, but that the Code should possibly be changed, Councilman Mock stated his agreement with the finding of the License Review Board.

MOTION: Councilman Mock moved in favor of option No. 2 in terms of coming back with further regulations and study on this use. His motion was seconded by Councilman Wirth.

Clarifying the intent of his motion at the Mayor's request, Councilman Mock said his motion was to deny the appeal, but direct staff to study the matter and return in four weeks. (The motion ultimately carried, see below.)

It was Councilwoman Hardison's request that this matter be returned to Council as soon as possible.

Although he hoped the Council could go forward with a means to allow this use, at the same time Councilman Walker said he was opposed to having these services stopped for another three or four weeks while staff studies the matter.

Staff agreed to make every effort to return the matter to Council by December 19.

City Council
December 5, 1989

Clarifying that she would not have been opposed to looking at a method whereby the appellant could have been allowed to continue her work, Councilwoman Hardison expressed her interest in offering relief in the event this matter is not returned in two weeks. Constraints regarding interim enforcement were again noted by staff.

Roll call vote on the motion reflected majority approval with Councilman Walker dissenting (absent Councilman Applegate).

17. ADMINISTRATIVE MATTERS:

17a. RENEWAL OF CONTRACT - CONSULTING SERVICES:

City Clerk Bramhall read number and title to:

RESOLUTION NO. 89-271

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST A CONTRACT WITH HELLING AND ASSOCIATES FOR INSURANCE AND CLAIMS CONSULTING SERVICES

MOTION: Councilman Nakano moved to adopt Resolution No. 89-271. His motion was seconded by Councilman Walker and carried by unanimous roll call vote (absent Councilman Applegate).

17b. MARCH 6, 1989 BALLOT MEASURE RE HYDROFLUORIC ACID:

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

RESOLUTION NO. 89-272

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON MARCH 6, 1990 FOR THE PURPOSE OF SUBMITTING TO THE VOTERS A MEASURE RELATING TO THE ADOPTION OF AN ORDINANCE GOVERNING THE STORAGE OF HYDROFLUORIC ACID OR HYDROGEN FLUORIDE WITHIN THE CITY

City Council
December 5, 1989

MOTION: Councilman Nakano moved to adopt Resolution No. 89-272. Councilman Walker seconded the motion and roll call vote was unanimously favorable (absent Councilman Applegate).

17c. MARCH 6, 1990 COMPANION BALLOT MEASURE RE FUNDING:

City Attorney Nelson highlighted the alternative courses of action (as set forth in the staff report of record) studied by the Legislative Committee of the City Council as a means to provide a source of funding for legal defense and implementation of the Walker Initiative in the event it is passed.

1. Resolution "A" -- a ballot measure for the imposition of a special tax on non-exempt real estate within the City calculated on the front footage of the property.
2. Resolution "B" -- advisory ballot measure asking whether or not the City Council should implement a general tax on real estate within the City using the front-footage calculation noted above.
3. Resolution "C" -- a ballot measure for the imposition of a surcharge or an increase in the utility users tax, but only on gas and electricity use.
4. Resolution "D" -- advisory ballot measure asking whether or not the City Council should impose an additional one percent (1%) utility users' tax on gas and electric services if the Walker Initiative is passed.
5. Resolution "E" -- ballot measure asking for authorization to increase the GANN limitations on budget appropriations for four budget years (1990-91, 1991-92, 1992-93 and 1993-94) so that in the event the City must expend large sums of money for legal defense costs, it would not count against the operating budget or cut services.
6. Take no action.

During his presentation, the City Attorney noted the Committee recommendation for the adoption of Resolution "E," a measure that could be passed by a simple majority vote of the public.

City Council
December 5, 1989

As Chairman of the Legislative Committee, Mayor Geissert commented on various aspects of Resolution "E," noting that the Committee favored this proposal rather than committing to a specific tax at this point in time.

Also a member of the Committee, Councilman Mock voiced his support of Resolution "E" because it would provide the Council with flexibility in the event the Walker Initiative does pass.

Similar sentiments were expressed by Councilman Nakano, the third member of the Committee.

During discussion, the balance of the Council, with the exception of Councilman Walker, indicated that they favored the Committee's recommendation (Resolution "E").

It was Councilwoman Hardison and Councilman Mock's concern that the public be made aware of the possible financial commitment represented by the passage of the Walker Initiative.

Councilman Walker stated his perception of the six proposed alternatives as "renderings of the same thing. . . . a back-door attempt to discredit . . . a health and safety issue."

Clarification regarding Resolution "E" and the City's economic forecast during the period it would be in effect was provided by City Treasurer Rupert and City Manager Jackson, respectively.

Councilmembers Hardison and Wirth and Mayor Geissert stressed that the entire Council has been concerned about health and safety issues, particularly at Mobil Oil Company, and upheld as appropriate action the lawsuit filed by the City.

At Councilman Mock's request, City Attorney Nelson advised of possible legal expenses associated with the passage and defense of the Walker Initiative.

Councilman Walker maintained the need for his Initiative, in addition to legal action initiated by the City Council, to address the use of Hydrogen Fluoride at the Mobil refinery. This Councilman voiced an opposite opinion regarding the liability and costs represented by the Initiative.

Upon conclusion of discussion, City Clerk Bramhall read number and title to:

City Council
December 5, 1989

RESOLUTION "E"

RESOLUTION NO. 89-273

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A QUESTION WHETHER THE APPROPRIATIONS SUBJECT TO LIMITATIONS SHALL BE INCREASED AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 6, 1990, AS CALLED BY RESOLUTION NO. 89-227

MOTION: Councilman Nakano moved to adopt Resolution No. 89-273. Councilman Wirth seconded the motion, and roll call vote reflected majority approval with Councilman Walker dissenting and Councilman Applegate absent.

Heard out of order at this time . . .

21. ADDENDUM MATTERS:

21a. CALL FOR ARGUMENTS AND REBUTTAL ARGUMENTS ON BALLOT MEASURES:

Mayor Geissert advised that, because the Council committee which met on the question of a possible tax measure on the March 6 ballot did not reach conclusions until December 4, 1989, and full Council action would not occur until December 5, 1989, it was impossible to formulate a list of the ballot measures to which the arguments and rebuttals would apply until after the December 5 agenda was posted. Therefore, before this item could be acted upon, it would be necessary for Council to find and determine by a two-thirds vote that the need for action on this item arose after the posting of the Agenda.

MOTION: Councilman Wirth, seconded by Councilwoman Harison moved to find that this need for action arose after the posting of the agenda for this meeting. Roll call vote was unanimously favorable (absent Councilman Applegate).

The three ballot measures for the 1990 Election were noted by the Mayor as follows:

1. The Walker Initiative
2. The Gann limitation measure

City Council
December 5, 1989

3. The Charter amendment to remove the Airport Fund

At the Mayor's request, City Clerk Bramhall reviewed the rules for submitting ballot arguments as set forth in agenda material of record. Further clarification as to the procedure to be followed in submitting arguments was provided by the City Attorney.

Mayor Geissert entertained a motion on the Charter amendment to remove the Airport Fund.

MOTION: Councilman Mock moved that the City Manager write and sign a ballot measure in favor of removing the Airport Fund from the City Charter. The motion was seconded by Councilwoman Hardison and roll call vote reflected unanimous approval (absent Councilman Applegate).

The Mayor then entertained motions on the remaining ballot measures and Councilman Walker indicated that he would submit an argument relative to his initiative.

It was noted by Mayor Geissert that the Legislative Committee discussed a ballot argument in opposition to the Walker Initiative and a ballot argument in favor of the GANN limitation measure, to be signed by the Mayor, Mr. Nakano as Chairman of the Finance Committee and Mr. Rupert as the City Treasurer.

MOTION: Councilman Mock moved that Mayor Geissert, Tom Rupert (City Treasurer) and (Councilman) George Nakano write the arguments opposing the Dan Walker Initiative and supporting the Gann limitation measure.

Councilman Wirth inquired if the Council had the power to choose to write the ballot measures for anything submitted. City Attorney Nelson clarified that first priority goes to the author.

Councilwoman Hardison seconded Councilman Mock's motion, which carried by majority vote with Councilman Walker abstaining and Councilman Applegate absent.

Noting that the Legislative Committee also discussed the Council's position regarding the Walker Initiative, Councilman Mock requested that staff return in one week with a resolution as an agenda item formalizing the Council's opposition to the Walker Initiative. There were no objections.

For the benefit of the City Treasurer, City Clerk Bramhall confirmed the dates for submitting arguments for or against ballot measures and rebuttals.

City Council
December 5, 1989

Regular agenda order was resumed for consideration of . . .

17d. APPEAL OF LICENSE REVIEW BOARD DENIAL - IRENE HATATE:

Considered as Item 16a under "Appeals;" see pages 16 to 20.

20. CONSENT CALENDAR:

- 20a. COUNCIL AUTHORIZATION for contract renewal to provide all equipment, materials and labor required to completely remove city trees and/or stumps in incremental releases

Reference: Bid No. B89-1

Anticipated Expenditure: \$57,618.00

RECOMMENDATION:

The Purchasing Division and Street Department request that Council authorize the renewal of the existing contract with Steven's Tree Experts of Pasadena to provide all equipment, materials and labor required to completely remove the City's trees and/or tree stumps in incremental releases, in the anticipated amount of \$57,618.00.

- 20b. COUNCIL AWARD OF CONTRACT for the purchase and installation of playground equipment at various park locations

Reference: Bid No. B89-71

Expenditure: \$193,962.73, including sales tax

RECOMMENDATION:

It is the Purchasing Division and the Parks and Recreation Department's recommendation that Council award a contract to Miracle Recreation Equipment Company of Huntington Beach, California, to furnish and install playground equipment for the total amount of \$193,962.73.

City Council
December 5, 1989

MOTION: Wirth moved to approve the Consent Calendar (Items 20a and 20b, as noted). The motion was seconded by Councilman Mock and carried by unanimous roll call vote (absent Councilman Applegate).

* * *

At 11:30 p.m., the City Council recessed and convened as the Redevelopment Agency of the City of Torrance. Upon the completion of Agency business at 11:31 p.m., the regular City Council order of business was resumed.

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21. ADDENDUM MATTERS:

21a. CALL FOR ARGUMENTS AND REBUTTAL ARGUMENTS ON BALLOT MEASURES:

Considered earlier; see pages 23 and 24.

22. ORAL COMMUNICATIONS:

22a. With noted sadness, the City Manager commented on the passing of Wendall Mounce, an architect who made his mark on the City of Torrance through his work on several projects.

22b. City Manager Jackson called upon Parks and Recreation Director Barnett to share with the Council information that the Parks and Recreation Department has been recognized a second time by the Southern California Municipal Athletic Federation as one of its outstanding contributors. Mr. Barnett anticipated there would be formal presentation by this organization in the future.

22c. City Clerk Bramhall provided filing information in connection with the March 6 election.

22d. Reporting on the status of the "Toys for Tots" located in the City Clerk's Office, City Clerk Bramhall noted that new toys, only, are being collected by the Marine Corps Reserves to be used for needy children.

City Council
December 5, 1989

22e. City Manager Jackson announced that the annual Cantree for needy families would be set up in the City Hall lobby within the next few days.

22f. Councilwoman Hardison related her satisfaction at seeing Lyle Whitehead recognized for his work with Troop 211.

22g. Commenting on the passing of Dr. Paul Mackey, Councilwoman Hardison advised of a scholarship formed in his name.

22h. Councilwoman Hardison mentioned that "visitor" parking spaces in R-2 developments is used as "bonus" parking by tenants and recommended such parking be appropriately designated.

22i. There was a Councilmanic request by Councilman Mock for recognition, in the near future, of those students who won awards at the academic decathlon.

22j. Councilman Walker read from correspondence he received supporting the use of larger seats in the Cultural Arts Center.

22k. Councilman Wirth noted his sadness at the passing of Dr. Paul Mackey.

22l. Having been made aware of a security problem at the Del Amo Mall transit station, Councilman Wirth requested that both the Police and Transportation departments work with mall management to review and rectify this situation.

22m. It was also requested by Councilman Wirth that Department of Transportation staff review a letter from Chuck Lobb recently published in the Daily Breeze with his recommendation regarding aircraft usage at Torrance Airport and return with suggestions for federal legislation or other types of reform.

22n. Mayor Geissert commented on a letter-writing campaign in connection with a pending lawsuit by pilots. She asked for information from staff regarding the possible creation of nonconforming uses as a result of this legal action and relative to legislation mandating that the County Regional Planning Commis-

City Council
December 5, 1989

sion develop a plan for airports within County jurisdiction regulating land uses within a certain radius of this use. Staff is to furnish a report.

22o. Mayor Geissert noted the television appearance of City employee Joe Quinones, who was an Olympic torch carrier in 1984, and his son.

22p. It was Mayor Geissert's request that the Olympic torch donated to the City by Joe Quinones in 1984 be permanently displayed. City Manager Jackson reported that action has been initiated in this regard.

22q. The Mayor observed that with the removal of Building 4, the beauty of Wilson Park can now be seen and appreciated.

22r. In connection with correspondence received from people in the vicinity of Parkway School, Mayor Geissert commented on the history of that site and asked that staff somehow inform those residents that school property cannot be used for private development without a Zone Change and public hearings.

23. EXECUTIVE SESSION:

23a. EXECUTIVE SESSION MATTERS:

Mayor Geissert announced that the City Council would 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;

City Council
December 5, 1989

- Pending litigation entitled Patricia Brenner Mostert, et al., vs. City of Torrance, Los Angeles Superior Court Case No. SWC 83760;
- Pending litigation entitled Margaret Rexroad vs. City of Torrance, Los Angeles Superior Court Case No. SWC 83577;
- Potential litigation involving real property in the City of Torrance located at 2404 Nearcliff Street;
- Lease negotiations with nonprofit corporation regarding Greenwood School site;
- Temporary use of Nagler Building by Robinson Helicopter;
- Pending litigation entitled Shirk, et al. vs. Lynch, et al., United States District Court of California Case No. CV 88-05695ER(Bx);

The Mayor advised that authority to hold an executive session for these purposes is contained in Government Code Sections 54957.6(a); 54956.8, 54956.9(a), and 54956.9(b).

At 11:53 p.m. the City Council recessed to a closed executive session for the reasons stated. When the Council reconvened at 12:26 a.m. (Wednesday, December 6, 1989), the following action was taken as recommended by the City Attorney.

MOTION: Councilman Wirth moved to concur with the recommendation of the City Attorney in the matter of Patricia Brenner Mostert, et al., vs. City of Torrance, Los Angeles Superior Court Case No. SWC 83760. The motion was seconded by Councilwoman Hardison and roll call vote reflected unanimous approval (absent Councilman Applegate).

24. ADJOURNMENT:

MOTION: At 12:28 a.m. (December 6) Councilman Wirth moved to adjourn the meeting to December 12, 1989. Councilwoman Hardison seconded the motion, which carried without objection (absent Councilman Applegate).

The meeting was adjourned in memory of Dr. Howard Wood and Dr. Paul Mackey.

* * *

Marlene Lewis
Minute Secretary

City Council
December 5, 1989


Mayor of the City of Torrance


Clerk of the City of Torrance

Marlene Lewis
Minute Secretary

City Council
December 5, 1989